

# **Birmingham City Council**

## **Planning Committee**

**27 July 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 – Conditions	6	<p>2023/01788/PA</p> <p>Land at West Longbridge Residential Phase 2c West and North of the A38 Bristol Road South Former MG Factory site Longbridge Birmingham B45</p> <p>Approval of Reserved Matters (appearance, landscaping, layout, and scale) pursuant to permission reference 2021/06547/PA for Phase 2c of the proposed development comprising 160 dwellings together with public open space, parking, landscaping, and associated infrastructure</p>
Determine	7	<p>2021/08642/PA</p> <p>Former MG Works, Lowhill Lane/Lickey Road Longbridge Birmingham</p> <p>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</p>

Veolia Household Waste Recycling Centre and  
Waste Transfer Station  
Ebury Road  
Kings Norton  
Birmingham  
B30 3JJ

Phased demolition of the existing buildings and  
structures on site and the erection of a replacement  
household waste recycling centre and waste  
transfer station along with associated works

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Committee Date:	27/07/2023	Application Number:	2023/01788/PA
Accepted:	16/03/2023	Application Type:	Reserved Matters
Target Date:	28/07/2023		Development
Ward:	Northfield		

Land at West Longbridge, Residential Phase 2c, West and North of the A38 Bristol Road South, Former MG Factory site, Longbridge, Birmingham, B45

Approval of Reserved Matters (appearance, landscaping, layout, and scale) pursuant to permission reference 2021/06547/PA for Phase 2c of the proposed development comprising 160 dwellings together with public open space, parking, landscaping, and associated infrastructure

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

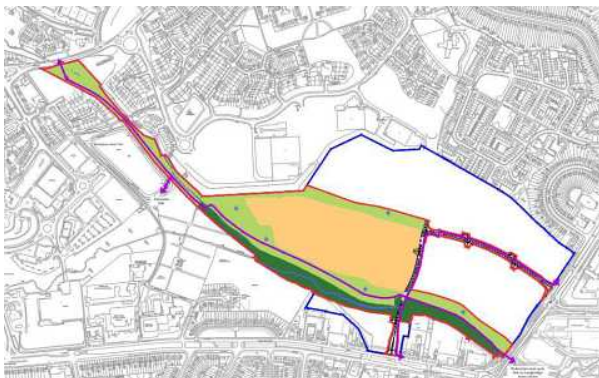
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Recommendation

**Approve subject to Conditions**

1. **Proposal:**

- 1.1. Outline planning permission, with all matters reserved except access, was granted in June 2022 for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure. The outline planning permission is subject to a Section 106 Agreement securing the following:
- a) The provision of 20% affordable housing split as 13% low-cost home ownership at 80% of open market value, 5% First Homes at 30% of open market value and 2% social rent in perpetuity with mix to be agreed.
  - b) The provision of £999,000 for off-site Social Rent affordable housing provided by Birmingham Municipal Housing Trust within the Northfield Constituency.
  - c) The provision of £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green Infrastructure/Play Elements/Cycle Route to ensure these are constructed to BCC standards and quality.
  - d) Payment of a monitoring and administration fee associate with the legal agreement to a maximum £10,000.
- 1.2. A Parameters Plan was approved as part of the outline planning application to provide certainty to the nature and extent of the development. It defined the areas proposed for housing, the access to the Site as well as areas for landscape green infrastructure, public open space, and sustainable drainage, as well as river enhancements parts of the Site. The outline planning permission requires the development to be delivered in general accordance with the principles set out on the Parameters Plan.



Approved Parameters Plan

- 1.3. The approved access arrangements for the development are set out in the outline permission. They comprise a spine road extending through the Site from the A38 Bristol Road to the east to the south (as illustrated on the Parameters Plan above).
- 1.4. The development has been split into two phases with three sub-phases. Phase 1 would see strategic landscaping, drainage and green infrastructure being undertaken. Phase 2 would see the development itself undertaken against three subphases: a) highway access and associated drainage infrastructure; b) development of 183 dwellings, public open space, parking, landscaping and associated infrastructure and c) development of 160 dwellings, open space, parking, landscaping and associated infrastructure.
- 1.5. It is for sub-phase 2c, that Reserved Matters approval for layout, appearance, scale and landscaping is now sought. Sub-phase 2c would comprise the following:
  - Open Market Housing – 12 x 1-bedroom apartments
    - 23 x 2-bedroom apartments
    - 43 x 2-bedroom houses
    - 61 x 3-bedroom houses
    - 10 x 4-bedroom houses equating to 149 properties.
  - Affordable Housing
    - 6 x 2-bedroom houses
    - 5 x 3-bedroom houses equating to 11 properties for discount market sale.



Proposed site layout

- 1.6. The 11 affordable properties proposed on this phase sit alongside the 58 secured on phase 2b which secured the following:
- 6 x 1-bedroom apartments for discount market
  - 5 x 1-bedroom apartments for first homes
  - 16 x 2-bedroom apartments for discount market
  - 7 x 2-bedroom apartments for first homes
  - 4 x 2-bedroom houses for social rent
  - 2 x 2-bedroom houses for first homes
  - 3 x 2-bedroom houses for discount market
  - 9 x 3-bedroom houses for discount market
  - 3 x 3-bedroom houses for first homes
  - 3 x 3-bedroom houses for social rent.
- 1.7. 23 of the proposed houses would sit within the suburban element of the phase. They would be traditional detached and semi-detached properties with private gardens and would be two and two and a half storeys in height. These properties would be in the south-west corner of the phase. One, four storey block of apartments would be in the in the south-east corner of the phase.
- 1.8. The main body of this phase would be a contemporary style of housing with a higher density, private courtyard and terraces, some with communal open space and would be a mix of two and three storeys. A mix of red, red multi, rustic red-white and buff bricks; black, brown, tan, beige and white cladding and grey roof tiles are proposed.



Proposed Street Scenes





Illustrative view from Austin Avenue towards the River Rea corridor

- 1.9. All properties would meet the National Space Standards.
- 1.10. The suburban housing would have garden sizes that meet the guidelines in the Birmingham Design Guide. No formal amenity space is proposed for any of the flats on site. The remaining 102 properties within the high-density housing would fall below the garden size guidelines by a minimum of 2sq.m to a maximum of 25sq.m. these houses would include courtyards/balconies, gardens, communal gardens, and roof terraces.
- 1.11. One-bedroom apartments would not be provided with a parking space whilst the two-bedroom apartments would have one parking space per unit. The three and four-bedroom suburban properties would have two car parking spaces per property with four of these units also having a garage. The high density two and three-bedroom properties would have one space per dwelling located to either the front of the property, to the rear of the property with a coach house dwelling located above or nearby (e.g adjacent to the central green link). 190 spaces would be provided across the site including 12 visitor spaces that would primarily be provided along the main access route through the site.
- 1.12. The proposed parking ratios would be as follows:
  - 1-bedroom apartments – 0%
  - 2-bedroom apartments- 100%
  - 3 and 4-bedroom suburban houses - 200% (four properties would have 300%)
  - 2 and 3-bedroom high density homes - 100%
  - Total ratio of spaces to dwellings across the phase 2c – 119%
- 1.13. 148 new trees would be planted across the site including Field Maple, River and Silver Birch, Black Alder, Hornbeam, Hazel, Holly, Apple, Cherry, Oak, Willow and Whitebeam. 3489 shrubs would be planted including Honeysuckle, Laurel, Lilac, Orange Blossom, Common Dogwood, Hebe, Hydrangea, Lavender and Rosemary. The landscaping would also include 882 grasses, 195 ferns, 680 aquatic plants, 721 Rain Garden plants, 3176 hedging plants including St John's Wort, Laurel and Yew and 347 native hedging plants including Common Hazel, European Spindle, Common Holly, Elder and Guelder Rose.



Illustrative view looking north from the river corridor open space

- 1.14. The application is also supported by drainage plans and supporting drainage information, highway plans, refuse vehicle tracking plans and fire tender tracking plans.
- 1.15. Amended plans have been received that address Officer comments relating to garden areas and separation distances, and these have been increased where feasible to do so, along with the removal of a pedestrian walkway.
- 1.16. The 106 Agreement remains as per that agreed by the outline planning permission. There is no scope for the principle of the development and/or any other issues relating to the site development to be considered again.
- 1.17. Overall Site Area: 15.3Ha. Phase 2c RM Site area: 3.05ha. Density: 53 dwellings per hectare.
- 1.18. [Link to Documents](#)

## 2. **Site & Surroundings:**

- 2.1. The West Longbridge site is situated approximately eight miles to the southwest of Birmingham City Centre. It lies within the administrative boundaries of Birmingham City Council and forms a key regeneration site, close to Longbridge Town centre, but also providing links to and falling adjacent to Rubery and Rednal. The site extends both west and north of the A38 Bristol Road South, which is a main arterial route into the City Centre and M5 Motorway to the west. It covers an area of 15.3 ha.
- 2.2. The West Longbridge site formed part of the wider MG Rover car plant which closed in 2005. It was used for automotive manufacturing and formerly contained substantial, large-scale manufacturing and other buildings associated with its former use. All buildings were demolished over 10 years ago and the site has since been subject to remedial and re-profiling works in readiness for its redevelopment. Much of the site is therefore cleared remediated land, with temporary levels formed by remediated materials as well as a temporary attenuation feature. The site slopes down to the line of the River Rea generally, with the employment buildings to the north and northwest elevated at a higher level above a high embankment.

- 2.3. The site includes and is traversed by the River Rea, a tributary of the River Tame. The river flows in a west to east direction and is an important landscape and ecological feature of the site. It enters the application site at Rubery Lane in an open channel and continues eastwards where it enters a culvert beneath the A38 Bristol Road South. Works to the River corridor have been undertaken as part of the wider Longbridge redevelopment proposals to see much of its former industrial context removed and it returned to a naturalised channel with consequential environmental and biodiversity gains. Further river enhancement works are currently on-going.
- 2.4. Major new highway improvement works have been undertaken in the vicinity of the site in recent years to support the regeneration of the area. These works have included extensive new signalisation of the A38/Longbridge Lane junction, wider works along Longbridge Lane and other improvements in the wider area including the A38 roundabout. For West Longbridge, these works have provided a new access to the site from the A38 – an important piece of development infrastructure to support to the site's delivery.
- 2.5. Longbridge Town Centre is located a relative short distance to the east across the A38, as too wider public transport connections, bus services and Longbridge Railway Station. These are connected conveniently to the site by existing and proposed pedestrian and cycle linkages, some of which are included in this application, others are currently being delivered. The location here makes this site highly sustainable, given particularly its proximity to the Town Centre's range of shops (including a flagship Marks & Spencer store), restaurants / cafes, high quality office space, multi-storey car park facility, Rea Park, educational facilities, extra care accommodation and housing. Improvements to Longbridge Railway Station, including provision of Park and Ride facility, have been delivered more recently and are continuing.
- 2.6. Other uses and facilities in the wider area include mixed industrial / commercial uses to the west and northwest, playing pitches and allotments, leisure uses at Great Park as well as Colmers School and Sixth Form College which are within a short walk from the site. Much of the surrounding area to the north comprises existing housing.

### 3. **Planning History:**

- 3.1. The site has extensive planning history from its former use. Recent relevant history is as follows:
- 3.2. 6 July 2023. 2022/06192/PA. Reserved Matters Approval granted for appearance, landscaping, layout and scale pursuant to permission reference 2021/06547/PA for Phase 1 of the development comprising strategic landscaping, drainage and green infrastructure.
- 3.3. 16 February 2023. 2022/05654/PA. Reserved Matters Approval granted for appearance, landscaping, layout, and scale pursuant to permission reference 2021/06547/PA for Phase 2B of the residential development comprising 183 dwellings together with public open space, parking, landscaping and associated infrastructure.
- 3.4. 26 January 2023. 2022/06337/PA. Reserved Matters Approval granted for appearance, layout, and scale pursuant to permission reference 2021/06547/PA for sub-Phase 2a of the development comprising initial highways access and associated drainage infrastructure for Phase 2 (residential development).
- 3.5. 30 June 2022. 2021/06547/PA. Outline planning permission with all matters reserved except access granted for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure. Outline planning permission subject to a Section 106 agreement securing the following:



- a) The provision of 20% affordable housing split as 13% low-cost home ownership at 80% of open market value, 5% First Homes at 30% of open market value and 2% social rent in perpetuity with mix to be agreed.
  - b) The provision of £999,000 for off-site Social Rent affordable housing provided by Birmingham Municipal Housing Trust within the Northfield Constituency.
  - c) The provision of £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green Infrastructure/Play Elements/Cycle Route to ensure these are constructed to BCC standards and quality.
  - d) Payment of a monitoring and administration fee associate with the legal agreement to a maximum £10,000.
- 3.6. 14 September 2018. 2018/02549/PA. Planning permission granted for the erection of 4 employment units (Uses Classes B1b, B1c and/or B2), parking, access, drainage and other associated infrastructure and landscaping at land at West Works.
- 3.7. 25 October 2018. 2017/10775/PA. Planning permission granted for reprofiling of levels, river (including new floodplain) works, vehicular bridge, highways, pedestrian/cycle and associated infrastructure at land at Longbridge West.
- 3.8. 9 July 2015. 2015/03066/PA. Planning permission granted for river infrastructure works, reprofiling of riverbanks, footpath/cycleway including bridge and landscaping (Including temporary river realignment) at land at Longbridge West.

#### 4. **Consultation Responses (on amended plans):**

- 4.1. Transportation – No objection subject to condition that the dwellings aren't occupied until a suitable means of access is in place and open for use.
- 4.2. National Highways – No objection.
- 4.3. West Midlands Fire Service – Proposal will need to comply with Building Regulations.
- 4.4. Regulatory Services – No objection.
- 4.5. Environment Agency – No objection.
- 4.6. Severn Trent Water – No objection.
- 4.7. Lead Local Flood Authority – No objection.
- 4.8. Ecology – No objection but more soft landscaping should be incorporated into the harder landscaped areas of the site, including some species-rich native wildflower planting to benefit insect pollinators and add visual interest. Although some native species have been included within the planting proposal, much of the tree, hedgerow, shrub and herbaceous planting proposed comprises non-native species and ornamental cultivars. The use of native cultivars and native species should be given much greater priority within the planting design than is currently proposed.

I consider the Emorsgate EM3 and EM8 seed mixes proposed to be suitable for the species-rich and wet grassland areas respectively but note that a large component of the proposed grassland creation comprises amenity grass. Where feasible, proposed amenity grass areas should be replaced with Emorsgate EM3 species-rich grassland within the planting proposal. Alternatively, native species-rich wildflower planting could be incorporated into the amenity areas to add visual interest as well as benefitting wildlife.

The three native marginal/aquatic species proposed are appropriate for the attenuation area but should have more native marginal/aquatic species included within the planting proposal for the attenuation area, to add more diversity to this part of the site.

- 4.9. West Midlands Police – No objection subject to safeguarding conditions relating to lighting, CCTV, video linked access control for the apartments, boundary treatment, landscape management and a DDA Access gate at entry/exit points to open space.

5. **Third Party Responses:**

- 5.1. Residents, Ward Councillors for Northfield, Frankley Great Park and Rubery and Rednal; MP for Northfield and Resident Associations notified. Site and press notice posted. Two letters have been received from residents raising the following concerns:
- This scheme should provide ecological benefit in the form of bird boxes (external and/or integrated).
  - Housing is far too dense and liable to create social conflict.
  - Insufficient car parking provision.
  - Extra traffic from the development will only make existing matters worse.
  - The play area should include an outside gym.
  - Existing services are at breaking point – schools, doctors, dentists etc. More homes will make this worse.

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

6.1. 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  
TP27 - Sustainable neighbourhoods  
TP28 - The location of new housing  
TP37 - Health  
TP38 – A Sustainable Transport Network  
TP39 – Walking  
TP40 – Cycling

TP44 - Traffic and congestion management  
TP45 - Accessibility standards for new development

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 DM14 – Transport Access and Safety  
Policy DM15 – Parking and Servicing

e. Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD  
Birmingham Parking SPD

7. **Planning Considerations:**

- 7.1. Outline planning permission has been granted and there is no scope for the principle of the development to be considered again. This phase of development seeks Reserved Matters approval for 160 dwellings in Phase 2C including the road network for this phase that would follow on from the highway approved under Reserved Matters 2022/06337/PA.
- 7.2. The wider site development would see a site of 15.3 hectares provide up to 350 dwellings, open space and children's play. This open space would also include sustainable drainage basins to address issues of surface water runoff and flooding. A further reserved matter submission is awaiting determination for the wider site strategic landscaping and details of play equipment is required via condition on the outline planning permission.
- 7.3. Affordable housing was also secured through the outline planning permission and the proposed mix and type of units complies with that planning permission. This phase would provide 11 properties for Discount Market Sale.
- 7.4. Key considerations in this submission are the proposed layout; design, scale and massing; and residential amenity.
- Layout and street design
- 7.5. The constraints of the site are understood with only one access point into the residential site from the wider West Works site. Due to this, the proposed layout forms a series of cul-de-sacs.
- 7.6. The layout provides several character areas however much of the layout shows the same characteristics throughout, such as density, street character, scale and house types. However, following the submission of amended plans, a greater diversity is now provided through the introduction of 'core' house types which would have variations in their materiality.

- 7.7. Austin Avenue, the primary access road, is an important street in that it will be the key route into the development and set the scene for the development. Most of this access road would be developed in the 2b phase of development or as the primary access (phase 2a), however part of its frontage would now fall into phase 2c. Austin Avenue in phase 2b was mostly lined with traditional suburban house types which would now face onto the contemporary urban housing proposed for this current phase. As the main access road in the scheme, it would have been better if it were to have a consistent architectural character with the same style of houses both sides, however this has not been possible. I consider that the mix of house styles along Austin Avenue, would create a memorable and aesthetically pleasing development.



Illustrative view from entrance along Austin Avenue – Phase 2c on the left of picture

- 7.8. A small element of Phase 2c would be laid out in an orthodox fashion, with houses based around a perimeter block configuration, with public fronts and private backs enclosing rear gardens in a traditional suburban style. However, most of the phase would have a different character, with an apartment block and higher 'urban' density housing with small gardens, albeit still in perimeter blocks with gardens to the rear. The high-density area would be a mix of two and three-bedroom properties, some of which would have traditional rear gardens but would have coach houses at the end of the gardens providing accommodation and garage spaces. Other houses in the area would have balconies, roof terraces, patios and a share of a piece of communal open space that the dwellings in question would back on to.
- 7.9. City Design consider the layout acceptable and I concur with their view.

#### Scale and massing

- 7.10. The proposed scale and massing are considered acceptable. The scale of development is considered appropriate to the context, ranging from two storey houses to four storey blocks of flats. In simplistic terms, the scale decreases from the eastern boundary to the west, with taller development along the main route and to mark corners.
- 7.11. The combination of two, two and a half and three storey properties would create an urban grain which would have a suburban character and be appropriate in the context. The varying building heights are shown to be distributed through the site. The four storey flats at the entrance (block B) are considered appropriate to their context and would mirror the flats on the opposing corner (block A), approved within Phase 2b.

## House types and design

- 7.12. Several house types are proposed (with variations) which are mostly two storeys although there are some 2.5 storey and three-storey dwellings. The architecture of the suburban houses is a simple contemporary interpretation of traditional brick faced/ tiled roof, and the approach should be successful. Large window openings, brick pattern detailing, porches and balustrades would add interest.
- 7.13. The remainder of the phase would have a distinctly different design and character. In themselves, the house types are contemporary, innovative and interesting, both in layout and appearance; and offer an alternative mode of living which has been embraced elsewhere in the country. The dwellings would utilise roof terraces and balconies along with traditional gardens, where applicable.
- 7.14. In terms of the proposed blocks of flats, block B would be located at the site entrance and associated with a hard landscape character 'West works yards'. The block would be located on the opposing corner at the entrance to the residential development (with Block A located within Phase 2b and Block B located within this phase 2c). Block B (as per Block A) references the industrial heritage of the site and although the roof form is interesting and the window proportions are generous, the elevations are repetitive and flat. Whilst greater variation in window pattern, articulation of the facades, balconies or brick detailing might create some visual relief, I consider their design to be acceptable.
- 7.15. Overall, the proposed development would offer a wide range of accommodation which should attract a wide demographic potentially contributing to social sustainability. These range from one bedroom two person flats to four-bedroom eight person houses. City Design consider that there is a general unifying style and the use of 'corner turning' houses to create interest and maximise natural surveillance at corners and junctions is welcomed. The suggested materials – red multi brick with grey or brown roof tiles is acceptable in principle.
- 7.16. Overall, the proposed Reserved Matters would broadly comply with design requirements of Policy PG3 of the BDP and the Birmingham Design Guide SPD.

## Residential Amenity

- 7.17. All the proposed house and flat types comply with the National Space Standards both in terms of unit sizes and bedroom sizes.



House type 335.1 (3 bedroom – high density)





House type 324.1 (2-bedroom coach house – high density)

- 7.18. The suburban houses in the southwest corner of the phase would comply with the guidelines in terms of back-to-back separation distances, garden lengths and garden sizes. Front to front distances however generally fall short of the guidelines and in some places are as little as 10 and 11m opposite those units previously approved in Phase 2b. This could make for some very enclosed streets and potential compromise of privacy. However, I acknowledge that the wide spacing of semi-detached pairs with side parking decreases the sense of enclosure and that the front-to-front distances are not as strictly adhered to as back-to-back distances. As such, I consider these to be acceptable in this instance.
- 7.19. Plots 207 to 234 would have private rear gardens that have three storey coach houses at their end. These gardens would have a general length of 10m which would be acceptable for the two storey houses proposed within these plots but would fall short for the three storey dwellings proposed. However, given the three storey coach houses located at the end of these gardens (plots 235 to 242), which would be flank walls, the necessary separation distance of 15.5m from a windowed elevation to a non-windowed flank wall would not be met. The required separation distance of 27.5m from three storey elevations would also not be met however, in this instance, this would not be such a major concern as the coach houses at the rear would not have any main windows (those that are proposed could be obscurely glazed and this is recommended by condition below) and the roof terraces have a solid wall. As such no loss of privacy would occur. However, this tight layout could feel imposing on the rear gardens. A sunlight assessment has been submitted following officer concerns that the gardens would be overshadowed. The assessment was only run for the summer solstice and summer equinox, and this showed that during the day the gardens would have access to sunlight but from 6pm in the evening they would be in shade. No assessment has been undertaken for the winter months but based on the summer assessment, I can conclude that the gardens would be shaded in the winter months.
- 7.20. However, the BRE good practice guide on 'site layout planning for daylight and sunlight' identifies that interiors of dwellings should receive a minimum of 1.5 hours of

direct sunlight on a selected date between 1 February and 21 March (recommended 21 March equinox be used), with a medium level being three hours and a high level being four hours. At least one habitable room needs to achieve this requirement. Based on the dwellings on plots 207 to 234 internal layouts, and the overshadowing assessment, I can conclude that the minimum would be met, even in the winter months. The BRE guidelines also identify that the gardens should receive a minimum of two hours of sunlight per day (also assessed on 21 March). On this basis, given the high-density contemporary style of housing that is proposed and the minimum access to sunlight having been met, I consider these plots acceptable in terms of separation distances and access to sunlight.



Proposed section through the high-density area of the site showing the types of amenity space and house types

- 7.21. None of the garden areas to plots 207 to 242 (except plots 220 and 221) would comply with the standards set out in the Birmingham Design Guide. The two-bedroom units would have a front balcony of 3sq.m and a rear garden of 44sq.m. The three-bedroom units would have a balcony/terrace of 18sq.m and a rear garden ranging from 43sq.m to 50sq.m. Two of the three-bedroom units, following removal of the walkway would now have a garden area of 81sq.m. The three-bedroom coach houses would all have a roof terrace of 45sq.m.
- 7.22. Plots 243 to 298 would also not comply with the standard garden sizes. In these plots, the two-bedroom units would have a front balcony of 3sq.m with the three-bedroom units having a 17/18sq.m balcony and all the units would have a 14sq.m rear garden. However, these units would also have access to a communal garden of 1,888sq.m equating to a further 34sq.m per dwelling. They would, however, still fall short of the requirement.



Illustrative view of houses with rear garden and communal garden area

- 7.23. All the three-bedroom properties would have a roof terrace at 2<sup>nd</sup> floor. Whilst the terrace would have solid sides and therefore no overlooking of the neighbouring property could occur, the drawings indicate a brick wall to the edge of the terrace which would have a parapet height of approximately 1.3m. As such, the residents of the three-bedroom properties could overlook all the back gardens in the block not just their own. Whilst raising the parapet wall would overcome the issue, I do not consider that this would be appropriate and could result in loss of light to the second-floor room and terrace. As such, I consider this relationship acceptable, and I am conscious that buyers would be able to choose whether they wanted the dwellings with this level of overlooking and close relationship.
- 7.24. The final plots, plots 299 to 308 would be located to the north and south of apartment block 'B'. These dwellings would not overlook other dwellings and would back onto the car park for the apartment block and their own allocated space. Plots 299 to 304 would have the standard 10m garden length whilst plots 305 to 308 would fall short of this, none of them would have the required garden space. The two-bedroom properties would have a balcony/terrace of 3sq.m and a garden ranging from 38sq.m to 47sq.m with the three-bedroom dwellings having a balcony/terrace of 17/18sq.m and a rear garden ranging from 37sq.m to 51sq.m.
- 7.25. These standards, applicable to traditional suburban housing, are less relevant in more innovative and high-density schemes. As such, the guidelines for these house types (on plots 207 to 308) should be able to be applied more flexibility. Quality and useability of private outdoor space is just as important as how large it is or whether it is provided as a traditional garden separate to the house. In these houses, the balcony and deck spaces have a good relationship to the houses they serve, feeling an intrinsic part of the home; and they would be well overlooked and secure.
- 7.26. All the properties would also have access to the green link located in the middle of the site running north to south. This link would provide for outdoor seating and play space including a play area (details reserved by condition).





Illustrative view of green link looking south towards river corridor

- 7.27. No formal amenity space is proposed for any of the flats on site. Whilst this falls below the guideline of 5sq.m and 7sq.m per one bedroom and 2-bedroom unit respectively, given their location and the significant public open space provided within the wider site development, I consider this acceptable.
- 7.28. Given that these standards are applicable to traditional suburban housing and less relevant in more innovative and high-density schemes and as such should be applied flexibly, I consider that the proposed development would be acceptable due to the house types proposed, the amount of public open space being delivered on the wider site and the layout and design of the development itself. I am also conscious that buyers would be able to choose whether they wanted the dwellings with the smaller gardens and/or tight separation distances. When assessed against the planning balance in this regard, I consider the phase 2c reserved matters development acceptable and in accordance with policy. I also consider that the development would broadly comply with the amenity requirements of the Birmingham Development Management DPD and the Birmingham Design Guide SPD. To protect amenity for future occupiers, a condition to remove permitted development rights for extensions and extra windows is recommended for the affected plots.

#### Parking

- 7.29. 190 spaces would be provided across the site. One-bedroom apartments would not be provided with a parking space whilst the two-bedroom apartments and houses would have one parking space per unit. The three and four-bedroom suburban properties would have two car parking spaces per property with four of these units also having a garage. The high density two and three-bedroom properties would have one space per dwelling located to either the front of the property, to the rear of the property with a coach house dwelling located above or nearby (e.g adjacent to the central green link). This would be in general accordance with the Parking Guidelines for Birmingham SPD which require one space per 1 and 2-bedroom properties and two spaces per 3 or more-bedroom properties. The SPD also requires one unallocated space per ten dwellings. Twelve visitor spaces would be provided primarily along the main access route through the site.
- 7.30. Transportation has raised no objections to the proposed parking provision. I concur with their view and consider the proposed parking provision on site to be acceptable. Whilst the provision would not wholly accord with the SPD, I acknowledge that site

constraints, design, landscape, access to public transport provision and the requirement to create a sustainable place to live, outweigh the lack of unallocated parking provision whilst maintaining adequate provision for the residents themselves.

#### Sustainability

- 7.31. I note the requirements of TP3 and TP4 of the BDP regarding sustainable construction and energy requirements. The outline planning permission was granted subject to a condition requiring the submission of a detailed energy and sustainable construction statement for each phase of development. Details have not been submitted to address this condition through these reserved matters submission but are required to be submitted in due course to meet the condition requirements.
- 7.32. On balance, the proposed Phase 2c reserved matters appearance, layout and scale are considered acceptable.

#### Landscape and Ecology

- 7.33. The landscape designers for the scheme have worked hard to include as much green infrastructure as possible into this dense housing layout, and the quality of the scheme is only limited by the amount of space available. The planting plans are detailed and comprehensive. Away from main streets and spaces, the opportunity for tree planting is limited. However, in these locations a mix of robust shrub planting, herbaceous perennials, ferns and grasses is proposed in front gardens and on street. With a high percentage of evergreen plants, the scheme should be robust enough to mitigate the hard landscape character to some extent. Significant tree, shrub and hedge planting is proposed within this phase.
- 7.34. West works yards adjacent to the Block 'B' apartments has a square next to it (which is mirrored to Phase 2b). The intended role of this space has evolved from a public square to an urban amenity space to be mostly used by the apartments but not solely for their use. Plans and sections show a scheme which is well considered and should create a positive first impression of the development as well as an attractive place to sit.
- 7.35. The proposed green link is an important part of the site. Its role is to create a connectivity between open spaces, be a distinctive and characterful street, and to provide a resource for communal outdoor enjoyment. Included within this phase is the southern half, with the northern segment being approved under the Phase 2b consent. The plans show a meandering path, play features, seating and trees. The planting plan is detailed and convincing.
- 7.36. The tree species and plants proposed are considered acceptable. The City Ecologist and Landscape Officer consider that the landscaping scheme has an integrated multifunctional soft landscape with a diverse range of planting and as such raise no objection. I concur with their view. I note the comments regarding the soft landscaping from the City Ecologist however, the landscaping proposed matches that previously approved within earlier phases of the development and as such, I do not consider that a change to the established soft landscaping proposals is required.
- 7.37. I consider that the proposed Phase 2c reserved matters are acceptable in terms of landscaping proposals.
- 7.38. In relation to Ecology, the City Ecologist raised no concerns, and they consider the scheme to be acceptable from an ecology perspective.

#### Other Issues



- 7.39. I note the issues raised by West Midlands Police including landscape management, boundary treatment and lighting - these are addressed through planning conditions on the outline application and do not need to be replicated on this approval. With regards to the requirement for CCTV and video linked access control for the apartments, a relevant safeguarding condition is recommended below. In regard to a DDA Access gate at entry/exit points to the open space, I do not consider this to be necessary for the grant of Reserved Matters approval however, the request has been forwarded to the applicant.
- 7.40. I note that West Midlands Fire Service has raised no objection but advises that the highways will need to comply with the relevant Building Regulations relating to fire access.
- 7.41. Transportation has raised no objections to the proposed highway subject to a condition that the dwellings aren't occupied until a suitable means of access is in place and open for use. A condition to address this is recommended below.
- 7.42. The Environment Agency and the LLFA have raised no objections regarding drainage and as such, I consider this element of the proposed Reserved Matters approval to be acceptable.
- 7.43. Regulatory Services raise no objection to the proposed reserved matters submission. A condition is attached to the outline planning permission requiring a contaminated land assessment and verification report for each phase along with a further noise assessment that indicates that the layout of the proposed development has been designed to ensure that noise and vibration levels for facades containing habitable rooms and for outdoor living spaces do not exceed the criteria provided in the current Birmingham City Council Planning Consultation Guidance Note on Noise & Vibration and the NPPF including commercial and industrial noise impacts.
- 7.44. I note the comments received from residents and in relation to bird boxes, a safeguarding condition is attached to the outline planning permission to secure their provision on site and significant numbers of bird and bat boxes have been approved across the wider site and river corridor. The housing proposed is proposed at a density commensurate with BDP policy and at 53 dwellings per hectare could be considered could be considered as not high density. Car Parking provision is provided in general accordance with policy and Transportation raise no objection to the proposal on highway capacity grounds. In terms of services provided, a new school is to be built on Frankley Beeches Road providing more primary school places locally and in terms of health services; this provision is determined by the NHS rather than the Local Planning Authority.

## 8. **Conclusion**

- 8.1. I consider the proposed Phase 2c reserved matters submission for the development of 160 dwellings to be acceptable in terms of appearance, layout, scale and landscaping and in general accordance with the outline planning permission approved Parameters Plan. The siting, scale and appearance of the proposed development would be acceptable and would not have an adverse impact on adjacent residential amenity. The development would provide an acceptable living environment for future occupiers. As such, I therefore consider the proposal would constitute sustainable development and I recommend that reserved matters approval is granted.

## 9. **Recommendation:**

- 9.1. That the reserved matters submission for appearance, scale, layout and

landscaping be approved.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires obscure glazing for specific areas of the approved building
  - 3 Requires the submission of details of a communal satellite dish for the apartment block
  - 4 Requires the submission of a CCTV and access control scheme
  - 5 Requires the Prior Submission of a Construction Employment Plan
  - 6 No consent granted for the use of Cherry Laurel in the landscaping
  - 7 Removes PD Rights for hard surfacing of front garden on plots 184-206
  - 8 Removes PD rights for the erection of garages
  - 9 Removes PD rights for boundary treatments for plots 243 to 298 inclusive
  - 10 Removes PD rights for new windows
  - 11 Removes PD rights for extensions on plots 207-308
  - 12 Prevents occupation until the service road has been constructed
- 

Case Officer: Pam Brennan

## Photo(s)



Aerial view of site looking west

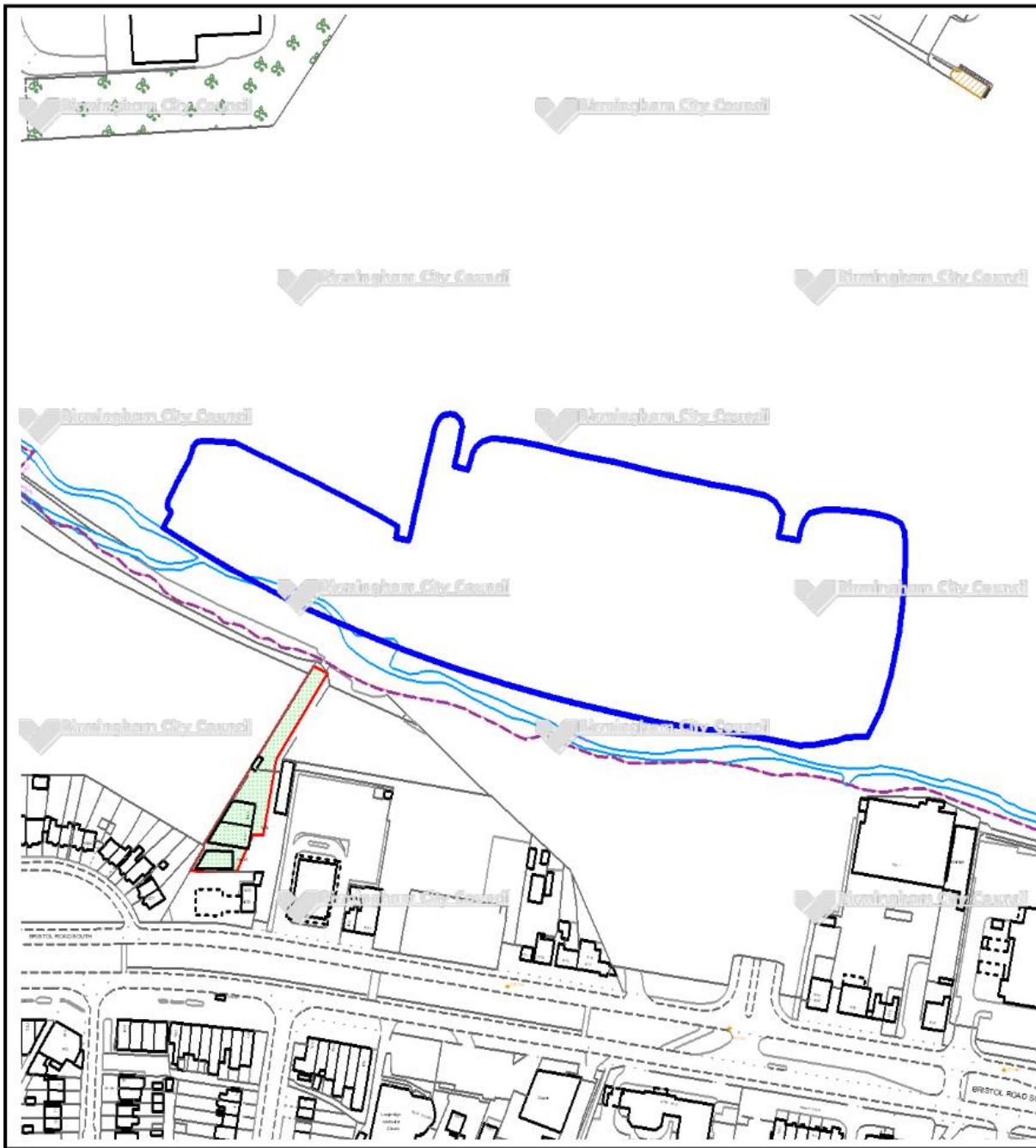


Aerial view of application site and river corridor – looking west



Aerial view of West Works site including the RIS (and development on Plot 3 of the RIS) – looking west

## Location Plan



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Committee Date:	27/07/2023	Application Number:	2021/08642/PA
Accepted:	11/10/2021	Application Type:	Outline
Target Date:	31/07/2023		
Ward:	Longbridge & West Heath		

Former MG Works,, Lowhill Lane/Lickey Road, Longbridge, Birmingham

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

Applicant:	St Modwen Developments Ltd Longbridge Technology Park, 2 Devon Way, Longbridge, Birmingham, B31 2TS
Agent:	Tetra Tech Ltd 3 Sovereign Square, Sovereign Street, Leeds, LS1 4ER

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**Recommendation**  
**Determine**

1.1. This application was previously reported to Planning Committee on 18 August 2022 where Members resolved to approve the proposed development subject to a Section 106 Agreement to secure the following:

- a) The provision of 15% affordable housing split as 9.25% low-cost home ownership at 80% of open market value, 3.75% First Homes at 70% of open market value and 2% social rent in perpetuity with mix to be agreed.
- b) The provision of £2,500,000 for off-site provision of school places through the expansion/upgrade of schools within the Northfield Constituency.
- c) The provision of a minimum of 4.21Ha of Public Open Space (POS) and £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.
- d) A financial review mechanism at each Reserved Matters Submission in order to secure additional affordable housing where possible.
- e) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- f) A further, separate legal agreement requiring the sale of part of the site to a Registered Provider for the provision of further affordable housing on a site and site area to be agreed. Should a transfer to a Registered Provider not be secured within three years of commencement a financial viability review shall take place to



determine whether additional affordable housing shall be provided on site by the developer.

1.2. Following ongoing discussions with the applicant, it has been highlighted that clause (d) the review mechanism is creating uncertainty for the applicant in terms of viability and deliverability. As such, the applicant has sought to negotiate further with the local planning authority with the aim of deleting and/or amending this clause. The applicant has emphasised that the scheme is only viable and deliverable due to grant funding that is being sought from the West Midlands Combined Authority (WMCA). Whilst understanding their issue, it must be noted that the proposed development does not meet policy requirements for affordable housing and consequently, we have sought to maintain the financial review requirement. Given the scale of the application and the likely long timescales for delivery, it is considered that some form of a review mechanism is appropriate and consistent with other similar applications. However, to accommodate the particular requirements of the scheme, it is now suggested that a viability review takes place at the construction of the 350<sup>th</sup> dwelling (rather than upon each reserved matters submission) and the maximum value of any additional affordable housing (or equivalent financial contribution) secured as a surplus through the viability review mechanism would be capped at the level of grant funding the applicant is seeking from the WMCA. Without that grant funding the whole viability of the scheme would be at risk. We consider this to be a reasonable approach to move this application forward. The remainder of the 106 clauses would be retained.

1.3. Following continued negotiations, your approval is now sought for a change to the wording of clause (d) to the following:

d) A financial viability review of the development on commencement of construction of the 350<sup>th</sup> dwelling in order to secure additional affordable housing (or equivalent financial contribution) where possible subject to the applicant securing WMCA grant funding for on-site infrastructure works. Any surplus payable to the local planning authority shall not exceed the value of the WMCA grant funding.

To clarify, this financial viability review on commencement of construction of the 350<sup>th</sup> dwelling would be in addition to any financial viability review triggered through the side agreement (as per the revised recommendation at 1.7.2 below) should a transfer of part of the site to a Registered Provider not be secured within three years of commencement.

1.4. Your approval is also sought for amendments to the following conditions:

- Condition 4 (Requires the prior submission of a programme of archaeological work) to make the condition more specific regarding the need for a written scheme of investigation of the underground tunnels.
- Condition 33 (Requires the submission of a CCTV scheme) to allow the submission of CCTV details per phase of development.
- Condition 34 (Requires the prior submission of a phasing plan) to include the specific requirement for public open space.
- Condition 37 (Requires the prior submission of a masterplan) to include the specific requirement for public open space.

1.5. Two further letters of objection from residents have been received since the application was last presented to Planning Committee. The concerns raised are the same as those made previously by other residents and are addressed in the original report below. An objection was also raised to the proposed development regarding the existing lack of services locally e.g. school places, GP's, dentists etc for the existing residents and that the proposed development would further exacerbate this issue. With regards to school places, a new primary school is to be provided as part of the North Worcestershire Golf course development by Bloor Homes and this development would provide a further

£2.5m of funding for school places in the Northfield Constituency. With regards to NHS services, this provision is determined and provided by the NHS rather than the Local Planning Authority.

- 1.6. No further changes are proposed to the development nor to the original report below.
- 1.7. Recommendation:
  - 1.7.1. That application 2021/08642/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
    - a) The provision of 15% affordable housing split as 9.25% low-cost home ownership at 80% of open market value, 3.75% First Homes at 70% of open market value and 2% social rent in perpetuity with mix to be agreed.
    - b) The provision of £2,500,000 (index linked) for off-site provision of school places through the expansion/upgrade of schools within the Northfield Constituency.
    - c) The provision of a minimum of 4.21Ha of Public Open Space (POS) and £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.
    - d) A financial viability review of the development on commencement of construction of the 350<sup>th</sup> dwelling in order to secure additional affordable housing (or equivalent financial contribution) where possible subject to the applicant securing WMCA grant funding for on-site infrastructure works. Any surplus payable to the local planning authority shall not exceed the value of the WMCA grant funding.
    - e) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
  - 1.7.2. A further, separate legal agreement requiring the sale of part of the site to a Registered Provider on a site and site area to be agreed. Should a sale to an RP not be secured within three years, a financial viability review shall take place to determine whether additional affordable housing shall be provided on site by the developer.
  - 1.7.3. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 31 August 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 low-cost home ownership, 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.
    - In the absence of a legal agreement to secure a financial contribution towards the provision of off-site school places, the proposal conflicts with Policy TP36 of the Birmingham Development Plan and the National Planning Policy Framework.
    - In the absence of a legal agreement to secure contributions to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route, the proposal conflicts with Policies PG3, TP7, TP9, TP38, TP39 and TP40 of the Birmingham Development Plan and the National Planning Policy Framework.
  - 1.7.4. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act and a separate side agreement.
  - 1.7.5. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 31 August 2023, or such later date as may be authorised by officers under delegated powers, planning permission for application

2021/08642/PA be APPROVED, subject to conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission)

## **Original Report**

### **1. Proposal:**

- 1.1 Outline planning permission with all matters reserved for future consideration is sought for the development of the existing MG Motors site as a mixed-use scheme. This would comprise 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.
- 1.2 The indicative schedule of land use development comprises: Employment 2.12ha; Residential 13.76ha; Strategic Open Space 4.21ha; Master Developer, Spine Road 1 1.15ha; Master Developer Access Road 0.58ha; Undevelopable Land-Topography/Constraint Limit 2.66ha; and, Dalmuir Road (within the redline) 0.83ha, equating to the Sites 25.31ha size. The development would provide a mix of building types, densities, heights and layouts.
- 1.3 The proposed development would provide an indicative mix of housing tenures and designs, comprising of 1 and 2-bedroom 3-5 storey apartments; 2, 3 and 4-bedroom 2.5-3 storey townhouses; and, 2, 3, 4 and 5-bedroom 2-2.5 storey traditional housing. Up to 695 dwellings are proposed with an indicative mix as follows:
  - 1-bedroom apartments – 83 (12%)
  - 2-bedroom houses – 133
  - 2-bedroom apartments – 136.
  - Total 2-bedroom properties – 269 (39%)
  - 3-bedroom houses (2 storey) – 57
  - 3-bedroom houses (2.5/3 storey) – 243
  - Total 3-bedroom properties – 300 (43%)
  - 4-bedroom houses – 43 (6%)
- 1.4 The proposed scheme would retain the International HQ building, which was previously the centre for innovation within the Austin operation and would continue to provide space for businesses to grow and develop. Internally, the building would provide managed workspace/offices with studios/workshops to the rear. Parking would be provided to the west of the building in the location of the existing parking bays and the Conference Centre and Roundhouse, which would both be redeveloped to provide office/managed workspace for Longbridge businesses. Part of the Conference Centre building would be demolished, with the entrance and L-shaped wings retained. Parking would be provided adjacent to the Conference Centre building.



## Illustrative Masterplan



Roundhouse – as proposed





International HQ Building – as proposed

- 1.5 The scheme also proposes a local community hub; areas of public open space including both formal and informal areas; equipped areas of play and means of access.
- 1.6 The Community Hub would be provided in the retained structure of the existing CAB1 building. The hub would include public realm in the form of a public square to the north. The hub could provide a range of uses including community facilities, bicycle hire, play space or sports facilities, workshops or business units, a parcel delivery hub, car hire or electric vehicle charging.



CAB1, public square and community hub as proposed

- 1.7 A Linear Park is proposed centrally through the Site linking the CAB 1 building on the southern part of the Site to the northern access at Dalmuir Road Steps. This follows the assembly line of the former factory and creates a green spine through the Site. It is intended that this route would be characterised by tree planting and sustainable drainage solutions as well as children's play space and amenity open space for residents of the adjacent apartment buildings. The Site would accommodate:
  - Toddler's Play Provision (LAP)- Landscaped and natural area for younger children. These would be placed across the site to meet the safe walking distance requirement from dwellings.
  - Toddler and Junior Play Provision (LEAP) - Combination of equipment and natural play to enhance social and educational skills of children. These would be provided in 3 locations across the site.
  - Toddler, Junior and Youth Play Provision (NEAP) - An active zone for children within the central linear park, which would provide various kind of activities along the length of the park.





Landscape Masterplan

- 1.8 Further open green space would run from the linear park, through the site towards the eastern boundary, connecting the spine route to the perimeter green space which would run along the eastern boundary of the site. The area would accommodate amenity space, informal sports and children's play space. The eastern end of the park would accommodate a SuDS attenuation basin. This would be a dry basin which would be usable open space for most of the year.



Linear Park with play equipment – as proposed

- 1.9 A new gateway into the development would be created on the northern boundary, connecting the site from Longbridge town centre through to Cofton Park. This would be a new landscaped space forming the primary pedestrian and cycle access into the development from Dalmuir Road. A new ramped access would be provided alongside the retained steps on the northern boundary. The surrounding slopes would be landscaped. The site has an existing tunnel system underground that was used during



the Second World War. A café is indicatively proposed at the entrance to the tunnel system on the northern boundary.



Proposed new ramped access



Proposed café and tunnel entrance adjacent to retained steps at Northern boundary

- 1.10 The primary point of vehicular access would be from Dalmuir Road, along the eastern boundary of the Site. The vehicular access would connect into the primary route through the development, which would create a north-south route. A secondary access would be provided from Lickey Road, on the north western boundary of the site. This would run adjacent to Chadwick Close and would provide the primary connection to the employment areas within the development, namely, the International Headquarters (IHQ), Roundhouse and the Conference Centre.
- 1.11 It is proposed to provide a network of routes to allow pedestrians, cyclists and vehicles

to access the development. Pedestrian and cycle connectivity would be achieved on the northern, southern and western sides of the site to allow access to existing communities, green spaces, local amenities and public transport facilities. The points of access include the following:

- From Lickey Road the Site will be accessible for pedestrians via an existing vehicular access route, which was the main entrance to the Site when occupied by MG. This is located to the south of the Dalmuir Road signals. This crosses a pedestrian route between Chadwick Close and Windsor Avenue, which will provide a more direct route between these residential areas, and provide an alternative route between the Site and the Town Centre;
- From Dalmuir Road to the south of the Persimmon housing development which will connect the Site via a direct route to the Town Centre. A new pedestrian/cycle ramp will be provided to overcome level differences between the Site and Dalmuir Road;
- From Dalmuir Road to the north eastern corner of the Site alongside the primary vehicular access route, which runs parallel to the railway line.
- From Lowhill Lane to the south a shared use pedestrian and cycle route is proposed, connecting Cofton Park to the Site.

1.12 The application has been assessed as development requiring an Environmental Impact Assessment and is supported by an Environmental Statement. Also submitted in support of the application are the following documents: Planning Statement; Design and Access Statement; Statement of Community Involvement; CIL Forms and Heads of Terms S106; Archaeology and Heritage DBA; Noise Report; Air Quality Report; Employment Land Report (including marketing information); Financial Viability Assessment; Socio-Economic Statement; Sustainability Statement; Construction Waste Strategy; Phase 1 & 2 Interpretive Report; Ground Investigation Report; Transport Assessment; Travel Plan; Flood Risk Assessment and Drainage Strategy including Sustainable Drainage Statement and Sustainable Drainage Operation and Management Plan; Ecological Appraisal; Phase 2 Ecological reports; Biodiversity Net Gain Assessment and an Arboricultural Impact Assessment.

1.13 Site area: 25.31Ha. 13.76 hectares are provided on site for residential development providing a density of 51 dwellings per hectare.

1.14 [Link to Documents](#)

## **2. Site & Surroundings:**

2.1. The application site comprises of previously developed land off Lickey Road (B4120), within the built-up area of Longbridge. The Site, which originally formed part of Longbridge Motor Works (until recently leased and operated by Nanjing Automobile Corporation UK Ltd owners of the MG motorcars) is located approximately 11km south-west of Birmingham City Centre and covers an area of approximately 25.31 hectares.

2.2. Over the last 10 years, Nanjing have gradually vacated the site. Nanjing continue to lease land to the south of the site outside the boundaries of the red line application site, which measures approximately 5 hectares. This land will become vacant by 2038, however Nanjing can return part or all the land to St Modwen at any point before then.

2.3. The site is recorded as comprising open land from the earliest available mapping (1883). The site changed little until 1938 onwards, when a series of buildings and a motor test tracks associated with the development of the motor works were recorded. By 1964 the test track was no longer recorded, and the entirety of the site's footprint was occupied by buildings associated with the motor works. A small reduction in the number of buildings was recorded on the 2010 and 2014 mapping. At present, the site comprises predominantly hardstanding where former factory units were situated. Most

of these factory buildings have been demolished leaving a vacant site with hardstanding. Buildings are still located largely around the boundaries and the western portion of the Site.

- 2.4. The demolition of most of the former MG buildings was completed at the end of 2020. Along with the original Dalmuir Road Steps, some of the buildings on the site have been retained to provide employment uses within the new development. The retained buildings include:
- The International Headquarters (IHQ);
  - Roundhouse,
  - Conference Centre; and,
  - CAB 1 buildings.
- 2.5. The surrounding area around the former Longbridge car plant is primarily residential. The site is bound to the south west by Lowhill Lane and the former Flight Shed site (which has been redeveloped for residential purposes), beyond which is Cofton Park. To the east the Site is bound by a thick tree line, beyond which is railway line with residential beyond. To the north and west of the Site, residential housing abuts the Site, including (Longbridge Place) a new residential estate currently under construction. Beyond this is Longbridge Town Centre. A limited level of existing industrial premises lies to the south west (the Cofton Centre) and to the north west (Birmingham Great Park).
- 2.6. The Site lies between Lowhill Lane to the south and Dalmuir Road to the north. To the west of the Site is B4120 Lickey Road, providing access to the residential properties to the west of the Site. Longbridge Train Station is located 0.5km to the north, with the railway line running north south to the east of the Site.
- 2.7. There are three junior/primary schools and one infant school located within 1km of the Site and two secondary schools within 2km of the Site. There are also four GP surgeries and other facilities within the area surrounding the Proposed Development, including retail facilities associated with Longbridge Town Centre immediately to the north of the Site.

2.8. [Site Location Map](#)

3. **Planning History:**

- 3.1. The site has extensive planning history relating to its previous use as a manufacturing car plant.
- 3.2. 23 July 2020. 2020/04662/PA. Prior Approval Required and Approved with Conditions for the Prior Notification for the proposed demolition of the Energy Centre.
- 3.3. 23 July 2020. 2020/04661/PA. Prior Approval Required and Approved with Conditions for the Prior Notification for the proposed demolition of existing buildings.
- 3.4. Adjoining sites relevant planning history:
- 3.5. 3 February 2014. 2013/06429/PA. Outline planning permission granted with all matters reserved, except access for the erection of up to 95 dwellings at Former Flight Shed Yard Corner of Lowhill Lane and Groveley Lane, Longbridge.
- 3.6. 10 January 2013. 2012/07066/PA. Planning permission granted for the erection of 19 dwellings with associated access, parking and landscaping at Former MG Rover Occupational Health Building and Adjoining Land, Lickey Road.

- 3.7. 30 July 2010. 2009/06423/PA. Planning permission granted for 115 dwellings with access and landscaping at the Former General Office Block Site, Lickey Road.

4. **Consultation Responses:**

- 4.1. Transportation: No objection in principle subject to conditions relating to construction management and future consideration of matters on access and layout. A Section 278 Agreement will be required for works within the highway. The application is submitted in outline with all matters reserved including access. The principle of use has been demonstrated to not have any significant effect on the highway network compared to the previous and consented uses on the site. The existing MG access needs to be modified and assessed as a standalone junction to determine how this will be designed.
- 4.2. Regulatory Services – No objection subject to conditions relating to contaminated land, lighting, noise mitigation and EV charging.
- 4.3. Severn Trent Water – No objection subject to a drainage condition.
- 4.4. Bromsgrove District Council – No objection.
- 4.5. Environment Agency – No objection subject to conditions relating to contaminated land remediation strategy and verification report.
- 4.6. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 4.7. Network Rail - no objection in principle to the proposal, but there are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.
- 4.8. Natural England – have no comments to make.
- 4.9. Archaeology – No objection. The potential for the discovery of buried archaeology pre-dating the factory is low. Ordinarily a hilltop location overlooking a river valley would be a strong contender for prehistoric archaeological activity but the flattening of the hilltop for the airfield in the early 20<sup>th</sup> century and the impact of the later factory means survival is now unlikely. The archaeological interest in the site is now limited to the recent industrial use. Of interest are the remains of the Second World War Shadow Factory in the tunnels below the hill. These are to be backfilled as part of the development and it is important that these are recorded prior their destruction as recommended in the submitted DBA. The other surviving buildings are also worthy of recording prior to their conversion and the findings are likely to be helpful in developing designs for their repurposing.
- 4.10. Conservation - The site has now been mostly cleared apart from the International Headquarters Building; the Conference Centre; part of CAB 1 and the Roundhouse. These buildings are proposed for retention and repurposed for employment uses. This is welcomed as they would be classed as non-designated heritage assets and of considerable significance to Birmingham and the history of the British motor industry. The International Headquarters building with the rear design studio and its association with Sir Alec Issigonis and the development of the 'mini' has historic significance. The

Roundhouse is possibly a unique building and of considerable architectural significance.

Other structures proposed for retention include the steps to Dalmuir Road, the tanks nearby and the entrance tunnel to the underground shadow factory. These are not as significant as the buildings cited above but will help retain some of the sites historic interest through imaginative reuse.

It was inevitable following the closure of the MG Rover Works that most of the site would be cleared for redevelopment, it is regrettable that more has not been kept and the proposals here represent the 'last chance saloon' for keeping something meaningful from the site. We are fortunate that these last surviving buildings are some of the most important.

Whilst we can condition all details associated with their conversion, we also need to ensure that the buildings are not left till last whilst the developers concentrate on the new build elements. We need to ensure that the historic buildings on the Longbridge site are brought forward with the new build. I would recommend that a condition is attached whereby works to the heritage buildings is tied to the delivery of the new build housing and the number that can be occupied is limited until works have been completed or at least advanced to a point where their future is secured.

- 4.11. Local Services - The residential element of this scheme would trigger the need for a POS and play area contribution at the rate of 2 hectares per thousand population generated in accordance with the BDP. From the mix in the application, 1650 people are being generated from the 695 residential units being provided.  $1650 \div 1000 \times 20,000 = 33,000\text{m}^2$  or 3.3 hectares of POS would therefore need to be provided. I note from the application that it is intended that a total of 4.18 hectares of strategic green space on site including a Linear park including children's play which would appear to satisfy this requirement. It will need to be established whether all the proposed strategic green space is publicly accessible. Looking at the proposed masterplan I would also need to be convinced that the linear open space running through the site is wide enough to be able to accommodate a neighbourhood type play area described in the documents. Our view is that the play provision on the site should be in one location and not spread into several smaller more difficult to maintain smaller play provision over the wider site.
- 4.12. National Highways – No objection.
- 4.13. West Midlands Fire Service – Development will need to comply with Building Regulations and Access Requirements.
- 4.14. West Midlands Police – No objection subject to conditions relating to lighting and CCTV.
- 4.15. Education – The development generates the requirement for a primary school on site and funding for secondary off-site. However, a further school is not required in this location and as such request an off-site financial contribution of £3,598,353 (based on the potential mix provided in the accompanying statements) towards the provision of nursery, primary and secondary school places in the Northfield Constituency.
- 4.16. Ecology and Trees - The outline for development here would seem to be acceptable. The landscape approach of protecting exiting green assets and linking these through the proposed development looks good. There has been a reasonable level of consideration of protected species for the current proposal of outline consent. Obviously where identified, specific ecological assessments will be needed (probably on a phase by phase basis) such as consideration of bats in any remaining buildings



to be demolished /renovated or trees to be removed. Badgers were noted as being active on site and we know from previous developments that there are active setts in the wooded embankments. Consideration as to direct disturbance of the setts will need to be detailed out where this may be expected.

In the ecological assessment there was a remnant of a WW2 tunnel close to the eastern boundary. This has a slightly wooded entrance and some rubble piled up in front of a palisade fenced opening. I would consider that this has a high probability of being a bat roost but perhaps more importantly it could act as a winter hibernaculum for several bat species and possibly in large numbers. This needs some serious investigation along with any other such openings of the same type. Hibernacula of this type would not be common in the region and so could be important sites for bats. I am therefore a little concerned by the statement relating to filling in of these. There will need to be specific bat roost assessment of these prior to any works to consider access and potential for winter roosting. Obviously any that have been sealed for many years will be of little value but those that have some external access points will need investigation and reports submitted prior to any development.

They should aim to provide 25% Tree canopy cover at 25 years post development or show how other features such as green roofs or walls have been incorporated and could count towards that through their functionality. There should also be reference to the BCC guide for SUDS their design management and adoption for suitable native plant mixes where these SUDS pools are to have a naturalistic feel.

Lighting within the new landscape areas should be kept as low level and low light spill to maximise the potential for bat foraging. Up lighting of trees especially those in the main bodies of the landscaped areas should be avoided altogether.

Obviously much of this will be worked up at the detailed design stage but needs to be said now to avoid delays in requesting amendments to designs that should have been considered at the outset.

## **5. Third Party Responses:**

- 5.1. Site and press notices posted – advertised as a Departure from the Birmingham Development Plan. 237 residents, Ward Councillors, MP's for Northfield and Bromsgrove Constituencies and Resident Associations notified. 11 letters of comment/objection received including one from Gary Sambrook MP on behalf of a constituent, one from Councillor Adrian Delaney and one from MG Motor UK Limited.
- 5.2. Councillor Delaney - This is a very large planning application with the proposal to build up to 695 new homes and provide 9980sqm of employment space. Since the collapse of the former MG Rover car company we have seen a large amount of new residential homes, office accommodation, college, retail and the new town centre built on the former factory site. With an increase in the population and movement on and off the former factory site this is putting additional strain on many local services including doctors' surgeries, schools and the local road network. With this in mind if this application is approved then I would like to see a large financial contribution provided by the developer to help pay for and provide additional capacity for schools, doctors surgeries and to help repair and improve local roads in particular the Lickey Road. Not only is the Lickey Road in serious need of repair with many potholes, we also have a serious problem with flooding. If you are minded to approve this application, then funding should be made available to help increase the capacity of the drains on the Lickey Road just before the junction with Lowhill Lane on the outward-bound carriageway from the City. The flooding issue in this location has been ongoing for many years and a long-term solution needs to be found before we agree to such a large development.

- 5.3. The comments and objections are based on the following:
- Objections to the proposals were made to the applicant following their leaflet drop but no further contact has been made.
  - Concerned about the proposed café in the tunnel fronting Dalmuir Road – loss of privacy to adjacent ground floor residents
  - Already significant parking issues locally – this will exacerbate the situation.
  - The link areas between existing development and the proposed development will create areas for anti-social behaviour to occur – it is already occurring on Dalmuir Road. Pedestrian areas need to be maintained and have a constant and correct level of security.
  - Noise during construction
  - Contractor/Vehicle parking – construction management is essential.
  - Landscaping is required on northern bank to ensure privacy of residents.
  - Where is the education and healthcare provision? Existing facilities can't cope now without a further 695 homes being built.
  - Creation of employment opportunities welcomed.
  - A community building would be beneficial along with a new school, medical practice and pharmacy.
  - In over 10 years of development on the former MG site – nothing has come forward that benefits the local community.
  - Impact on emergency services?
  - Existing fence on top of woodland bank should be replaced with a wall to prevent fly-tipping, protect wildlife and privacy to existing residents when the area becomes part of the site open space.
  - Suitability of Dalmuir Road to be primary access into the site – road safety is already compromised in and out of the Persimmon Homes site. The road needs to be re-surfaced before development commences on this site.
  - Increase in risk of flooding locally.

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 6: Building a Strong, Competitive Economy – para 81  
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:**

The site is allocated employment land.  
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  
 TP17 – Portfolio of Employment Land and Premises  
 TP19 – Core Employment Areas  
 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

Longbridge Area Action Plan (AAP)

c. 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

d. Supplementary Planning Documents & Guidance:

Places for All SPG  
 Places for Living SPG  
 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  
 Loss of Industrial Land SPG

7. **Planning Considerations:**

- 7.1. The key issues for determination are the principle of development, employment land supply, housing land supply, quantum of development and illustrative masterplan, access and issues relating to drainage, contaminated land, conservation and archaeology, 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.

#### Employment Land Supply

- 7.4. As the application site area is greater than 10 hectares, under Policy TP17, the site would be considered as a Best Quality employment site. The Employment Land Availability Assessment 2020 is the most recently published assessment of the employment land supply within the City. This identifies that the supply of available Best Quality employment land is well above the 60-hectare BDP requirement due to the allocation of Peddimore (71 Hectares) and the Wheels site (16ha).

#### Principle of Development

- 7.5. 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 (AAP).
- 7.6. The site is allocated under EZ2 of the AAP for B class employment uses and is an allocated Core Employment Area in the BDP. Policy TP19 identifies that within such areas, applications for proposals not in an employment use will not be supported unless an exceptional justification exists. Paragraph 5.9 of the Loss of Industrial Land to Alternative Uses SPD provides examples of where exceptions may exist, which includes proposals where the particular site size requirements make it difficult to find sites which do not involve the loss of industrial land or where the site forms part of a large-scale mixed-use regeneration proposal which has been identified in other City Council planning documents. These policies were written before the changes to the Use Classes Order were introduced in 2020 which has resulted in B1 uses now being classified as an E class use amongst many other commercial uses.
- 7.7. The supporting Employment Land Statement identifies that the industrial and warehouse market, as it relates to the application site, has no realistic prospect of such a development of the MG works being successful. This is because the site is neither: -
- suitable for large scale industrial and warehouse premises; nor
  - viable for such a development.
- The Site is considered to be compromised particularly in terms of access and its situation, bound on three sides by housing development. For these reasons, the Statement concludes that Site is not attractive to modern industrial and warehouse operators. The brownfield nature of the Site, particularly its heavy former industrial use, also renders the development of the site to be unviable. Principally, this is due to the scale of abnormal costs necessary to prepare the Site for development.



- 7.8. The Statement goes on to identify that whilst Longbridge's attractiveness for industrial and warehouse development is receding, it has become an established and alternative office location. This is due to the strength of its all-round communications, including its regular and fast rail service, complementary uses such as Bournville College, and the amenity and diversity of facilities conferred to by the Town Centre. However, as the site is slightly removed from the Town Centre, the development proposals seek to mitigate this by promoting a mix of amenity uses in the conversion of the CAB 1 building, located near to the International Headquarters, the Roundhouse and the Conference Centre – all of which are proposed to be reused or converted for offices and associated employment uses. These elements form a strong and important core of employment floor space. They are projected to support 1,383 workforce jobs based on the most marketable re-use of the three retained buildings for employment use, the redevelopment of CAB 1 building for a mix of commercial and community uses, and the yield from those working from home on a permanent basis. In addition, under-utilised industrial buildings retained by Nanjing have the potential to support a further 207 jobs, taking the total to 1,590 for the whole MG site.
- 7.9. The Employment Land Statement concludes that it is not economically suitable or viable to redevelop the site for large scale employment uses. The submitted viability assessment is the key here. Policy TP19 requires an exceptional justification for non-employment uses in Core Employment Areas. Whilst exceptional justification isn't defined in the BDP; exceptions are described in paragraph 5.9 of the SPD. These include where there are good planning grounds for the loss. Paragraph 5.10 also says that the overall policy approach allows for redundant industrial sites for which there is no market demand for either re-use or redevelopment. Paragraph 5.4 of the SPD also states that *"Where it is being argued that high redevelopment costs makes industrial redevelopment commercially unviable, applicants should provide a detailed analysis of redevelopment costs including investigations into land contamination issues"*.
- 7.8. Planning permission is sought for a mixed-use development which would be housing led with only 2.12 hectares of mixed employment space proposed. The submitted viability appraisal has been assessed by Lambert Smith Hampton and is considered robust. I consider that there are 'good planning grounds' and an exceptional justification under TP19 for the loss of most of the allocated core employment site. The employment floorspace proposed would continue to provide some employment on the site, just not at the levels proposed in the BDP allocation. Given this, I consider that the principle of the development is in accordance with policy.

#### Quantum of development and illustrative masterplan

- 7.9. The illustrative masterplan as detailed above identifies how the site could come forward for the proposed mixed-use 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 695 dwellings on approximately 13.76 hectares, 4.21 hectares for open space and 2.12 hectares for employment. The proposed indicative mix would see:
- 1-bedroom apartments – 83 (12%)
  - 2-bedroom houses – 133
  - 2-bedroom apartments – 136.
  - Total 2-bedroom properties – 269 (39%)
  - 3-bedroom houses (2 storey) – 57
  - 3-bedroom houses (2.5/3 storey) – 243
  - Total 3-bedroom properties – 300 (43%)
  - 4-bedroom houses – 43 (6%)
- 7.10. The mix of uses proposed is welcomed, as they would be complementary to what is proposed and help to meet everyday community needs, creating a more sustainable

place. However, the mix of dwellings proposed will need to be secured by way of a pre-commencement safeguarding condition.

- 7.11. The site is very self-contained, disconnected from the surrounding townscape as a result of level changes, the railway and existing development. There are only three points of access illustratively proposed - from Lickey Road, Dalmuir Road and Lowhill Lane, although there could be a dedicated cycle link from Groveley Lane. A hierarchy of streets is indicatively proposed that appears reasonable. The key shortcoming is that the retained estate frustrates the ability to create a fully connected and legible site. The most disappointing aspect of this is that the indicative main 'spine' from the north to the south of the site, which would be a primary route, would terminate abruptly at the Conference Centre. This would make the important route from the town centre to Cofton Park unintuitive and indirect. The indicative Wider Site Masterplan shows how in the future this could be remedied through future phases resulting a more cohesive layout. The master planning of this site to take account of future phases and connections is encouraging and needs to be followed through at reserved matters stage.
- 7.12. Generally, the illustrative road layout looks intuitive and easy to navigate however the 'estate housing' to the south east would seem to have a disconnected layout. Superficially this looks legible and well connected however the use of disconnected private drives would prevent through traffic. Pedestrian and cycle access need to be built in to ensure full connectivity for these users. The connection to the town centre to the north is vitally important to deliver. The illustrative masterplan shows a step / ramp route up the steep slope from Dalmuir Road and this would need to be carefully designed to avoid being over engineered. The visualisation is concerning as the concrete walls would block sightlines – it needs to be as open as possible and feel safe to use.
- 7.13. The retention and repurposing of the existing buildings is strongly welcomed and would help to establish a sense of place and link to the important history of the site. These are proposed as landmarks and destinations within the illustrative master plan. Consideration has been given to traditional separation distances within the two-storey 'estate housing' to the south east, however the taller townhouses to the north appear that they would be very closely spaced. It will be important to ensure that reserved matters layouts demonstrate a high quality of living environment with enough privacy and private amenity space for all dwellings.
- 7.14. The residential parcel to the west of the site in between the Roundhouse and International HQ seems isolated from the other housing however; this could be remedied in future if the retained estate becomes available for development. Although it is not explicit, the average density for the site would be around 51dph if 695 dwellings were delivered. This would vary over the site with apartments and townhouses to the north of the site and along the central spine leading to the neighbourhood community hub.
- 7.15. The density of development influences the amount of parking required. The way that parking will be dealt with is not set out, but it must not dominate streets or reduce areas available for tree planting and other green infrastructure. A parking strategy should be prepared for reserved matters stage. The scale of the proposed development would appear appropriate to the context, but five storeys should be the maximum height.
- 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. Places for Living SPG promotes high quality contemporary design that has evolved from the local context, and so this approach would be supported. City Design raise no

objection to the quantum of development but are concerned regarding the possible layout issues identified above.

- 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. There would be a significant degree of tree removal proposed within the site, including many category B trees, which would be disappointing. There is a proportion of accessible open space indicatively proposed as part of the development ranging from an urban plaza, a 'hanging garden', wide linear green open spaces along key routes and existing woodland to the edges of the site. The indicative 'central linear park' however is less convincing, particularly to the centre of the site where the available space narrows and it becomes fragmented by paths and roads.
- 7.18. The indicative landscape master plan shows virtually all streets to be tree lined. This is required by the 2021 NPPF and welcomed in principle, however it is doubtful that this could be achieved in practice in the medium density residential streets to the south of the site. These show conventional footways of around 2m, and some shallow frontages where it would be difficult to accommodate a tree. Also, dependent on the housing density, pressure for parking could lead to hard paved frontages at reserved matters stage, and this should be avoided. A balance of hard and soft landscape treatments is required on residential frontages. Trees should be planted in soft landscape areas wherever possible, but where proposed in hard surfacing, suitable below ground pit infrastructure will be required to ensure a sustainable rooting volume, long term survival and a meaningful legacy for the site.
- 7.19. No objection is raised by Landscape Officers to the range of plants in the plant list suggested. These include a mix of native and ornamental species with year-round interest, resilience and benefits for wildlife. Broadly there is a suitable palette for the creation of the environments indicated. The use of Oaks may need to be reviewed due to poor availability and current restrictions on importing these species.
- 7.20. The proposals for play provision are unconvincing, particularly in the case of the NEAP shown to the extreme north of the CAB1 Plaza. The size of the site means that a NEAP should be provided but this seems the wrong setting, too cramped an area for this purpose and too close to residential properties. Generally, a buffer is required between the facility and residential properties.
- 7.21. Suggested locations for sustainable drainage features are shown on the illustrative masterplan, however there are few details of the character of these and whether they would be wet or dry features. Nevertheless, they are mostly integrated positively into the site landscape. Some appear to be accessible for play. This needs to be borne out in detailed proposals rather than becoming fenced off steep sided areas with little amenity value. The use of rain gardens within the residential streets should be considered. Overall, Landscape Officers raise no objections but raise detailed layout concerns relating to future reserved matters submissions.
- 7.22. As can be seen from the consultation and neighbour responses, a number of issues have arisen from the illustrative masterplan including the location of play areas, connectivity and layouts, ensuring housing has sufficient privacy and private amenity space, parking, landscape, road widths and street trees and retention of trees on site. These have all been raised with the Agent so that they can be addressed during the future reserved matters submissions. The issue to be determined through this application is whether the illustrative masterplan 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 masterplan. A safeguarding condition is recommended below securing minimum and

maximum quantum's along with those relating to landscaping and boundary treatments.

#### Access and parking

- 7.23. 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. The existing MG access would need to be modified and assessed as a standalone junction to likely be in the form of a ghost right turn into the site on Lowhill Lane. Transportation raise no objection in principle subject to conditions but note the submitted illustrative access plan and indicative layout and acknowledge that these are all subject to further detailed consideration when these are submitted for analysis. The public transport, walking and cycling network are acceptable for this development but road improvements will be required.
- 7.24. I note the objections and comments received from adjacent neighbours in the residential development constructed by Persimmon Homes on the edge of the town centre. Dalmuir Road, which is currently proposed as the main entrance into this development site, 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 for each use would be assessed as part of any future reserved matters submission for the site. This also applies to the proposed café on the Dalmuir Link Road. Safeguarding conditions are recommended below relating to construction management.

#### Flooding and Drainage

- 7.25. The application is accompanied by a sustainable drainage assessment and flood risk assessment. These determine that the site is in Flood Zone 1 and that the site would need to accommodate 20,000 cubic metres of surface water run-off to achieve as close to greenfield run-off rates as possible, given the site contamination. This would be achieved using attenuation basins within the open space, swales, geocellular storage and flow control devices. The LLFA, Severn Trent Water 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.

#### Environmental Statement

- 7.26. The accompanying Environmental Statement looked at the proposed development in terms of noise and vibration, air quality, socioeconomics and land contamination. The land contamination reports identify the presence of heavy metals both in the soil and in the ground water on site. The sampling on site also identifies that the site is of moderate risk of ground gas which may require further mitigation on site. Regulatory Services have reviewed the ground assessments and recommend safeguarding conditions for further work to be undertaken. These are recommended below.
- 7.27. In terms of noise, the accompanying noise assessment concludes that any adverse impacts on health and quality of life can be mitigated within the proposed development using acoustic ventilation within residential properties, layout proposals including room locations, glazing specifications and orientation. In terms of road and rail noise, this would increase for existing occupiers once the development was occupied due to the increased use on Dalmuir Road however, the assessment concludes that due to existing background levels, this change would be minor and not significant. With



regards to construction noise, the Environmental Statement classifies the effect on existing occupiers as negligible or minor, but these effects would be of a temporary nature.

- 7.28. The application is supported by an Air Quality Assessment which identifies that during the construction phase, the potential impact is to existing occupiers from dust, which without mitigation could be 'high risk' however, with mitigation measures in place, this risk would not be significant. In terms of operational development, the effect in traffic flow and therefore air quality is determined as negligible. As such, the proposed development would comply with air quality policy requirements.
- 7.29. The Socio-economics chapter identifies the proposed development's impact and found during the construction phase that construction employment would have a minor beneficial impact whilst the health impact would be neutral. Following construction, the impacts would be as follows:
- Housing – major beneficial
  - Employment – moderate beneficial
  - Open space – play (major beneficial), sports pitch provision (moderate beneficial) and open space (moderate beneficial).
  - Health Facilities – neutral impact
  - Education – neutral impact.
- These impacts are based on mitigation being provided in the form of play areas including teenage play, off-site financial contribution for sports pitch provision; financial contributions for health provision locally and a financial contribution to fully offset the potential impact. As many of these are not offered as part of the Section 106 Agreement (see below), I consider that the impacts would reduce from major/moderate beneficial for play and would have a minor negative impact for health facilities and as it could no longer be classed as neutral. Although I note that the community hub could accommodate some NHS facilities if they were required by the NHS.

#### Conservation and Archaeology

- 7.30. The application is accompanied by an Archaeological and Heritage Assessment. The site is mostly cleared apart from the International Headquarters Building; the Conference Centre; part of CAB 1 and the Roundhouse. These buildings are proposed for retention and repurposed for employment uses. This is welcomed and Conservation consider them to be non-designated heritage assets and of significance to Birmingham and the history of the British motor industry. Other structures proposed for retention include the steps to Dalmuir Road, the tanks nearby and the entrance tunnel to the underground shadow factory. These are not as significant as the buildings cited above but will help retain some of the sites historic interest through imaginative reuse. Conservation raise no objection to the proposed development and the retained building's conversion subject to safeguarding conditions including the phasing of development to ensure that the retained buildings are not left until the end while the developers concentrate on the new build elements. I concur with this approach and the relevant safeguarding conditions are recommended below.
- 7.31. In terms of Archaeology, no objection to the proposed development is raised subject to archaeology conditions relating to Written Schemes of Investigation as the potential for the discovery of buried archaeology pre-dating the factory is low. The archaeological interest in the site is now limited to the recent industrial use including the remains of the Second World War Shadow Factory in the tunnels below the hill.

#### Ecology

- 7.32. The application is accompanied by a Phase 1 Habitat Survey and Ecological Appraisal. As per the illustrative masterplan comments, until detailed proposals are brought forward, the impact on ecology is unknown. Whilst the City Ecologist has raised no objections to the proposed development due to the significant increase in biodiversity

net gain of 66.75% for habitat units and 476.6% for hedgerow units, much of the impact is yet to be known and the appraisal concludes that further bat surveys are required. Relevant ecology and tree conditions are recommended below.

#### Sustainable Energy and Construction

- 7.33. 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.
- 7.34. 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 exploring the potential use of Combined Heat and Power (CHP), meeting building for life standards and a commitment to exceed Building Regulations Part L minimum requirements. Appropriate conditions are recommended below to ensure that the measures identified in the Sustainability Statement will be secured at the reserved matters stage.
- 7.35. 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.
- 7.36. 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.
- 7.37. An Energy Statement has been submitted which contains an appropriate level of information for the outline planning application. It identifies a commitment to model the potential for a CHP powered District Heat Network as part of the scheme, as well as other technologies such as ground and air source heat pumps and solar energy. A condition is recommended in order to secure the proposed measures identified in the Energy Statement.
- 7.38. Based on the above, I consider that the requirements of TP3 and TP4 have been met for a scheme in outline form.

#### Financial Viability and Section 106 Requirements

- 7.39. A Financial Viability Appraisal was submitted in support of the planning application which, has been independently assessed by Lambert Smith Hampton. As previously identified, the site is heavily contaminated and a significant 'clean' of the site is required in order to develop the site for residential purposes. A significant proportion of public funding is also being provided to the site delivery from the West Midlands Combined Authority and Homes England. Initially, the applicant stated that the scheme could not support any financial contributions or affordable housing.
- 7.40. Policy TP31 requires residential developments of 15 dwellings or more to deliver 35% of the proposed units as affordable housing, with a strong presumption in favour of on-site provision.

- 7.41. After significant negotiation, the applicant now offers the following in terms of affordable housing:
- 104 homes equating to an affordable offer of 15% comprising:
    - 9.35% Discount Open Market Value – 80% DOMV (65 homes)
    - 3.75% First Homes - 70% Discount Open Market Value (26 homes)
    - 2% Social Rent (13 homes)
- The applicant also agrees to offer a portion of the site (location and size to be agreed) to be sold to a Registered Provider for the provision of further affordable housing to the equivalent of 5%. However, this would not be secured through a Section 106 Agreement but will be secured via a separate legal agreement due to the funding criteria of Homes England.
- 7.42. In terms of education provision, the proposed development would require a primary school on site however, Education felt that a further new school was not required in this location given the new school to be provided by Bloor Homes on the former North Worcestershire Golf Course site. On this basis, Education agreed that an off-site contribution would be acceptable. Based on the breakdown of unit type in the financial viability appraisal this would require the following off-site financial contribution:
- Nursery £75,212.59
  - Primary £1,934,981.95 and
  - Secondary £1,588,158.54.
  - Total £3,598,353.08.
- However, based on the financial viability of the site, the scheme can only provide an off-site financial contribution of £2.5m towards the provision of school places in the Northfield Constituency. Education have accepted that the sum offered is based on development viability and no increase in this sum can be secured.
- 7.43. 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. Children's play would be provided in the form of toddler play (LAP), toddler and junior play (LEAP) and a toddler, junior and youth play (NEAP) – this could provide a ball court but based on the illustrative masterplan, a ball court is not proposed. No on-site pitches are proposed. However, Cofton Park is within walking distance of the application site.
- 7.44. Local Services have confirmed that the amount of open space proposed on site would meet the requirements of the policy in relation to the number of residential units proposed but they are unsure whether the required play areas can be accommodated. However, as this is an outline application with all matters reserved, I consider the way forward on this issue is to secure the provision by way of a safeguarding condition.
- 7.45. A further £20,000 is offered following a request from Local Services to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure/play elements/cycle route to ensure these are constructed to BCC standards and quality. I consider this necessary, directly related and related in scale to the proposed development and this contribution is recommended below.
- 7.46. 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
- 7.47. 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.

- 7.48. The NPPF gives three dimensions to sustainable development: social, economic and environmental. These should not be assessed in isolation because they are mutually dependant. Assessing the planning balance against these three strands, I consider that the likely **benefits** from the proposals would be:

*Economic*

- Employment generation during construction and subsequent operation
- 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
- Provision of public open space and children's play
- Financial support for provision of school places

*Environmental*

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

- 7.49. 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 education 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.

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

- 7.51. 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 employment development would continue to expand the range of employment opportunities and services available within the Longbridge AAP area in accordance with policy requirements.

- 8.2. 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.

- 8.3. 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 2021/08642/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:

- g) The provision of 15% affordable housing split as 9.35% low cost home ownership at 80% of open market value, 3.75% First Homes at 70% of open market value and 2% social rent in perpetuity with mix to be agreed.
- h) The provision of £2,500,000 for off-site provision of school places through the expansion/upgrade of schools within the Northfield Constituency.
- i) The provision of a minimum of 4.21Ha of Public Open Space (POS) and £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.
- j) A financial review mechanism at each Reserved Matters Submission in order to secure additional affordable housing where possible.
- k) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

- 9.2. A further, separate legal agreement requiring the sale of part of the site to a Registered Provider for the provision of further affordable housing on a site and site area to be agreed. Should a transfer to a Registered Provider not be secured within three years of commencement a financial viability review shall take place to determine whether additional affordable housing shall be provided on site by the developer.

- 1.8. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 18 November 2022, 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 low cost home ownership, 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.
- In the absence of a legal agreement to secure a financial contribution towards the provision of off-site school places, the proposal conflicts with Policy TP36 of the Birmingham Development Plan and the National Planning Policy Framework.
- In the absence of a legal agreement to secure contributions to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route, the proposal conflicts with Policies PG3, TP7, TP9, TP38, TP39 and TP40 of the Birmingham Development Plan and the National Planning Policy Framework.

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

- 1.10. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 18 November 2022, or such later date as may be authorised by officers under delegated powers, planning permission for application 2021/08642/PA be APPROVED, subject to the conditions listed below:-

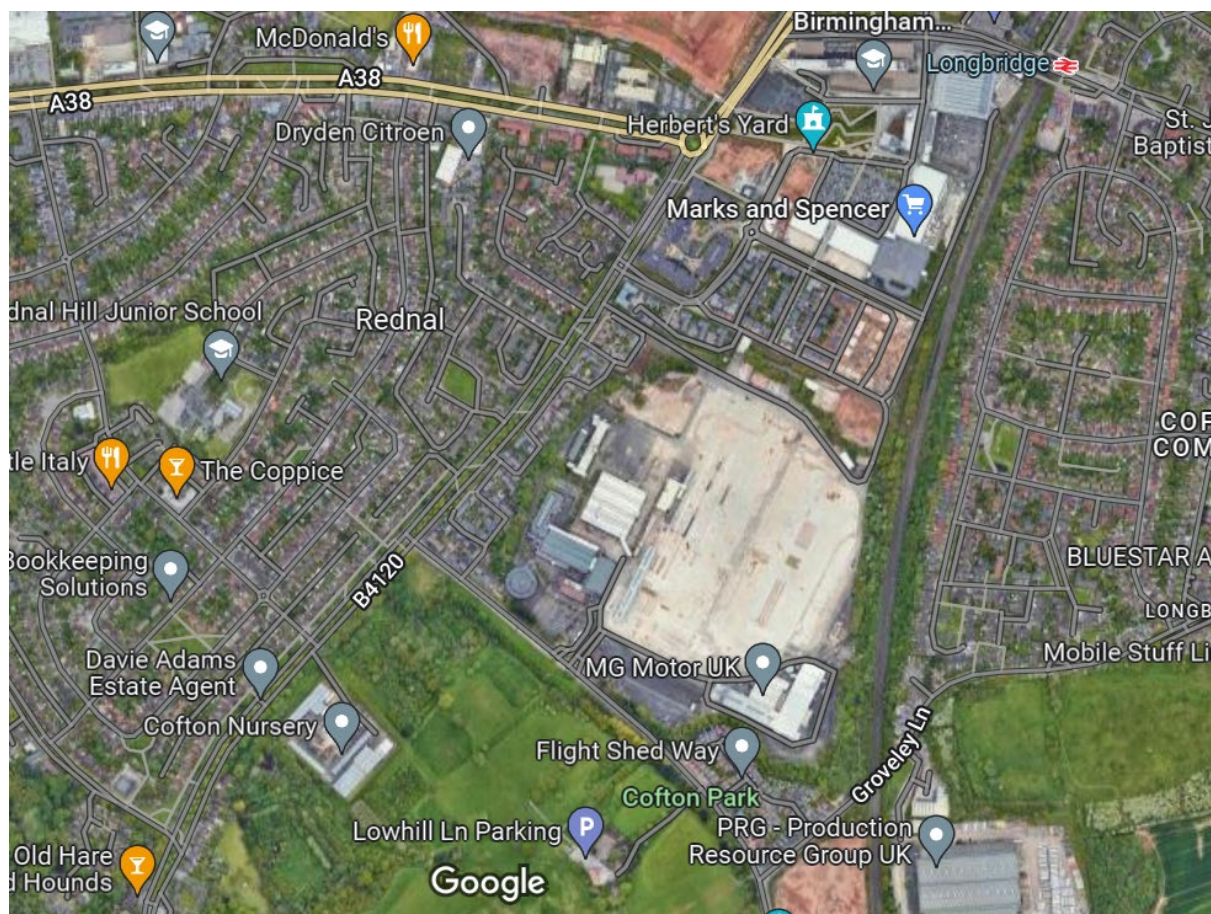
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- 1 Implement within 3 years (outline)
  - 2 Requires the submission of reserved matter details following an outline approval
  - 3 Requires the scheme to be in accordance with the listed approved plans
  - 4 Requires the prior submission of a programme of archaeological work
  - 5 Requires the prior submission of contamination remediation scheme on a phased basis
  - 6 Requires the submission of a contaminated land verification report
  - 7 Requires the prior submission of a sustainable drainage scheme in a phased manner
  - 8 Requires the submission of a Sustainable Drainage Operation and Maintenance Plan
  - 9 Requires the prior submission of a drainage scheme
  - 10 Requires the prior submission of an additional bat survey - WW2 Tunnel entrances and network
  - 11 Requires submission of a construction ecological management plan
  - 12 Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
  - 13 Requires the prior submission of details of bird/bat boxes
  - 14 Requires the prior submission of a habitat/nature conservation management plan
  - 15 Requires the submission of extraction and odour control details on a phased basis
  - 16 Limits the noise levels for Plant and Machinery
  - 17 Secures noise and vibration levels for habitable rooms
  - 18 Requires the submission of details of a communal satellite dish
  - 19 Limits the maximum number of dwellings
  - 20 Requires prior submission of housing mix.
  - 21 Limits the maximum number of storeys
  - 22 Requires the submission of hard and/or soft landscape details
  - 23 Requires the submission of hard surfacing materials
  - 24 Requires the prior submission of earthworks details in a phased manner
  - 25 Requires the submission of boundary treatment details in a phased manner
  - 26 Requires the submission of a landscape management plan
-

- 
- 27 Requires the submission of a lighting scheme in a phased manner
  - 28 Requires the prior submission of a construction method statement/management plan
  - 29 Requires the submission of sample materials in a phased manner
  - 30 Requires the prior submission level details on a phased manner
  - 31 Requires the scheme to be in accordance design and access statement
  - 32 Requires the scheme to be in accordance with the environmental statement
  - 33 Requires the submission of a CCTV scheme
  - 34 Requires the prior submission of a phasing plan
  - 35 Requires the submission of play area details
  - 36 Requires the submission of ramp and step details to/from Dalmuir Road
  - 37 Requires the prior submission of a masterplan
  - 38 Requires the submission of details of refuse storage
  - 39 Minimum quantum of development for Public Open Space and Employment Land
  - 40 Requires the submission of an open space strategy
  - 41 Requires the prior submission of a construction employment plan.
  - 42 Approved Use Classes
  - 43 Removes PD rights for telecom equipment
  - 44 Requires the submission of detailed sustainable construction and energy statements for each phase of development
  - 45 To ensure information on the proposed low/zero carbon energy technology is submitted on a phased basis
  - 46 Requires the submission of pedestrian and cycle route details
  - 47 Prevents occupation until the service road has been constructed
  - 48 Requires the submission of a parking management strategy
  - 49 Requires the submission of details of parking
  - 50 Requires the submission of a residential travel plan
  - 51 Requires the submission of cycle storage details in a phased manner
  - 52 Requires the applicants to sign-up to the Birmingham Connected Business Travel Network
-

- 
- 53 Requires the provision of a vehicle charging point
  - 54 Tree Survey and Arboricultural Implication Assessment Submission Required (Outline Application)
  - 55 Arboricultural Method Statement - Submission Required
  - 56 Requires the implementation of tree protection
  - 57 Requirements within pre-defined tree protection areas
  - 58 Requires the submission of a plan showing the land to be sold to an RP
- 

Case Officer: Pam Brennan

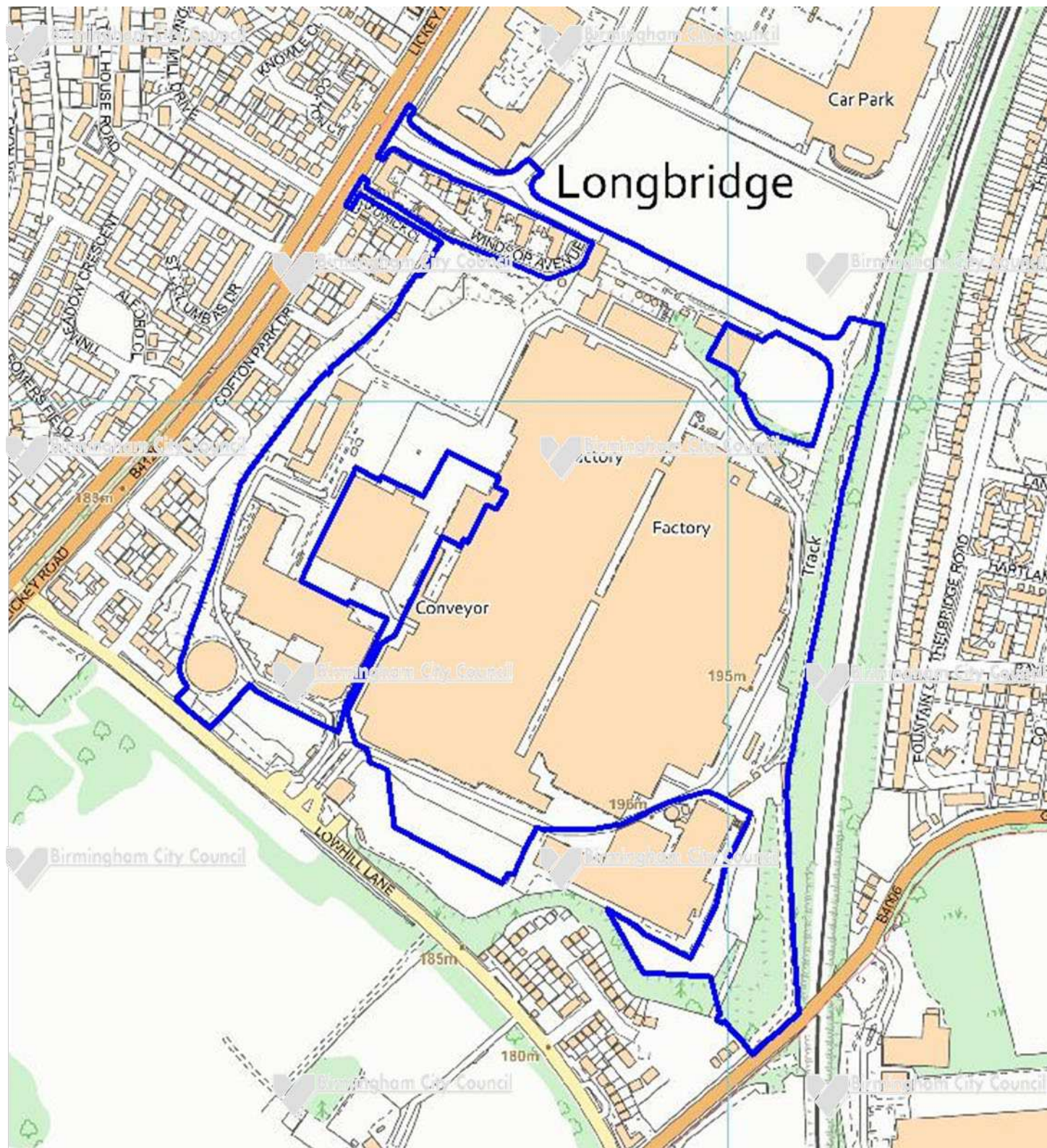
## Photo(s)



Aerial View of Site



## Location Plan



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Committee Date:	27/07/2023	Application Number:	2023/00552/PA
Accepted:	26/01/2023	Application Type:	Full Planning
Target Date:	31/07/2023		
Ward:	King's Norton North		

Veolia Household Waste Recycling Centre and Waste Transfer Station, Ebury Road, Kings Norton, Birmingham, B30 3JJ

Phased demolition of the existing buildings and structures on site and the erection of a replacement household waste recycling centre and waste transfer station along with associated works

Applicant:	Birmingham City Council 6 Margaret Street, Birmingham, B3 3BU
Agent:	Axis PED Ltd Unit 11 Well House Barns, Chester Road, Bretton, Chester, CH4 0DH

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Recommendation

**Approve subject to Conditions**

**1. Proposal:**

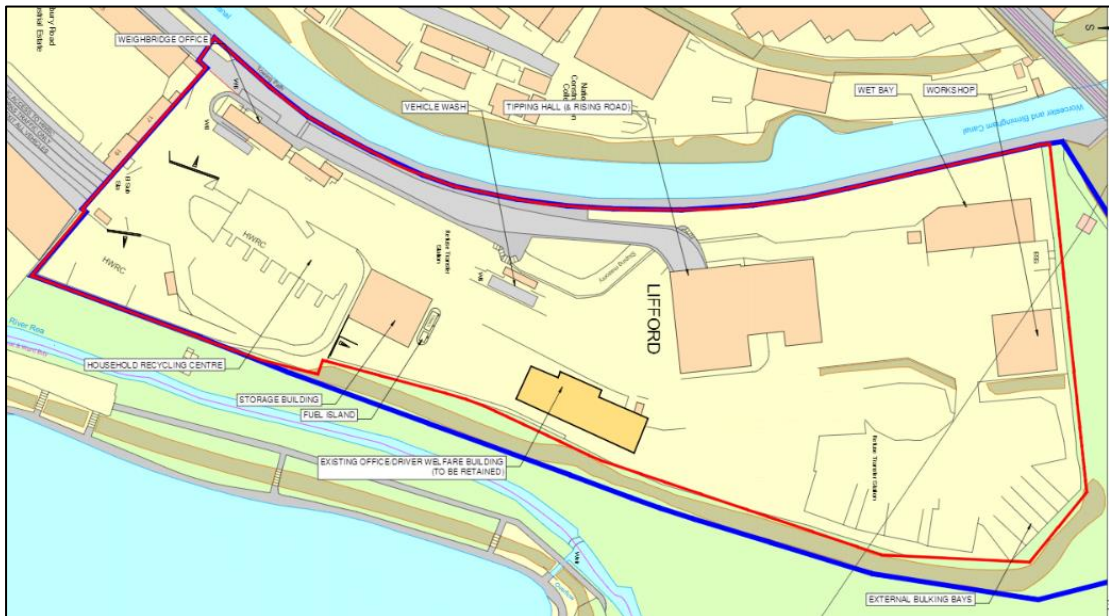
- 1.1 Permission is sought for the phased demolition of the existing buildings and structures on site and the erection of a replacement household waste recycling centre and waste transfer station along with associated works.
- 1.2 The existing facility is operated by Veolia Environmental Services (Veolia) on behalf of Birmingham City Council (the Applicant). Veolia has an integrated waste management contract with Birmingham City Council. Birmingham City Council are responsible for the collection of household waste arising from within the City. Following collection, the waste is managed by Veolia using a variety of techniques at various sites throughout Birmingham.
- 1.3 The application submission states that the purpose of the proposed development is to provide a new, modern HWRC and WTS. The existing facility is now several decades old and the existing buildings are falling into a state of disrepair and in need of replacement. Currently, private vehicles enter the Site from Ebury Road and proceed to access the HWRC. Birmingham City Council Refuse Collection Vehicles (RCVs), along with other waste vehicles, currently use the same entrance as that used by the public but proceed to the weighbridge before entering the Site to access the WTS. Accordingly, all vehicles currently use the same access and egress into and out of the Site. The RCVs collect waste from kerbside collections in the south of Birmingham, which is then deposited at the site. The proposed redevelopment of the site creates the opportunity to improve the layout of the HWRC and design it in a way that enables an increase to the waste capacity of the centre, thereby improving operational efficiency, and allowing residents to get into and out of the HWRC more quickly, as well as improving access arrangements.



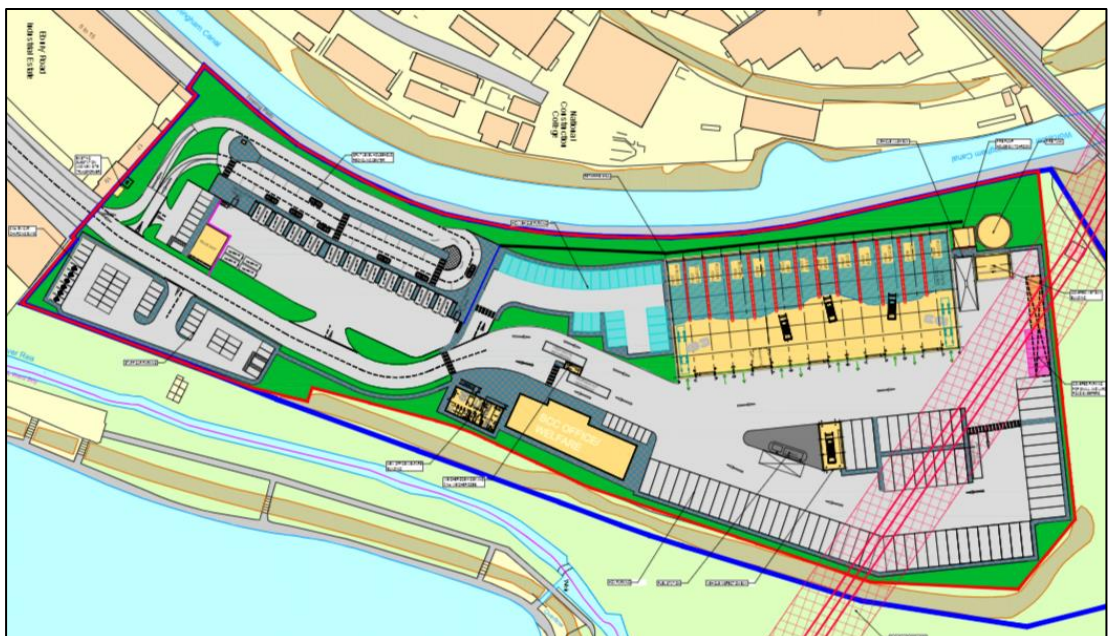
1.4 The redevelopment of the site involves the demolition of the existing WTS building, wet bays, workshop, external bulking bays, vehicle wash, fuel island, storage building, HWRC cabin and weighbridge office. Site strip, removal of existing hardstanding and redundant services as necessary. The new replacement waste management facility would comprise:

- A WTS capable of handling 138,000 tonnes per annum;
- A split level HWRC with 22 bays and approximately 32,000 tonnes per annum capacity, incorporating a reuse shop (1,081 sq. metres in size);
- Small vehicle workshop (126 sq. metres in size);
- Site office / welfare facility (162 sq. metres in size)
- Weighbridge and weighbridge kiosk (15 sq. metres in size); and
- Car and fleet vehicle parking.

1.5 Figure 1: Existing Site Layout Plan



1.6 Figure 2: Proposed Site Layout Plan



1.7 Figure 3: Proposed 3D Site Visual

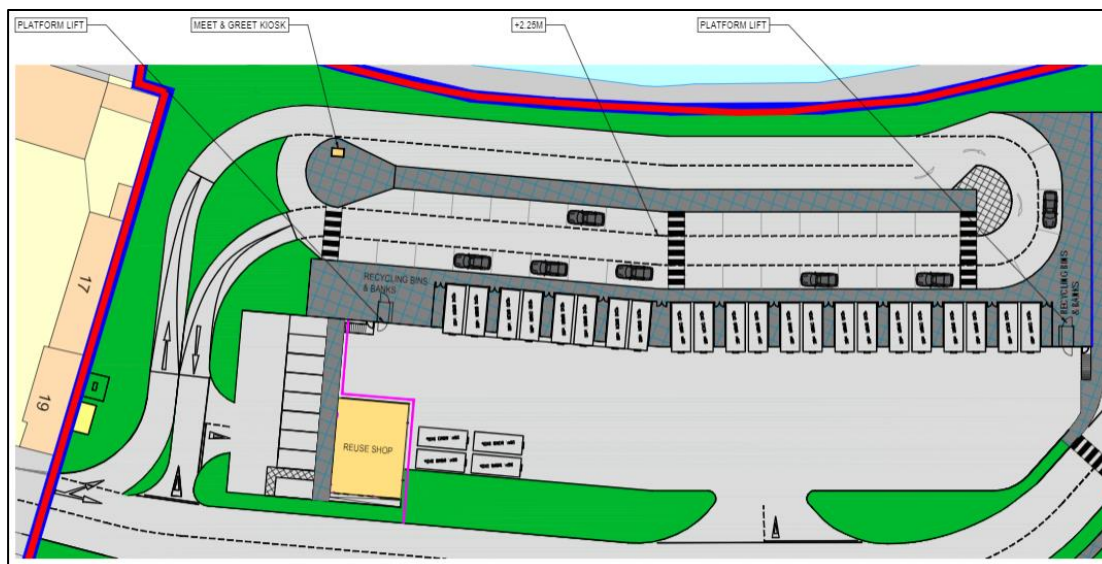


1.8 Figure 4: Proposed 3D Site Visual



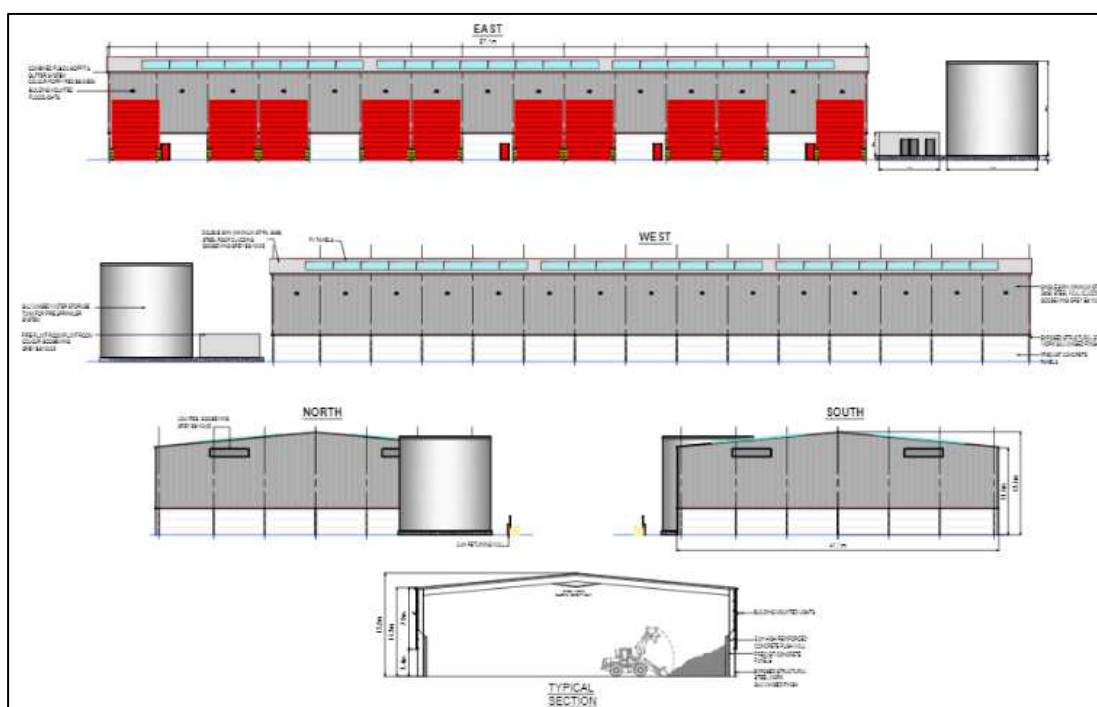
- 1.9 *Household Waste Recycling Centre (HWRC)* – Available to the general public for the depositing of pre-sorted materials suitable for recycling (such as glass, paper, green garden waste), as well as disposing of heavier and bulky goods (such as fridges and TVs). The proposed HWRC would be designed to operate as a split-level facility similar to the existing operation. The new facility would have a capacity of 32,000 tonnes per annum, this allows for growth on existing inputs forecasted by Birmingham City Council. The HWRC would comprise 22 bays for materials. The revised layout of the HWRC would allow for greater queueing capacity off the public highway when compared to the existing situation. Private vehicles would enter the Site and go up a ramp which has greater queueing capacity than the existing facility before parking in one of the marked bays and offloading their waste into appropriate designated roll on / roll off containers. The split-level would provide easy access to open top containers by means of elevated walkways. The full containers would be transported from the site by roll on / roll off trucks to specialist recycling facilities or the onsite WTS facility. Old fridges and freezers brought to the site would be stored until they are transferred to a specialist company for recycling and removal of coolant gases. There would be a small HWRC cabin for the operatives of the HWRC and a Reuse shop (1,081m<sup>2</sup>).

## 1.10 Figure 5: Proposed WRC Layout



- 1.11 **Waste Transfer Station (WTS)** – Would have a handling capacity of approximately 138,000 tonnes per annum. This allows for a 20% increase on top of current inputs to allow for the growth forecasted by Birmingham City Council. The building would be approximately 97m in length, 41m wide and 13.16m high. The WTS would be positioned in the northern part of the site, comprising a modern purpose-built delivery hall building that would ensure greater levels of waste separation. It would also speed up the turnaround times for collection vehicles, reducing the number of Refuse Collection Vehicles (CVs) queuing to access the WTS at any one time. The building would be clad with premium goosewing grey steel sheeting, or other colour as agreed with the Council. Internally 13 bays would be created across 1 delivery hall. 5 bays would be for residual waste, 2 for dry mixed recycling (DMR), 1 for paper, 2 for green, 1 for wood, 1 for mattresses and 1 for carpets. To the north of the WTS would be a vehicle wash bay, wet bay and fire tank / pumphouse.

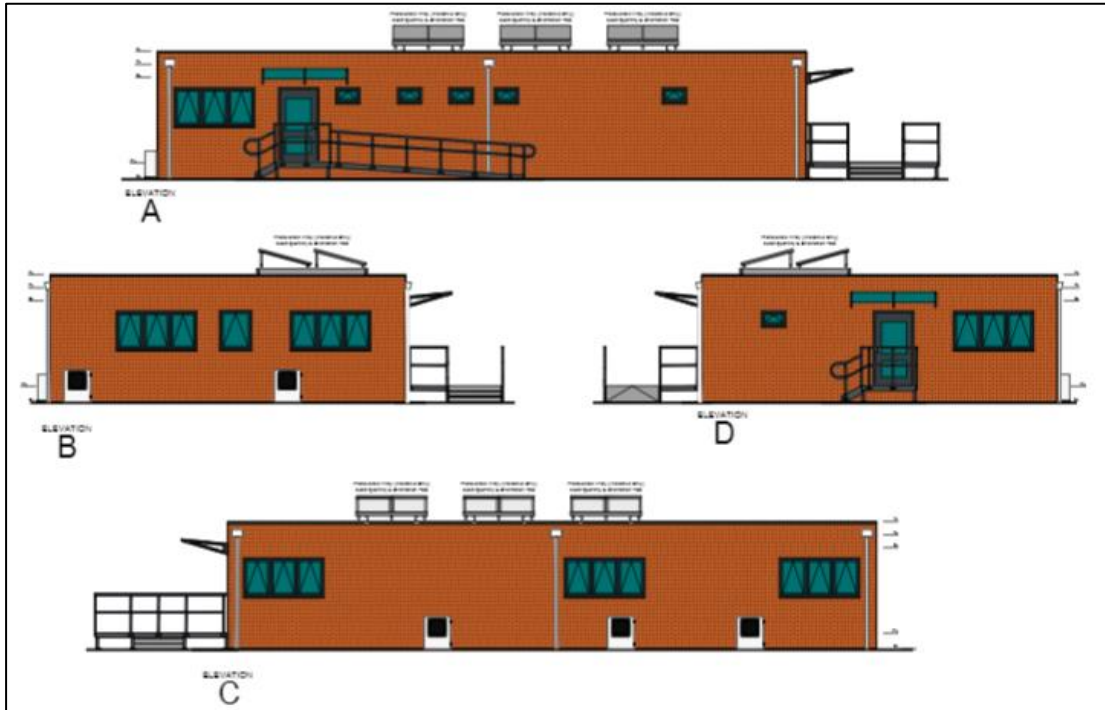
## 1.12 Figure 6: Proposed WTS Elevations





- 1.13 *Office and Welfare* – The proposed development incorporates a dedicated office / welfare block. The main office / welfare facility for Veolia site operatives would be located to the south of the existing BCC Office / Welfare building which would be retained. The facility would be of modular construction. The office building would be approximately 18m in length and 9m in width and 2.6m in height and would have brick-slip cladding and a flat roof. The building would operate as the main welfare facility for Veolia’s site-based operatives who would manage and operate the site.

1.14 Figure 7: Proposed Office / Welfare Building Elevations



- 1.15 *Weighbridge and Weighbridge Kiosk* – The weighbridge kiosk would be located in-between the ‘in’ and ‘out’ weighbridges and would be used by two weighbridge clerks. As with the other proposed structures, it would be of modular construction with brick-slip cladding. The weighbridge kiosk would be approximately 6m in length, 2.4m wide and 2.4m high.
- 1.16 The area within the north-east corner of the site would be used as a depot for the municipal fleet and would provide parking for 69 Heavy Goods Vehicle (HGV) / similar vehicles, including the following collection Vehicles:
- Refuse Collection Vehicles – 66 no. in total
  - Bulker Vehicle – 3 no. in total
- 1.17 Parking would also be provided for the following Street Cleansing Vehicles:
- Street Cleansing Fleet – 30 no. in total
  - Large Mechanical Sweeper Vehicles – 6 no. in total
  - Small Mechanical Sweeper Vehicles – 9 no. in total
- 1.18 The depot parking area would be provided with ducting to enable future installation of electric vehicle charging points. The depot would also have a vehicle wash bay and refuelling facility.
- 1.19 For confirmation, a total of 58 car parking spaces (including three for people with disabilities) are proposed, which would be a net increase in 43 spaces from the existing

total of 15 car parking spaces. Additionally, there is currently zero existing cycle spaces and the proposal would deliver 40 cycle spaces. Existing 69 fleet vehicle parking spaces would be retained. The site operation would employ 16 full time staff, which would be unchanged from the existing facility.

- 1.20 It is proposed that there would be no change to existing hours and days of operation for the household waste recycling centre and waste transfer station. Hours and days of operation for the household waste recycling centre would be 0800 to 2000 Mondays to Fridays and 0800 to 1800 on Saturdays and Sundays (including bank holidays) during the 'summer period' (1<sup>st</sup> March to 31<sup>st</sup> October). Hours and days of operation for the household waste recycling centre would be 0800 to 1800 Mondays to Fridays and 0800 to 1630 on Saturdays and Sundays (including bank holidays) during the 'winter period' (1<sup>st</sup> November to 28/29<sup>th</sup> October). The hours and days of operation for the waste transfer station would be 24 hours a day Mondays to end of Friday and 0530 to 1830 Saturdays to Sundays (including bank holidays). For clarification, both the HWRC and WTS are closed Christmas Day and Bank Holiday.
- 1.21 The site would be developed in phases. To maintain kerbside waste collections the first phase of the development would be to close the HWRC to the public and this would remain closed throughout all phases of the re-development of the site. The phases can be summarised as:-
- Phase 1 - HWRC closed and used as a construction compound. Demolition of Wet Bay and Workshop sheds, construction of new weighbridges and Phase 1 WTS. Provision of temporary parking for 38 RCVs within Ebury Road Industrial Estate car park.
  - Phase 2 - Demolish Tipping Hall, Weighbridge, Kiosks and Welfare Buildings and site clearance and bulk earthworks including piling mats. Construction of HWRC retaining walls and street sweeper parking area and the current HWRC location would be used for temporary HGV parking.
  - Phase 3 – Construction of upper HWRC level, Phase 2 WTS, street cleansing vehicle parking area and new site entrance.
  - Phase 4 – Demolition of external bulking bays and construction of depot and service yard / general hardstanding.
  - Phase 5 – Demolition of existing HWRC. Construction of new HWRC service yard, reuse shop, new access road lanes, depot parking area, and WTS fuel & maintenance bays.
- 1.22 The application submission acknowledges that there would be no access available to the public whilst most of the proposed works are carried out. The estimated timescale for carrying out the entire phased development is 2.5 years. It is anticipated that the HWRC would be inaccessible to the public for a total period of 2 years. Whilst this would avoid the risk of accidents to the public during the demolition and construction of the new facility, it would result in the need for residents who would normally use the site as their local HWRC to visit other facilities across the city during this period. The applicant asserts that the temporary closure would be well advertised, and measures would be put in place at the other four HWRCs in the city to ensure that they can accommodate additional private vehicles that would normally use Kings Norton. The nearest alternative facility would be in Tyseley and an existing Birmingham City Council mobile household recycling service will continue to be available to all residents. The overall period of construction and re-development would be kept to a minimum to minimise inconvenience to residents who typically use the facility.
- 1.23 A screening opinion has determined that the application does not require the submission of an Environmental Impact Assessment (EIA).
- 1.24 The site area measures approximately 4 hectares.

- 1.25 The application is supported by: Planning Statement, Flood Risk and Drainage Assessment, Preliminary Ecological Assessment, Sustainable Construction and Energy Statement, Arboricultural Impact Assessment, Phase 1 Contamination Desk Study, Phase 2 Ground Investigation Report, Construction Environmental Management Plan, Air Quality Assessment, Noise Impact Assessment, Lighting Assessment, Transport Assessment and Travel Plan.

[Link to Documents](#)

## 2. **Site & Surroundings:**

- 2.1 The application site is a household waste recycling centre (HWRC) and waste transfer station (WTS) in Kings Norton. It is located between the Worcester and Birmingham Canal and the River Rea and is accessed from Ebury Road just off Lifford Lane. The site lies between the A435 to the east and the A441 to the west and is centred around the River Rea and canal. Surrounding land uses are residential to the north and east, with industrial uses to the south and west in the form of the Kings Norton Business Park, which is a designated Core Employment Area.

- 2.2 Figure 8: Site Context



- 2.3 The site is currently occupied by several buildings which form part of Birmingham City Council's waste management facilities. The existing buildings on site include:
- Weighbridge Office;
  - Storage Building;
  - BCC Welfare and Office Building;
  - Waste Transfer Station;
  - Workshop;
  - External Bulking Bays;
  - Wet Bays;
  - Household Waste Recycling Centre and Cabin.

- 2.4 The overall site area measures approximately 4 hectares and is broadly rectangular in shape. There is a significant level change over the site with a drop from west to east; the site is also elevated in relation to the adjacent canal. The majority of the application site falls within Flood Zone 1 and is generally at low risk of fluvial flooding and surface water flooding although a small area is situated within Flood Zone 3 so at high risk of flooding. Additionally, proximity to the River Rea, which takes a north-south route directly adjacent the eastern boundary of the site, means that surrounding land falls within Flood Zone 2 so is at moderate risk to flooding.
- 2.5 The application site is not located within a designated conservation area. It does not contain any listed buildings although approximately 150 metres south of the site along Lifford Lane is the Grade II listed Lifford Hall. Abutting the entire eastern boundary of the application site is a section of the designated River Rea Wildlife Corridor and the Lifford Reservoir Site of Importance for Nature Conservation (SINC).
- 2.6 The proposed development is located in a Community Infrastructure Levy (CIL) Residential High Value Area but this type of proposed development is not CIL liable.

#### [Site Location Map](#)

### **3. Planning History:**

- 3.1 27/09/2017 – 2017/05715/PA – Variation of condition 1 (access and egress), 2 (access gates), 4 (hours of use to 6am - 8pm Monday to Friday and from 6am on Saturdays), 5 (skip storage areas), 6 (no outside storage) and 7 (approved plans) attached to planning permission 2010/02828/PA – Approved subject to conditions.
- 3.2 03/04/2017 – 2016/08278/PA – Demolition of existing Ablutions and Canteen Blocks, erection of two storey office building, installation of remote weighbridge, installation of new traffic management system and creation of new parking areas – Approved subject to conditions.
- 3.3 04/12/2017 – 2012/06325/PA – Removal of Condition 1 (vehicular access) and Condition 2 (replacing gates with fencing) attached to planning application 2010/02828/PA for change of use of entire site to waste transfer site, erection of two storey building for storage/sorting areas and ancillary offices, increase of skips from 30 to 500 and associated site works. – Refused.
- 3.4 22/10/2010 – 2010/02828/PA – Change of use of entire site to waste transfer site, erection of two storey building for storage/sorting areas and ancillary offices, increase of skips from 30 to 500 and associated site works. – Approved subject to conditions.
- 3.5 07/08/2009 – 2009/00361/PA – Erection of 3 storey building to be used as a B1(a) office, provision of parking and sub-station. – Refused.
- 3.6 14/07/2005 – 2005/01137/PA – Change of use to paintball and quad bike centre and waste transfer site including erection of storage building. – Approved subject to conditions.
- 3.7 30/03/2004 – 2004/00356/PA – Creation of car parking area and erection of 2m high fencing. – Refused.
- 3.8 13/02/2003 – 2002/03367/PA – Change of use to form waste transfer centre, demolition of existing store, boiler room and outbuilding, siting of portacabin for use as offices and associated works – Approved subject to conditions.

#### **4. Consultation Responses:**

- 4.1 BCC Conservation Team – No objections.
- 4.2 BCC City Design – Support subject to material samples condition.
- 4.3 BCC Ecology – No objection subject to condition requiring implementation of recommendations contained in submitted Ecological Assessment.
- 4.4 BCC Employment Access Team – No objection.
- 4.5 BCC Landscape Officer – No objections subject to conditions in respect of hard and soft landscaping details, earthwork details, boundary treatment details, levels details and landscape management plan.
- 4.6 BCC Planning & Strategic Growth – No objections.
- 4.7 BCC Regulatory Services – No objections subject to conditions for limits of operating hours, noise mitigation operational controls, construction and demolition hours restrictions, demolition management plan, construction management plan, noise levels for plant and machinery, contamination remediation scheme, contaminated land verification report, noise mitigation and management scheme, odour mitigation and management scheme and electric vehicle charging points.
- 4.8 BCC Transportation Development – No objection subject to conditions in respect to construction traffic management plan for each phase of development, travel plan, provision of booking system for HWRC facility, electric vehicle charging points and secure and sheltered cycle storage.
- 4.9 BCC Tree Officer – No objections subject to conditions requiring Arboricultural Method Statement and Root Protection Plan.
- 4.10 Birmingham Civic Society – Support because “This application will provide much needed and enhanced services for waste disposal and recycling in the south of the city.”
- 4.11 Canal & Rivers Trust – No objection but recommend conditions requiring demolition and construction management statements, boundary treatment details, as well a implementation of the recommendations of the submitted Ecological and Lighting Assessments.
- 4.12 Environment Agency – No objection subject to land contamination condition.
- 4.13 Health & Safety Executive – No objection.
- 4.14 Historic England – No comments.
- 4.15 LLFA – No objections subject to conditions.
- 4.16 National Highways – No comments.
- 4.17 Network Rail – No objections.
- 4.18 Severn Trent Water Ltd – No objection subject to pre-commencement condition for drainage plans for the disposal of foul and surface water flows.



- 4.19 WM Fire Service – No objections as fire hydrants would be installed and the works carried out in accordance with Building Regulations.
- 4.20 West Midlands Police Service – No objections subject to condition for CCTV scheme.

**5. Third Party Responses:**

- 5.1 The application has been publicised by a site and press notice. Adjoining neighbours, MP. and Ward Councillors consulted. 2 no. responses in objection of the application from local residents. To summarise, the given reasons for objection are as follows:
- Do not allow the closure of the site to the public.
  - Local business operating within this site objected due to lack of information and dates of planned demolition being conveyed by the applicant.

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

6.1 National Planning Policy Framework (2021):

- Chapter 2: Achieving sustainable development
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

6.2 Birmingham Development Plan (2017):

- PG3: Place-making
- 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
- TP12: Historic environment
- TP13: Sustainable management of the City's waste
- TP14: New and existing waste facilities
- TP15: Location of waste management facilities
- TP19: Core employment areas
- TP20: Protection of employment land
- TP27: Sustainable neighbourhoods
- TP37: Health
- TP38: A sustainable transport network
- TP39: Walking
- TP40: Cycling
- TP41: Public Transport
- TP43: Low emission vehicles
- TP44: Traffic and congestion management

6.3 Development Management in Birmingham DPD (2021):

- DM1: Air quality

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

6.4 Supplementary Planning Documents & Guidance:

- Birmingham Design Guide (2022)
- Birmingham Car Parking Standards SPD (2021)
- National Design Guide (2021)

7. **Planning Considerations:**

7.1 The application has been assessed against the objectives of the policies as set out above. The main matters for consideration are as follows:

- Principle of Development
- Design and Appearance
- Impact upon Heritage Assets
- Neighbouring Amenity
- Sustainable Construction
- Flooding and Drainage
- Noise, Air Quality and Contaminated Land
- Ecology
- Landscaping and Trees
- Highways and Parking Considerations

**Principle of Development**

7.2 The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.

7.3 Section 11 of the NPPF refers to 'Making Effective Use of Land'. Paragraph 124 of the NPPF states that "*Planning policies and decisions should seek to "support development that makes efficient use of land"*" that takes into account a range of criteria including identified need for different types of housing; local market conditions and viability; local infrastructure and services; the prevailing character and setting; as well as the importance of securing well-designed, attractive and healthy places."

7.4 Policy PG3 (Place Making) of the Birmingham Development Plan (BDP) explains that "*All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.*" It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive,

functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.

- 7.5 Policy TP14 (New and existing waste facilities) of the BDP explains that the expansion of existing, or the development of new, waste management facilities will be supported, providing that proposals satisfy the locational criteria set out in Policy TP15 and that opportunities to improve the environmental performance of existing facilities will be explored. Policy TP15 (Location of waste management facilities) of the BDP states that locations considered suitable for developments that involve the management, treatment and processing of waste include sites currently or previously in use as waste management facilities.
- 7.6 The Lifford Lane Household Waste Recycling Centre is located within the designated Kings Norton Core Employment Area. As such, Policy TP19 (Core Employment Sites) of the BDP is relevant. Policy TP19 states that Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period. For this purpose, employment use is defined as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas such as waste management, builders' merchants and machine/tool hire centres. (Please note Use Class B1 has now been removed and replaced by Use Class E(g) within the Town and Country Planning (Use Classes) Order 1987 (as amended). Applications for uses outside these categories will not be supported unless an exceptional justification exists. Measures to improve the operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment will be supported.
- 7.7 Policy TP20 (Protection of Employment Land) explains that employment land and premises are a valuable resource to the Birmingham economy and will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment land requirements of the City across the development plan period.
- 7.8 The application site has an existing lawful use as a waste management facility and this continued use would be compliant with Policies TP14, TP15, TP19 and TP20 of the BDP. As such, I consider that the principle of this proposed development in this location is acceptable.

### **Design and Appearance**

- 7.9 Policy PG3 (Place Making) of the Birmingham Development Plan (BDP) explains that *"All new development will be expected to demonstrate high design quality, contributing to a strong sense of place."* It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 7.10 Policy TP14 (New and existing waste facilities) of the adopted Birmingham Development Plan (BDP) 2017 explains that the expansion of existing, or the development of new, waste management facilities will be supported, providing that proposals satisfy the locational criteria set out in Policy TP15 and that opportunities to improve the environmental performance of existing facilities will be explored. Policy

TP15 (Location of waste management facilities) of the BDP states that locations considered suitable for developments that involve the management, treatment and processing of waste include sites currently or previously in use as waste management facilities.

7.11 Policy DM2 (Amenity) of the Development Management in Birmingham DPD (DMB) states that all development will need to be appropriate to its location and that the council must consider the compatibility of a proposed development with adjacent uses.

7.12 The Council's Urban Design Officer has expressed support for the proposed development. To summarise, the comments are as follows:

- There are no urban design or landscape objections to the proposals in principle, which appear to make more efficient use of the space available on site whilst upgrading facilities and planning for future demand.
- The proposed waste transfer station building would be very much larger in area and volume (although slightly lower in height) than the existing tipping hall. The new WTS would be close to the boundary with the canal where its scale and massing would be perceived by canal boat owners and members of the public using it for recreation so its visual impact would be significant.
- It is recognised that the majority of buildings on site would be utilitarian in their appearance and that this would largely be appropriate.
- The proposed WTS would be industrial in character appropriate to the use
- The HWRC would be a split level facility. At the upper level would be circulation and parking for visitors, with elevated walkways / gantries to deposit waste into the containers below. The yard at lower level would allow the full containers to be easily collected by trucks and taken to the WTS or off site. The key structures would be the access ramp which would rise up to over 2 metres close to the boundary with the canal, and a re-use shop. The ramp would only be a few metres from the boundary to the canal and it is likely that cars would be visible from the towpath. The re-use shop would be a simple brick building, reflecting the historic industrial buildings around the site.
- The office / welfare facility would be a utilitarian single storey brick slip clad structure. Again, brick would be an appropriate material.
- The weighbridge office would have a similar aesthetic to the welfare facility and there are no particular concerns about its appearance.
- The other smaller structures on site (sweeper bay, wet bay, vehicle maintenance / inspection bay and the vehicle wash bay) would all be clad in goosewing grey steel cladding and the wet bay would have precast concrete panels at a lower level. There are no major concerns about these as they are deep into the site and mostly away from public view.

7.13 I concur with the comments made by the Urban Design Officer. The proposed scheme would replace the existing buildings and structures with new buildings and facilities. The design and appearance of the proposed new buildings and site works would fit into this predominantly industrial setting. The main new building, the waste transfer station, would be built to the rear of the site set a distance from the main road, thereby helping reduce its visual impact. No adverse impact would arise with regard to the relative size, positioning and height of the proposed development in relation to nearby buildings or the street scene. Conditions in respect to hard and soft landscaping, earthworks and boundary treatments can be attached to a grant of planning permission to ensure the proposals integrate appropriately with the adjacent River Rea and Worcester & Birmingham Canal in respect to visual impact. Overall, it is considered that the proposed scheme would be a visual improvement to the existing situation with further enhancements added to by the incorporation of landscaping. I therefore raise no adverse issue with regard to the visual impact of the proposed development subject to conditions. My urban design advisor concurs with this view.

## **Impact upon Heritage Assets**

- 7.14 Policy TP12 of the BDP (Historic Environment) states that great weight will be given to the conservation of the City's heritage assets and such features will be valued, protected, enhanced and managed for their contribution to the character, local distinctiveness and sustainability of the City.
- 7.15 There are no statutory listed or locally listed heritage assets within the application site and it is not located within a conservation area. There are heritage assets within the locality of the application site, namely the Grade II listed Lifford Mill and the non-designated Lifford Reservoir.
- 7.16 The Council's Conservation Officer has been consulted on the application and raised no objections commenting that the proposed development will not notably alter the setting of the Grade II listed Lifford Mill or the non-designated Lifford Reservoir. The proposals would not harm their significance.
- 7.17 I share the views of the Conservation Officer and agree that the proposed development would not harm the significance of heritage assets nor their setting.

## **Neighbouring Amenity**

- 7.18 Policy DM2 (Amenity) of the Development Management in Birmingham (DMB) Development Plan Document specifies that development would need to be appropriate to its location and not give way to adverse impacts on the amenity of occupiers and neighbours.
- 7.19 It is a utilitarian site which is relatively self-contained and it is mostly only visible to people deliberately visiting it for work or for household recycling. The Worcester and Birmingham Canal is the exception and there are currently limited views from the towpath, mostly of the security fence above the existing retaining wall. As such, the proposed development is not considered to have an unacceptable impact on neighbouring amenity.

## **Sustainable Construction**

- 7.20 Policy TP3 (Sustainable construction) of the BDP sets out a number of ways in which development should be designed and constructed in order to maximise energy efficiency and the use of low carbon energy; conserve water and reduce flood risk; use appropriate materials; enhance biodiversity value; minimise waste and maximise recycling during construction and operation.
- 7.21 Policy TP4 (Low and zero carbon energy generation) of the BDP 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.
- 7.22 Design Principle 25 (Creating efficient and future-ready buildings) of the Birmingham Design Guide (BDG) explains that *"Allied with the policy requirements of the BDP (TP1 to TP5), where viable and appropriate, the design of development must effectively incorporate measures and infrastructure to help create buildings and spaces that reduce their environmental burden; and the long term financial burden for occupiers. In seeking to achieve this, proposals must demonstrate they have integrated or considered the following within their design process:*
- *Energy efficiency - using technology, design elements and the site's characteristics to create thermally efficient buildings;*



- *Conserving water resources and maximising water efficiency - through water efficient infrastructure, harvesting of rainwater and use of greywater;*
- *Decentralised energy generation - install low-carbon decentralised energy infrastructure appropriate to the site and surroundings where viable;*
- *Flexible and adaptable buildings - create designs and use construction methods that could enable future alterations;*
- *Building re-use and sustainable materials - utilising modular building methods, effectively integrating existing buildings into a scheme and using low carbon materials; and*
- *Climate change adaption - ensure landscapes, materials, façade treatments and infrastructure are appropriate to existing and future climate."*

7.23 The application submission has been accompanied by a Sustainable Construction and Energy Statement. This broadly addresses all of the criteria listed under policy TP3 and can therefore be considered in accordance with that policy. In regard to policy TP4 the statement briefly considers the use Combined Heat and Power and wind energy generation before giving valid reasons for discounting these and then opting for photovoltaic panels on the roofs of each building.

7.24 Based on the above, I am satisfied that the requirements of Policies TP3 and TP4 of the BDP have been met. The proposed development would incorporate a number energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development.

### **Flooding and Drainage**

7.25 Proposals must demonstrate that the disposal of surface water does not increase flooding elsewhere. Surface water should also be managed in accordance with the drainage hierarchy set out within Policy TP6.

7.26 The application has been accompanied by a Flood Risk and Drainage Assessment. The proposed site is predominantly located within Flood Zone 1 area and is generally at low risk of fluvial flooding and surface water flooding although a small area is situated within Flood Zone 3 so at high risk of flooding. Additionally, proximity to the River Rea, which takes a north-south route directly adjacent the eastern boundary of the site, means that surrounding land falls within Flood Zone 2 so is at moderate risk to flooding.

7.27 The sequential test approach has been applied within the site by locating the most vulnerable elements of the development in the lowest risk areas. The small area of the site within Flood Zone 3 will be used as landscaped area and for car parking. The operational area of the site will be located within Flood Zone 1.

7.28 A SuDS strategy, forming part of the Flood Risk and Drainage Assessment, explains that surface water runoff rates will be restricted and reduced by 40% compared to the existing situation before discharge off the site to the River Rea. Furthermore, an underground crate system attenuation tank will be installed at the site to deliver surface water attenuation storage. Additional storage would be provided within the manholes, pipes and drainage gullies which will provide betterment over and above the 1 in a 100 year (+40%) flooding event.

7.29 For purposes of flood resilience and resistance all buildings / structures will be constructed from hard wearing materials and will be sealed against water ingress. All electrical wiring, switches, sockets, socket outlets, electrical, and gas meters etc. will be located a minimum of 450 mm above the finished floor level.

- 7.30 The Environment Agency have commented on the application and raised no objections subject to the attachment of conditions to any grant of planning permission for further groundwater and contaminated land investigations to be carried out prior to any works commencing on site.
- 7.31 Severn Trent Water Ltd have been consulted on this application and raised no objections subject to pre-commencement condition for drainage plans for the disposal of foul and surface water flows.
- 7.32 The Lead Local Flood Authority (LLFA) raise no objection to the proposed development on drainage grounds as submitted subject to conditions that would require the prior submission of a sustainable drainage scheme and the submission of a Sustainable Drainage Operation and Maintenance Plan. I concur with this view. It is considered that the potential scope exists, subject to satisfactory compliance with the requirements of the LLFA, to address matters related to drainage of the site in conjunction with Severn Trent (where deemed necessary).

### **Noise, Air Quality and Land Contamination**

- 7.33 Policy DM2 (Amenity) of the Development Management in Birmingham DPD (DMB) expresses that all development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours.
- 7.34 Policy DM3 (Land affected by contamination, instability and hazardous substances) of the DMB states that proposals for new development will need to ensure that risks associated with land contamination and instability are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and the environment within the development and the surrounding area and/or groundwater.
- 7.35 Policy DM6 (Noise and vibration) of the DMB asserts that development should be designed, managed and operated to reduce exposure to noise and vibration.
- 7.36 The Environment Agency have commented on the application and raised no objections subject to the attachment of conditions to any grant of planning permission for further groundwater and contaminated land investigations to be carried out prior to any works commencing on site.
- 7.37 BCC Regulatory Services reviewed the application raised no objections subject to conditions. The Regulatory Services comments are summarised as follows:
- 7.38 *Contaminated land* – A Phase 1 Contamination Report and Phase 2 Intrusive Site Investigation Report have been submitted as part of this application. Regulatory Services accept the conclusions and recommendations of these reports and consider them to effectively characterise the site. Regulatory Services are content that the site can be suitably remediated and recommend conditions be attached to any grant of planning permission requiring the submission of a contamination remediation scheme and contaminated land verification report.
- 7.39 *Air Quality* – The application is supported by an Air Quality Assessment. The odour assessment predicts negligible adverse effects of odours arising from the Household Waste Recycling Centre (HWRC) and Waste Transfer Station (WTS) based on mitigation reliant on good management and best practice. Regulatory Services accept that dust and odour matters can be managed and mitigated through the operational controls of the environmental permit. Regulatory Services have also expressed certainty that the upgraded facility will provide a substantial improvement in vehicle

traffic flow through the site and should reduce the significant queueing that has historically been a feature of this along with many other household waste sites. Based on this assessment Regulatory Services are content that in the context of this location the site will not create any significant worsening of air quality. Indeed NO2 concentrations at all receptors are predicted to decrease as a result of on-going improvements in vehicle exhaust emissions and background concentrations and therefore Regulatory Services are satisfied that air quality impacts can be mitigated via conditions attached to any grant of planning permission.

- 7.40 *Noise* – A Noise Assessment accompanies the planning application submission and concludes that the predicted noise levels from the HWRC and WTS compared with the existing facility shows that noise levels would be reduced (i.e. an improvement in noise levels would occur) and that the site can be redeveloped and operated in accordance with the relevant standards for noise. Regulatory Services have carried out their own assessment of the possible adverse impacts and the findings agree with the submitted Noise Assessment, namely, that the noise impacts would be low and any potential increases in traffic would have a negligible impact in terms of noise.. As such, Regulatory Services accept the methodology, findings and mitigation recommendations of the Noise Assessment. Regulatory Services recommend conditions be attached to any grant of planning permission in respect to carrying out the works in accordance with the submitted noise impact mitigation scheme, demolition/construction plan for hours and controls and plant and equipment limits.
- 7.41 Regulatory Services have commented that they have no objection to this development and indeed accept the submission that the revised site will be a significant improvement based on in comparison to the existing operations. Regulatory Services acknowledge that the council have previously had noise complaints relating to waste transfer operations at night-time from this location and also a number of complaints about odour which were likely to be linked to household green waste during the summer period. Regulatory Services are confident that the proposed redevelopment would lead to a significant improvement in local environmental amenity.
- 7.42 In summary, I consider the applicant has provided satisfactory information at this stage in relation to the potential environmental impact of the proposal to allow for more detailed matters in relation to such impacts to be conditioned.

### **Ecology**

- 7.43 Policy TP7 (Green infrastructure network) of the Birmingham Development Plan (BDP) reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains. Furthermore, Paragraph 174 of the NPPF requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline whilst Policy TP8 (Biodiversity and Geodiversity) of the BDP requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 7.44 The existing buildings and infrastructure on site are of some age and generally in poor condition. There is some limited landscape but generally this is of fairly low biodiversity value.
- 7.45 The Councils Ecologist has commented on the application and raised no objections citing that ecologically the site has little potential aside from some very limited bird nesting. The Ecologist does recommend that a condition be attached to any grant of planning permission requiring biodiversity / ecological enhancement measures be incorporated into the final development in accordance with the findings and recommendations of the submitted Preliminary Ecological Assessment.

- 7.46 I concur with the Councils Ecologist and am in general agreement with the findings of the submitted ecological assessment. The application site will be used by nesting birds (mainly corvids, pigeons and smaller birds such as sparrow). The existing trees have some benefit but this is limited too. While the site is fully developed and of limited value for terrestrial mammals I have no doubt that Foxes may well visit the site to scavenge through household waste – during the demolition and rebuild process incursions on to the site may increase if there is less regular disturbance.
- 7.47 Issues such as nesting birds and possible entrapment of mammals in excavations will need to be considered therefore a Construction Environmental Management Plan that covers both the demolition and the rebuild should be drawn up and supplied for approval.
- 7.48 There will need to be some replacement bird nesting features, these can be incorporated in to the new build on suitable facades. Therefore this can be included in an Ecological Enhancement strategy.

### **Landscaping and Trees**

- 7.49 Policy PG3 (Place making) of the Birmingham Development Plan (BDP) asserts that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place whilst new development should respond to site conditions and the local area context along with ensuring that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long-term.
- 7.50 Policy TP7 (Green infrastructure network) of the Birmingham Development Plan (BDP) reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.
- 7.51 Policy DM4 (Landscaping and trees) of the Development Management in Birmingham DPD (DMB) states that development proposals must seek to avoid the loss of, and minimise the harm to, existing trees of quality.
- 7.52 The Councils Tree Officer has raised no objections to the proposed development and commented that arboriculturally the site holds few trees and none of these are of particular quality. A number of existing trees would be removed but these would be suitably replaced if the landscaping proposals submitted as part of the application are delivered. A few trees are to be retained but a condition attached to a grant of planning permission in respect to the submission of an arboricultural method statement and root protection plans to be agreed in writing by the council will address this matter.
- 4.21 The Councils Landscape Officer has been consulted on the application and raised no objections subject to conditions. A landscape plan has been submitted as part of the application but the Landscape Officer considers this to be more of a strategy rather than a proposal / plan. However, it does show how the scheme would go about mitigating tree loss, providing additional screening to the canal and maximising areas of green infrastructure within the site. Whilst the scheme lacks detail there are no objections to the general approach shown. As such, the proposal is considered acceptable subject to conditions in respect of hard and soft landscaping details, earthwork details, boundary treatment details, levels details and landscape management plan.

## Highways and Parking Considerations

- 7.53 Policy TP38 of the BDP states that *“The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.”* One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 7.54 Policy DM14 of the Development Management in Birmingham DPD (DMB) states that development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety and must ensure that safe, convenient and appropriate access arrangements are in place for all users.
- 7.55 Policy DM15 (Parking and servicing) of the Development Management in Birmingham DPD (DMB) expects development to promote sustainable travel, reduce congestion, and make efficient use of land through ensuring that the operational needs of the development are met in terms of parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs.
- 7.56 Design Principle 4 (Transport needs of development) of the Birmingham Design Guide (BDG) states that *“Transport needs must be an integral part of every development. Designs should ensure all users can access and utilise a range of transport modes to link with their surroundings and beyond in a safe and sustainable way.”*
- 7.57 The Birmingham Parking SPD identifies the application site as being located within ‘Zone C’ of the city. In Zone C, the car parking standards define ‘typical levels of parking’. The ‘typical levels of parking’ are not a minimum or a maximum requirement. Instead, this guidance is intended to allow the decision-taker flexibility to reduce or increase parking provision depending on factors such as location, car ownership, public transport accessibility, walking and cycling provision catchment, and typical end user.
- 7.58 The Birmingham Parking SPD was adopted in November 2021. It identifies the application site as being located within ‘Zone B’ of the city. In Zone B, the car parking standards define ‘typical levels of parking’. The ‘typical levels of parking’ are not a minimum or a maximum requirement. Instead, this guidance is intended to allow the decision-taker flexibility to reduce or increase parking provision depending on factors such as location, car ownership, public transport accessibility, walking and cycling provision catchment, and typical end user.
- 7.59 The Birmingham Parking SPD suggests that for this land use then the following provision should be delivered:
- Car parking = 1 space per 120 sq. metres.
  - Electric Vehicle Charging = a minimum of 1 no. EVCP plus EVCPs or passive provision for 1 in 5 bays. Also, minimum of 1 no. EVCP for disabled parking.
  - Secure and sheltered bicycle spaces = 1 space per 10 staff and 1 space per 400 sq. metres for visitors.
  - Disabled user parking = 6% of total car parking capacity or 1 space, whichever is greater.
  - Motorcycle spaces = Minimum 1 space or 2% of the total predicted staff and visitors / customers capacity, whichever is greater.

- Other requirements = Appropriate provision for servicing and delivery vehicles.
- 7.60 Transportation Development raise no objections citing that in line with BCC Parking SPD (November 2021) parking for staff/operatives and authorised visitors will include electric vehicles charging points and a secure & sheltered cycle storage facility sufficient to accommodate 40 cycles. The amended site layout has been fully tracked to demonstrate that the largest vehicles required to attend the site are able to do so. It is acknowledged that staff numbers & shift patterns will be unchanged following these works. Lifford Lane, along with all other HWRCs within the city, have been operating an appointment only system since Covid, which has significantly reduced queuing at these facilities. Confirmation was requested of whether it is the intention to continue with this system. A positive response has been received. As with the recent application (2020/05790/PA) at Perry Barr HWRC facility, it is requested a condition is attached.
- 7.61 Transportation Development have recommended any grant of planning permission impose conditions in respect to construction traffic management plan for each phase of development, travel plan, provision of booking system for HWRC facility, electric vehicle charging points and secure and sheltered cycle storage. I am satisfied that these conditions are reasonable and necessary to define any permission and would meet the tests for attaching conditions identified in paragraph 56 of the NPPF.
- 7.62 The proposed development would re-develop a site which has been use as a waste site for many years. It will feature the same uses as the existing site, albeit with greater processing capacity and an improved, rationalised and more efficient layout. The indicated parking capacity, for both cars and service lorries, to be accommodated within the site is therefore considered to be satisfactory. Access arrangements for the site, and routes within and around the facility, are to be improved.
- 7.63 In summary, no adverse parking or highway impact is expected to arise as a result of the development subject to safeguarding conditions.

## **8. Conclusion**

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provision of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 8.2 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.
- 8.3 The proposed development accords with a number of Development Plan Policies, in particular Policies TP14 and TP15 of the adopted Birmingham Development Plan 2017, which support the improvement and expansion of existing waste management facilities. The proposed development will significantly upgrade the existing Lifford Lane Household Waste Recycling Centre and Waste Treatment Facility making a positive contribution towards meeting the future growth needs of the city whilst also delivering notable improvements for local residents in terms of air quality, noise and highway / access improvements. Furthermore, the proposed development would make a visual improvement to the existing situation and is considered an acceptable development subject to safeguarding conditions in respect to flood risk and drainage, ecology, landscaping and trees, land contamination, as well as neighbouring amenity.



- 8.4 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application would accord with the development plan taken as a whole and it is therefore recommended that planning permission be granted subject to safeguarding conditions.

## **9. Recommendation**

- 9.1 Planning permission be granted subject to the conditions listed below.

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|----|---|
| 1  | Implement within 3 years (Full)   |
| 2  | Requires the scheme to be in accordance with the listed approved plans  |
| 3  | Requires the submission of sample materials   |
| 4  | Requires the prior submission of a drainage plans   |
| 5  | Limits the hours of operation for Household Waste Recycling Facility shall only operate between the hours of 08:00 - 20:00 Mondays to Fridays and 08:00 - 18:00 Saturdays and Sundays |
| 6  | Limits the hours of operation for Waste Transfer Station shall only operate between the hours of 00:00 - 23:59 Mondays to Fridays and 05:30 - 18:30 Saturdays and Sundays             |
| 7  | Noise Mitigation - Operational Controls   |
| 8  | Requires the prior submission of a contamination remediation scheme   |
| 9  | Requires the submission of a contaminated land verification report  |
| 10 | Requires previously unidentified contamination to be addressed.   |
| 11 | Limits the noise levels for Plant and Machinery   |
| 12 | Noise Mitigation and Management Scheme  |
| 13 | Odour Mitigation and Management Scheme  |
| 14 | Construction and Demolition Hours   |
| 15 | Requires the prior submission of a demolition method statement and management plan  |
| 16 | Requires the prior submission of a construction method statement/management plan  |
| 17 | Prevents storage except in authorised area  |
| 18 | Requires the submission of hard and/or soft landscape details and tree planting   |
| 19 | Requires the prior submission of earthworks details   |
| 20 | Requires the submission of boundary treatment details   |
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| 21 | Requires the submission of a landscape management plan                               |
| 22 | Requires the prior submission of level details                                       |
| 23 | Arboricultural Method Statement - Submission Required                                |
| 24 | Requires the submission of a Construction Ecological Management Plan.                |
| 25 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 26 | Requires the submission of a lighting scheme   |
| 27 | Requires the parking area to be laid out prior to use                                |
| 28 | Requires the submission of a commercial travel plan                                  |
| 29 | Requires the submission of a Construction traffic management plan                    |
| 30 | Requires the provision of a booking system for HWRC facility                         |
| 31 | Requires the submission of entry and exit sign details                               |
| 32 | Requires the submission of cycle storage details                                     |
| 33 | Requires details of electric charging points.  |
- 

Case Officer:        Richard Bergmann

## Photo(s)



Figure 9: Overview image of application site and its surroundings



Figure 10: View of entrance area to the facility with Weighbridge Office and HWRC to left of image.



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**27 July 2023**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2023/02557/PA  191 Willow Avenue Edgbaston Birmingham B17 8HJ  Change of use from 5 bed HMO to 6 bed HMO (Use Class C4) and erection of a single storey rear extension and rear dormer.



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Committee Date:	27/07/2023	Application Number:	2023/02557/PA
Accepted:	19/04/2023	Application Type:	Full Planning
Target Date:	28/07/2023		
Ward:	North Edgbaston		

191 Willow Avenue, Edgbaston, Birmingham, B17 8HJ

Change of use from 5 bed HMO to 6 bed HMO (Use Class C4) and erection of a single storey rear extension and rear dormer.

Applicant:	GeminiPI Ltd 97 Cole Valley Road, Hall Green, Birmingham, B28 0DE
Agent:	Fox Architects Ltd 23 Roscoe Street, Liverpool, L1 2SX

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#### Recommendation

#### **Approve subject to Conditions**

#### 1. **Proposal:**

- 1.1 The applicant proposes the change of use of the existing property from a 5 bed HMO to a 6 bed HMO, in addition to a rear single storey extension and a rear dormer window.
- 1.2 The additional bedroom for the HMO would be situated within the loft space and would measure 14.6sqm and would have an adjoining bathroom.
- 1.3 Internal alterations of the existing rooms would be carried out, to allow for the introduction of ensembles, alongside the relocation/enlarging of the kitchen and living room.
- 1.4 The proposed rear single storey extension would be used as an extended living room and would have a total space of 17.4sqm. The extension would measure 6.3m (L) x 4m (W) x 3m (H) and feature a mono-pitch roof with lanterns. The side of the existing rear wing would be increased by 0.5m in width and would have a pitched roof.
- 1.5 The dormer window would measure 3m (H) x 8m (L) x 1.5m (D). The dormer would sit below the existing roof ridge line.
- 1.6 Matching materials to the original building would be used for the construction of the extension and dormer window.
- 1.7 [Link to Documents](#)



## 2. **Site & Surroundings:**

- 2.1. The application site is an existing 5-bedroom HMO. The application site comprises of a two-storey terraced dwelling house with a two storey forward bay window and front gable feature. The application property sits back from the street behind a tarmacked driveway. The application property is located on Willow Avenue (an unclassified side road) consisting primarily of traditional Victorian and Edwardian terraced properties, most of which have tarmacked or block-paved driveways. There is a hedge and a brick wall separating the applicants' front driveway from the adjoining property at number 189 Willow Avenue. There is no boundary treatment separating the applicants' front driveway from the adjoining property at number 193 Willow Avenue.

## 2.2. **Site Location**

## 3 **Planning History:**

- 3.1 16/9/2020 - 2020/04472/PA - Change of use from 5 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis) and erection of a single storey rear extension and rear dormer – Approved Subject to Conditions.

## 4 **Consultation Responses:**

- 4.1 Transportation Development have raised no objection, subject to the installation of a secure and covered cycle storage facility being provided on site, at an appropriate location.
- 4.2 Regulatory Services have raised no objections.
- 4.3 West Midlands Police have raised no objection and have made to the security related recommendations.

## 5. **Third Party Responses:**

- 5.1 Neighbouring properties, Residents Associations, Neighbourhood Forums, Community Groups and Local Councillors and MPs were consulted. 7no. objections were received.
- 5.2 Councillor Marcus Bernasconi has also raised an objection, raising the following areas of concern:
- Increase in fly tipping;
  - Increase in anti-social behaviour;
  - Traffic and parking concerns; and
  - Increased number of HMO's within the area.
- 5.3 Councillor Sharon Thompson has also submitted a petition signed by 19 people against the proposal.
- 5.4 The 7no. objections received relate to:
- An increased demand for parking;
  - The saturation of HMO's;
  - Rear extension will overlook neighbours;
  - Drainage to property already an issue with drainage on that side of the road;
  - Ensure the appropriate and correct planning regulations are followed;
  - Ensuring Local impact is taken into consideration;

- Ensuring all HMO and private sector landlords comply with the Selective Licencing and Additional Licence which will be enforceable in North Edgbaston from 23rd June 2023;
- An increase in anti-social behaviour; and
- An increase in noise and litter.

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

### 6.1 National Planning Policy Framework

### 6.2 Birmingham Development Plan 2017:

- PG3 – Place making
- TP27 – Sustainable neighbourhoods

### 6.3 Development Management DPD:

- DM2 – Amenity
- DM11 – Houses in Multiple Occupation

### 6.4 Supplementary Planning Documents & Guidance:

- Birmingham Design Guide (2022).
- Houses In Multiple Occupation SPD (2022).
- Birmingham Parking SPD (2021).
- City Wide Article 4 Direction 2020.
- HEDNA.

## 7. **Planning Considerations:**

- 7.1 The proposed development has been assessed against the objectives of the above planning policies. The key considerations are the principle of development, quality of living environment proposed, impact on neighbouring occupiers and impact on highway network.

### Principle of Development

- 7.2 The application site has an established use as a 5-bed HMO (Use Class C4). The property was converted to an HMO before the introduction of the Article 4 Direction. This has been confirmed with the applicant and also with the site's history in addition to being on the Council's HMO mapping data. As such, given this established use which would be continued as a result of the proposals, the principle of this application is acceptable.

- 7.3. It should further be noted that the development would not result in the loss of any existing family dwellings given the application site is already in use as an HMO and has been for a number of years.

- 7.4. Although this is not an application for a new HMO, a review of the Council's GIS Live Mapping data for HMOs within a 100m radius of the application site, out of 60 dwellings, 2 are HMOs and 1 supported accommodation resulting in an overall percentage of 5%.

### Visual Amenity

- 7.5. The proposed extension would be single storey to the rear, the size, scale and mass of the extension is considered acceptable and subordinate to the main dwelling. The extension would not be overbearing nor overly dominant in comparison to the main building and would be constructed from similar materials. The extension would be

similar to others in the locality including no. 193 Willow Avenue.

- 7.6. The proposed dormer window would be set below the original ridge height of the application dwelling allowing this to appear subordinate in scale to the host building. It should also be noted there are similar examples within the existing block of terraces, and as such the dormer is considered to be acceptable. Furthermore, the application site has existing consent for the change of use from a 5-bed HMO to a 7-bed HMO with rear and loft extensions. The rear extension and dormer window are on par with the previous approvals with the only changes being the length of the rear extension (an increase of 3.1m in length).
- 7.7. A small cycle store is proposed within the rear of the site, considered acceptable.

#### Residential Amenity

- 7.8. The proposed new bedroom would measure 14.62sqm which would exceed the minimum size within the NDSS. The proposed extension would also increase the communal area from the existing 25sqm to 40sqm to accommodate 6no. of individuals occupying the property.
- 7.9. The existing 5 bedrooms would undergo alterations through internal changes, which would involve the installation of ensuite bathrooms. The size of the existing rooms would remain above the minimum requirement in line with the NDSS. Furthermore, the extension would extend the amount of communal space on the ground floor, facilitating a combined kitchen/dining room and living area capable of accommodating up to 6 individuals, as specified as the proposed occupancy. Therefore, it is deemed that the proposed internal arrangement would adhere to Policy DM11 and would provide a satisfactory standard of living for the residents.
- 7.10. Regarding the external amenity, City Note LW-13 of the Birmingham Design Guide specifies a provision of 10square-meters per resident for C2 and HMO (House in Multiple Occupation) purposes. In this particular case, considering the 6 bedrooms, the minimum requirement would be 60 square meters, assuming a single-person occupancy per bedroom. As a result, the provided external amenity space would be deemed acceptable.
- 7.11. The proposed extension would infringe upon the 45-degree code with the neighbouring windows of no.189 however this would only be by 0.3m, and the distance from the window to the breach would be 4.1m. It is considered that this very minor breach from the rear extension would not cause sufficient harm to no.189 to sustain a reason for refusal.
- 7.12. There would be a breach of the 45-degree code in relation to the rear ground floor window at no.193 Willow Avenue. The extensions would come 0.5m closer to the boundary and would keep the side passageway open and not obstructed. The breach occurs at a distance of 5.5m and is not significantly different to the existing arrangement to support a reason for refusal. Furthermore, the height of the eaves at 2.8m with the mono-pitch roof sloping away, as well as the boundary treatment further mitigates the limited impact. The impact of the proposed extension on the rear wing of no. 193 Willow Avenue would be similar to the existing situation and that approved for the 7-bed HMO.
- 7.13. The rear garden measures 45m which would exceed the minimum distance required per storey and ensures no new overlooking concerns from the proposed dormer window.
- 7.14. Regulatory services have reviewed the proposal and have expressed no objection.



## Highways Safety and Car Parking

- 7.15. Transportation Development have raised no objection. I acknowledge concerns from local residents regarding pressure placed upon on-street car parking, and in this regard, I do not consider the proposed 1no. additional bedroom (1no. occupant) would result in a significant or harmful uplift to traffic volume or parking availability for the application site.
- 7.16. Cycle storage for approximately 7 bicycles has been provided and this is in-line with the minimum standard of 1 cycle space per residential unit.

## Crime and Safety

- 7.17. West Midlands police have assessed the proposal and raised no objection. West Midlands Police have recommended security specifications, these have been forwarded on to the applicant.

## 8. **Conclusion**

- 8.1 Given the above assessment, I consider that the proposal to increase the size of this existing HMO from a 5-bed HMO to 6-bed HMO, together with the proposed extensions, would be acceptable and policy compliant subject to the below recommended safeguarding conditions.

## 9 **Recommendation:**

Approval 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 cycle storage details                       |
| 4 | Limits the number of residents to 6 people                             |
| 5 | Requires the submission of sample materials                            |
- 

Case Officer:            Hamzah Rehman

**Photo(s)**



## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**27 July 2023**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	10	2023/00970/PA  Part of Levels 5 and 6 of Jewellery Quarter Multi Storey Car Park 103 -104 Vyse Street Birmingham B18 6LP  Change of use of part of levels 5 and 6 of the Jewellery Quarter Multi Storey Car Park to provide an urban farm and community garden together with the erection of associated buildings and structures including glasshouses, biodiversity centre and three vertical wind turbines.

---

Committee Date:	27/07/2023	Application Number:	2023/00970/PA
Accepted:	06/03/2023	Application Type:	Full Planning
Target Date:	28/07/2023		
Ward:	Soho & Jewellery Quarter		

Part of Levels 5 and 6 of Jewellery Quarter Multi Storey Car Park, 103 - 104 Vyse Street, Birmingham, B18 6LP

Change of use of part of levels 5 and 6 of the Jewellery Quarter Multi Storey Car Park to provide an urban farm and community garden together with the erection of associated buildings and structures including glasshouses, biodiversity centre and three vertical wind turbines.

Applicant: Slow Food UK  
c/o Agent  
Agent: Urban Design Hub  
Suite 2A Blackthorn House, St Paul's Square, Birmingham, B3 1RL

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Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. The development proposes the installation of an urban farm and community garden and event space in the area occupying parts of Levels 5 & 6 of the Jewellery Quarter Multi Storey Car Park (MSCP).
- 1.2. It would entail the partial change of use of the area occupying the northern end of Levels 5 & 6 to an urban farm and community garden and in doing so it would also provide a Biodiversity Centre and raised beds which would be the public facing part of the project. The following is proposed:
- glasshouses for vertical growing systems;
  - buildings for a modern mushroom farm (non-odour omitting);
  - a distribution hub; and
  - traditional planting beds
- 1.3. The Biodiversity Centre which includes a kitchen/cafe and education space would be located on Level 5 adjacent to an outdoor community garden. Benches and planters are to be placed beneath pergolas with retractable canopies to allow for a number of uses such as for public green area and temporary events space. Accessible toilets are proposed in the corner of the site.
- 1.4. A traditional bed and series of planters and benches complete the accommodation on Level 5 where there is a focus on community use and education.
- 1.5. Level 6 is more focused towards food production. A series of glasshouses (including a seedling propagation area) will grow crops vertically with PV panels placed on the roof pitches.



- 1.6. The glasshouses would be connected to a packing area and mushroom growing space. The remaining structures would comprise of a composting area and storage for water collection / rainwater harvesting within the plant rooms. The flat roof of these spaces would be covered with an extensive green roof and vertical wind turbines.



Image 1: Proposed view of the development from above

- 1.7. A second productive green roof would be placed on this level including an apiary and a zone for parking cargo bikes.



Image 2: Site layout across levels 5 and 6 of the MSCP

- 1.8. The primary pedestrian access points would be via the three existing stair cores to the north, west and south of the site. The north access would provide a direct

route to the Community Garden. Access to the site would be restricted by hours of opening. Inclusive access to the site is via the existing ramp on Level 4 of the MSCP.

- 1.9. The applicant has indicated that goods would be delivered to the site and distributed from the site via electric cargo bikes and electric van/milk float.
- 1.10. The remaining car park would operate as normal albeit public vehicular access would not be permitted in the area to be given over to the proposed development.
- 1.11. The proposal results in the loss of 39 car parking spaces reducing the car parking capacity from 553 to 514 spaces.
- 1.12. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is comprised of the northern end of Levels 5 & 6 of the Multi Storey Car Park (MSCP) located within the heart of the Jewellery Quarter and within the designated Conservation Area. The MSCP is rectangular in shape and comprises 6 storeys of mainly concrete and red brick. Wrapped around the car park at ground floor are a series of mainly retail units and workshops which were historically used as factory space associated with the wholesale trade of jewellery.



Image 3: Extent of application site

- 2.2. The car park is accessed from Vyse Street to the west and Northampton Street to the east and is located less than 100m from the Jewellery Quarter Railway Station.
- 2.3. The wider area is generally comprised of commercial premises including the JQ Modern building to the south which provides offices spaces alongside supporting facilities including meeting rooms for hire. To the west of the site and on the opposite side of Vyse Street is the Grade II listed Warstone Lane / Brookfield Cemetery. Golden Square is situated to the south of the site beyond the JQ Modern.
- 2.4. There are a series of residential apartments to the east and northeast of the site (Carpathian Court and Spencer Point respectively) and there is a restaurant to the north of the site (The Drop Forge). Other uses are predominantly commercial in nature with a mix of retail units, industrial units and workshops associated with the jewellery trade.
- 2.5. [Site location](#)

3. Planning History
- 3.1. None relevant
4. Consultation
- 4.1. Conservation Officer – Less than substantial harm to designated heritage assets identified but at the lowest end of the scale. No objection if there are public benefits that outweigh the harm.
- 4.2. Conservation Heritage Panel – Full support for proposals at pre-application stage although acknowledgement that care needs to be taken over the detailed design and finish of the various structures.
- 4.3. Leisure Services – Support proposals.
- 4.4. Police – No objection subject to appropriate security measures.
- 4.5. Regulatory Services – No objection in principle but clarification needed over hours of use, ventilation and plant provision, noise and odour.
- 4.6. Transportation – No objection
5. Third Party Responses:
- 5.1. Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed, with 6 letters of objection received. The following concerns have been raised:
  - Negative impact on local businesses with reduced footfall;
  - Insufficient parking provision in Jewellery Quarter;
  - No demand for proposals;
  - Location at top of car park is not desirable or accessible;
  - Working jewellers squeezed out of Jewellery Quarter; and
  - More appropriate vacant sites could be turned into community garden;
- 5.2. An online petition has been created which objects to the scheme and is entitled 'Save our parking and businesses in Birmingham Jewellery Quarter'. The petition has 510 signatures.
- 5.3. 5 letters of support have been received raising the following matters:
  - Great use of underutilised space;
  - Design is sympathetic to Jewellery Quarter;
  - Access to green space is much needed;
  - Asset to local community;
  - Supports sustainable economy;
  - Benefits aim of achieving net-zero goal;
  - Innovative development; and
  - Will attract visitors to support local economy
6. Relevant National & Local Policy Context:
- 6.1 **National Planning Policy Framework:**  
Chapter 2 – Achieving Sustainable Development  
Chapter 8 – Promoting Healthy & safe Communities  
Chapter 9 – Promoting Sustainable Transport

Chapter 11 – making effective Use of Land  
Chapter 12 – Achieving Well Designed Places  
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 15 – Conserving and Enhancing the Natural Environment  
Chapter 16 – Conserving and Enhancing the Historic Environment

**6.2 Birmingham Development Plan 2017:**

PG3 - Placemaking  
GA9 – Selly Oak and South Edgbaston  
TP3 – Sustainable Construction  
TP4 – Low and Zero Carbon Energy Generation  
TP6 – Management of Flood Risk and Water Resources  
TP12 – Historic Environment

**6.3 Development Management DPD:**

DM2 – Amenity  
DM4 - Landscaping and trees  
DM6 - Noise and vibration  
DM14 - Transport access and safety  
DM15 - Parking and servicing

**6.4 Jewellery Quarter Neighbourhood Plan:**

Policy 1(a) – New development and conserving industrial and built heritage in the Creative District  
Policy 1(b) – Stimulating Improvements in the creative District  
Policy 2(a) – Authenticity in the Jewellery Quarter  
Policy 2(g) – Avoiding Nuisance  
Policy 2(i) – Meanwhile uses  
Policy 3(a) – Key Routes – active uses keeping streets busy and safe  
Policy 4(a) – Design in the Jewellery Quarter  
Policy 4(b) – Core Design Principles

**6.5 Supplementary Planning Documents & Guidance:**

Birmingham Design Guide SPG  
Birmingham Parking SPD

**7. Planning Considerations**

- 7.1. I consider the key planning issues to be considered are: the principle of the use; the design and appearance of the proposed development; impact on the Conservation Area; the impact on residential amenity, the impacts on traffic and highway safety; and flooding and drainage.
- 7.2. The site is located within the City Centre where Policy GA1 of the BDP identifies the Jewellery Quarter as one of the 7 defined quarters. Specifically, Policy GA1.3 reinforces the Jewellery Quarter as an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core.
- 7.3. The Jewellery Quarter has a Conservation Area Character Appraisal and Management Plan SPG which divides the conservation area into eight sub areas. The application site is shown as being within the Golden Triangle characterised by small jewellery firms with many premises occupied by more than one business with smaller elements of general retail and industrial use. The document seeks to protect the industrial heart of the Jewellery Quarter from new residential development which could dilute the character of the conservation area.

- 7.4. The Jewellery Quarter Neighbourhood Plan now forms part of the Birmingham Statutory Development Plan following the referendum on Thursday 13 July 2023 where more than half of residents and businesses voted in favour of the plan.
- 7.5. As set out within the Plan the application site is located within the Creative District where development is expected to be commercial in nature. Policy 1(a) indicates that new development should conserve the industrial and built heritage in the Creative District. Policies 4(a) and (b) highlight the importance of design within the Jewellery Quarter.
- 7.6. The proposal would widen the mix of uses within the Jewellery Quarter without the loss of any commercial space. The principle of introducing a community garden to a small part of the car park is supported subject to the detailed consideration of the impact of the design on the Conservation Area, amenity considerations and the impact on parking provision.
- 7.7. Design
- 7.8. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 7.9. This is a unique proposal that adds visual interest to otherwise non-descript car park. The greenhouses are large structures that would dominate the roof and profile of the building. The buildings are proposed to be steel, with elements of timber cladding and would appear significantly more attractive than the standard agricultural greenhouse. The City Design Officer is supportive of the proposals subject to conditions regarding lighting and materials.



Image 4: Vyse Street elevation





Image 5: Proposed view from within level 5 of the MSCP

- 7.10. In summary, it is considered that siting, scale, massing and design of the proposal maintains the character and appearance of the wider area.
- 7.11. Impact on Heritage Assets
- 7.12. The site is located within the Jewellery Quarter Conservation Area and there are a number of designated heritage assets within close proximity. To the west and north of the car park are clusters of listed buildings, including, nos.12-23 (odds) and 90-94 (evens) Vyse Street, all of which are grade II listed Victorian brick terraces and which would have inter-visibility with the application site. Directly opposite the site is the grade II Registered Park and Garden of Warstone Lane Cemetery.
- 7.13. The submitted Heritage Statement concludes there would be some harm to nearby heritage assets and the Conservation Area by virtue of the proposal's scale, materials, form and function. Such a conclusion is expected as an urban farm is a notable departure from the uses typically found within the historic Jewellery Quarter. The level of harm is tempered to some degree as the existing car park doesn't contribute positively to the Conservation Area. The Conservation Officer agrees with the findings of the statement and concludes the proposal causes 'less than substantial harm' at the lowest end of the scale. At pre-application stage the application was presented to the Conservation Heritage Panel who were supportive of the proposal.
- 7.14. In accordance with paragraph 202 of the NPFF, where less than substantial harm to a designated heritage asset has been identified, this harm should be weighed against the public benefits of the proposal.
- 7.15. There are considered to be a number of public benefits arising from the proposals. Which are summarised below:
- Health Benefits  
The proposal will provide local residents and visitors with access to organically grown local food boosting health and mental well-being. The Biodiversity centre will link directly to the Public Health Agenda and

specifically to the new food strategy for Birmingham.

- **Biodiversity Enhancements**  
The introduction of a green space with planting will deliver a bio-diversity net gain on what is currently a multi-storey car park with no landscaping.
- **Making Best Use of Car park**  
The car park is under-utilised and therefore the re-purposing of small section for a community initiative is highly sustainable.
- **Reduced Travel**  
The growth and sale of food on site reduces food miles and also reduces the need for local residents to travel to access fresh fruit and vegetables.
- **Economic Benefits**  
The proposal creates jobs, builds an alternative economy and therefore could be benefits for adjacent businesses through increased footfall.
- **Sustainability**  
The scheme incorporates PV panels, wind turbines, rainwater collection and all deliveries to and from the site would be via electric vehicles highlighting the highly sustainable nature of the proposals.

- 7.16. In summary, it can be seen that the proposal would deliver a wide range of economic, social and environmental positives which benefit the local population. Combined, significant weight can be attached to these public benefits which clearly outweigh the very low level of 'less than substantial harm' identified in the Heritage Statement and accepted by the Conservation Officer.
- 7.17. On balance, it is considered that the proposals accord with TP12 of the BDP and the NPPF.
- 7.18. Residential Amenity
- 7.19. The nearest residential properties to the proposed development are the apartments named Carpathian Court which are located to the east of the car park. The scheme includes wind turbines, ventilation equipment and localised humidifiers all of which can be sources of noise. It is important to highlight that this is not a quiet location in the daytime being within the heart of the industrial Jewellery Quarter where there are a variety of commercial uses, although during the evening lower ambient noise levels can be expected when most businesses are closed. Regulatory Services have requested further information regarding the specification of such equipment. It is considered that the matter of noise can be satisfactorily addressed through a series of conditions which requires the submission of further details of any turbines, plant and equipment to be installed and a further condition setting out maximum noise levels for any such plant and equipment.
- 7.20. The scheme includes mushroom growing which can cause odour if a nitrogen rich substrate is used. The applicant has indicated that a non-composted straw/sawdust based substrate would be used which does not produce an ammonia odour. Regulatory Services still feel that there is the risk of odour during the growing phase and potential environmental releases during the emptying of the growing area. It is considered that a condition can be attached to agree a detailed mushroom growing strategy that keeps odour to a minimum.
- 7.21. The scheme also includes a composting area but the applicant has explained that it would be a small operation that would be in a secure, well-ventilated space so as to

prevent odour and pests. Regulatory Services consider that further information regarding the design and operation of the composting area are required which can be satisfactorily secured via condition.

- 7.22. Regulatory Services have highlighted that light emanating from the glasshouses could have an adverse impact on nearby residential properties. Whilst the applicant is of the view that any light pollution would be minimal, they have suggested that a condition securing an internal blind system would address the matter. Regulatory Services are satisfied with this approach.
- 7.23. In summary, subject to the imposition of conditions it is considered that the proposal would have no undue amenity impact on the occupiers of adjacent properties and provides an acceptable living environment for the proposed occupiers.
- 7.24. Traffic and Highway Safety
- 7.25. The application site is contained within sections of levels 5 and 6 of the Jewellery Quarter multi-storey car park which currently has 553 car parking spaces. The proposal would use 39 of these spaces reducing capacity to 514 spaces. Extensive parking surveys have been submitted with the Transport Assessment covering 2021 and January to May 2022 relating to vehicles counted during typical peak morning and afternoon periods (10.15-10.45am and 14.15 to 14.45pm). On the busiest day of the traffic survey, there was a total of 285 cars parked in the Jewellery Quarter Car Park. Of these, 106 were permit holders and only 7 cars were counted to have parked on the roof of the car park. Given the Jewellery Quarter Car Park has a total capacity of 553 car parking spaces, the car park is shown to have been only just over 50% full during the busiest recorded day. The loss of a small proportion of the spaces would therefore have no discernible impact on the operation of the car park.
- 7.26. The development can be serviced from adjacent parking spaces or on street. The Transportation Officer considers that the proposal would have no undue impact on traffic flow or parking within the surrounding streets and consequently raises no objection to the scheme.
- 7.27. Sustainability
- 7.28. The BDP supports the Council's commitment to carbon reduction which would assist in achieving net-zero carbon goals by 2030. The concept of the proposal is designed specifically with these aims in mind using natural light, biobased materials, PV panels on roof pitches to maximise power generation, vertical wind turbines, rainwater collection and sustainable modes of goods distribution. The proposal therefore accords with Policies TP3 and TP4 of the BDP.
- 7.29. Other Matters
- 7.30. Concerns have been raised over the structural integrity of the car park. The applicant has submitted a Structural Feasibility Technical Note. This indicates that the car park is in good condition structurally with no visible defects. If the loading of the proposal exceeds that of the car park at full capacity there are options available. The Technical Note suggests the use of a steel grillage above the existing columns to provide additional support. With the imposition of a condition it is considered that the proposal would have no undue impact on the structural integrity of the car park.

## 8. Conclusion

- 8.1. The proposal would deliver a sustainable urban farm initiative that would provide social, economic and environmental benefits to the local community with no undue

impact on character, amenity or highways considerations. The proposal accords with local and national policy and is therefore recommended for approval.

9. Recommendation

9.1. Approval subject to conditions

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the submission of sample materials
  - 3 Implement within 3 years (Full)
  - 4 Limits the noise levels for Plant and Machinery
  - 5 Limits the hours of use to 8am to 6pm Monday - Saturday and 11am to 5pm on Sundays.
  - 6 Requires the submission of extraction and odour control details
  - 7 Requires the submission of wind turbine details
  - 8 Requires the submission of method statement for mushroom growing
  - 9 Requires the submission of a lighting scheme
  - 10 Requires the submission of details of composting area
  - 11 Requires the submission of details of internal blinds system
  - 12 Prior submission of extraction ventilation details for kitchen
  - 13 Requires the prior submission of Structural Report
  - 14 Requires submission of vehicular movement and parking details
- 

Case Officer: Andrew Fulford

## Photo(s)



Photo 1: View from Vyse Street looking south east towards car park



Photo 2: View from Vyse Street looking north east towards car park



## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**27 July 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	11	2023/00883/PA  Units 6-14 Fort Industrial Park and land at Fort Parkway Castle Vale Birmingham B35 7RA  Demolition of existing building(s), site clearance and redevelopment for 5 industrial and/or warehousing units within Use Classes E(g)(iii), B2 and B8, together with associated infrastructure

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Committee Date:	27/07/2023	Application Number:	2023/00883/PA
Accepted:	10/02/2023	Application Type:	Full Planning
Target Date:	07/07/2023		
Ward:	Pype Hayes		

Units 6-14 Fort Industrial Park and land at Fort Parkway, Castle Vale, Birmingham, B35 7RA,

Demolition of existing building(s), site clearance and redevelopment for 5 industrial and/or warehousing units within Use Classes E(g)(iii), B2 and B8, together with associated infrastructure

Applicant:	Legal & General Property Partners (Industrial Fund) Ltd and Legal & General Property Partners (Industrial) Nominees Ltd, C/o Agent
Agent:	JLL 45 Church Street, Birmingham, B3 2RT

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Recommendation

**Approve subject to Conditions**

1. **Proposal:**

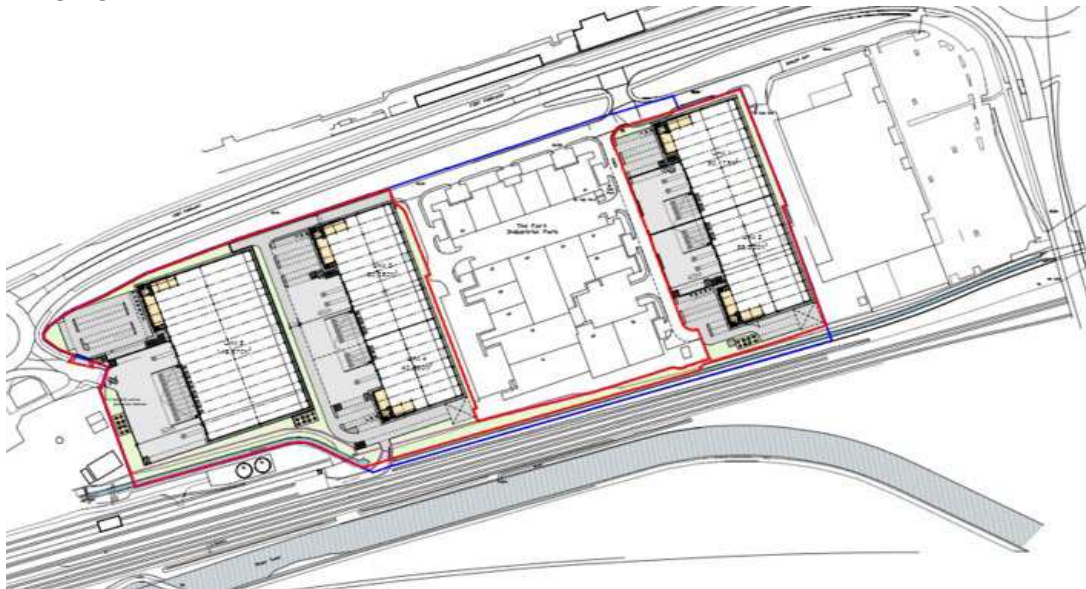
- 1.1 This is an application for the demolition of existing buildings (9,337 sq.m), site clearance and development of five industrial and/or warehousing units within Use Classes E(g)(iii), B2 and B8 (industrial and storage/distribution purposes), together with associated infrastructure. The total floor space of the units would be 30,298sq.m, including offices at first floor level to Units 1 to 4 and offices at first and second floor levels to Unit 5.
- 1.2 Under the Scheme of Delegation the application must be determined by Planning Committee as the floor space of the proposed development exceeds 5,000 sq.m.
- 1.3 Units 1 and 2 would be accessed via an existing private road (Dunlop Way) off the A47 Fort Parkway, which would be extended to the west to provide access to Units 3 and 4. Unit 5 would be accessed directly from Fort Parkway via the existing site access. Vehicle turning and manoeuvring areas, car, cycle and HGV parking are provided for each unit.



SITE LOCATION:



PROPOSED SITE PLAN:



PROPOSED CGI AERIAL VIEW:



## PROPOSED CGI ELEVATIONS:



### 1.4 The application is accompanied by the following reports/surveys:

Air Quality Assessment;  
Arboricultural Impact Assessment;  
Biodiversity Net Gain Assessment;  
Drainage Strategy;  
Energy and Sustainability Statement;  
Ecological Impact Assessment;  
Flood Risk Assessment and Hydraulic Model Report;  
Heritage Statement;  
Lighting Assessment Report;  
Noise Impact Assessment;  
Phase 1 Geo-environmental Survey;  
Sustainable Drainage Statement;  
Transport Statement and Framework Travel Plan;  
Tree Survey

### 1.5 [Link to Documents](#)

## 2. **Site & Surroundings:**

- 2.1 This 6.7 hectare site is located within the Spitfire & Merlin Park Core Employment Area to the south of Fort Parkway and consists of two separate parts either side of



existing light industrial units. The eastern part of the site lies within Fort Industrial Park and is occupied by nine vacant industrial units. The western part of the site consists of a hardstanding area which has most recently been utilised for the open storage of vehicles produced at Jaguar Land Rover's Castle Bromwich Plant to the north of the A47 - JLR vacated the site in April 2022 and it has been vacant since then.

- 2.2 The site is bound to the south by a railway line and the River Tame. To the east is the A452 and Spitfire Island roundabout and to the west is the Whitetower Energy Plant and locally listed Fort Dunlop building. There is no internal vehicular connectivity between the two parts of the site.

#### Site Location

### 3. **Planning History:**

- 3.1 2015/09679/PA – Demolition of existing buildings and erection of a renewable energy centre (gasification plant) and new industrial/warehouse buildings with ancillary plant/buildings/chimney stack together with associated works. Decision: Approved subject to conditions (not implemented).

### 4. **Consultation Responses:**

- 4.1 Conservation Officer – Comments set out in paragraph 7.4 below.

City Design Officer – Comments set out in paragraph 7.3 below.

Environmental Pollution Control – No objection.

Transportation Development – No objection, subject to conditions.

Ecology Officer – No objection, subject to conditions requiring a scheme of biodiversity enhancement measures, the development taking place in accordance with the mitigation measures set out in the Ecological Impact Assessment, and submission of a Landscape and Ecological Management Plan.

Tree Officer – No objection, subject to a condition requiring new tree planting in accordance with the submitted Arboricultural Impact Assessment.

Lead Local Flood Authority – No objection, subject to conditions requiring the submission of further details relating to the proposed method of drainage of the site.

Environment Agency – No objection, subject to conditions requiring the development to take place in accordance with the submitted FRA, submission of a contamination risk assessment, foundation designs and surface water drainage.

Severn Trent Water – Recommend a condition requiring details of foul and surface water drainage.

Network Rail – Recommend conditions to ensure the safety and integrity of the railway line to the south of the site.

### 5. **Third Party Responses:**

- 5.1 Ward Councillors and neighbouring properties were notified and a site notice was posted. No representations have been received in response to the public consultation exercise.

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

6.1 National Planning Policy Framework  
Paragraph 81

Birmingham Development Plan 2017

Policy PG3 (Place Making)  
Policy TP3 (Sustainable Construction)  
Policy TP4 (Low and Zero Carbon Energy Generation)  
Policy TP6 (Management of Flood Risk and Water Resources)  
Policy TP8 (Biodiversity and Geodiversity)  
Policy TP12 (Historic Environment)  
Policy TP19 (Core Employment Areas)

Development Management in Birmingham DPD

Policy DM1 (Air Quality)  
Policy DM4 (Landscaping and Trees)  
Policy DM14 (Transport Access and Safety)  
Policy DM15 (Parking and Servicing)

7. **Planning Considerations:**

7.1 The main material considerations are:

- Principle;
- Design;
- Impact on heritage assets;
- Access/parking
- Drainage/flood risk;
- Sustainability;
- Trees;
- Ecology;
- Air Quality

Principle

- 7.2 NPPF paragraph 81 advises that planning decisions should help create conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity. The applicant has advised that the existing buildings within the site are dated and coming to the end of their economic lives and the prospects of re-letting the units are minimal given the amount of investment required to bring them to modern day standards. The proposed development is consistent in principle with BDP policies which encourage economic regeneration and additional development opportunities, in particular Policy TP19 which advises that general industrial and warehouse developments are appropriate employment uses in Core Employment Areas.

Design

- 7.3 BDP Policy TP19 also supports measures that improve the quality and attractiveness

of Core Employment Areas. The development, as a 'replacement' of the existing buildings and a large area of hardstanding, would improve the existing appearance of the estate. The City Design Officer has advised that the form, scale and design of the proposed buildings are appropriate within the context of the wider area.

#### Impact on Heritage Assets

- 7.4 The Heritage Statement advises that *'the considerable height, scale and massing of the (Fort Dunlop) locally listed building in comparison with the proposed new development would ensure that (its) significance would not be diminished. The open views of the building would remain unobstructed from important viewpoints'*. The Conservation Officer concurs with this assessment of the impact on the non-designated heritage asset. The proposal in this respect complies with the requirements of BDP Policy TP12.

#### Access/Parking

- 7.5 Transportation Development have not raised any concerns in relation to the proposed access arrangements or parking provision, and as such it is considered that the development would not have any adverse impact on highway safety. The proposal therefore complies with DMB DPD Policies DM14 and DM15.

#### Drainage/Flood Risk

- 7.6 The site falls within Flood Zones 2 and 3. Condition 25 has been recommended by the Environment Agency and requires that the development takes place in accordance with the submitted flood risk assessment to ensure that it is appropriately flood resistant and resilient and incorporates sustainable drainage systems, in accordance with the requirements of BDP Policy TP6. Condition 29 also relates to drainage matters and has been attached at the request of the Lead Local Flood Authority, Severn Trent Water and Network Rail.

#### Sustainability

- 7.7 BDP Policy TP3 seeks to ensure that new buildings within the City meet high standards of sustainable design and construction. The Energy and Sustainability Statement demonstrates that the development can achieve BREEAM standard 'Excellent' – Condition 18 requires submission of a final certificate to verify that this standard has been met.
- 7.8 BDP 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. The Energy and Sustainability Statement identifies that air source heat pumps and solar photovoltaic panels are to be used in accordance with this policy requirement.

#### Trees

- 7.9 The development would result in the loss of 17 trees at the site. Three of the trees are protected by a TPO, two of which are identified in the submitted Tree Survey as being unsuitable for long term retention due to their poor condition. The submitted landscaping plans and Arboricultural Impact Assessment show/advise that 208 new trees are to be planted – this replacement tree planting would mitigate for the loss of the existing, in accordance with the requirements of DMB DPD Policy DM4. The condition recommended by the Tree Officer (Condition 21) is attached accordingly.

#### Ecology

- 7.10 BDP Policy TP8 requires that developments mitigate any potentially harmful impacts on wildlife habitats and, if possible, support the enhancement of the natural environment. The Biodiversity Net Gain Assessment advises that the development would deliver a 10% net gain in 'habitat units' at the site. The Ecology Officer has advised that the proposed landscape planting scheme, to include new tree and native scrub planting, would provide habitat resources for a variety of species and enhance and extend the existing habitat corridor along the southern boundary. The conditions recommended by the Ecology Officer (Conditions 22-24) have been attached accordingly.

#### Air Quality

- 7.11 DMB DPD Policy DM1 requires that development proposals consider air quality and are accompanied by an appropriate scheme of mitigation. The submitted Air Quality Assessment proposes mitigation measures to reduce construction and transport related emissions. Condition 11 is necessary to ensure that these measures take place.

### 8. **Conclusion**

- 8.1 The proposals are consistent with the aims of the policy documentation referred to above, in that they constitute an appropriate use and form of development which would have a positive effect on the Core Employment Area.

### 9. **Recommendation:**

- 9.1 Approve with conditions

- 
- |    |  |
|----|--|
| 1  | Implement within 3 years (Full)  |
| 2  | Requires the scheme to be in accordance with the listed approved plans           |
| 3  | Requires the prior installation of means of access                               |
| 4  | Prevents occupation until the service road has been constructed                  |
| 5  | Prevents occupation until the turning and parking area has been constructed      |
| 6  | Requires the submission of entry and exit sign details                           |
| 7  | Requires the delivery and service area prior to occupation                       |
| 8  | Requires the submission of cycle storage details                                 |
| 9  | Travel Plan  |
| 10 | Requires the prior submission of a construction method statement/management plan |
| 11 | Air quality  |
| 12 | Lighting details   |
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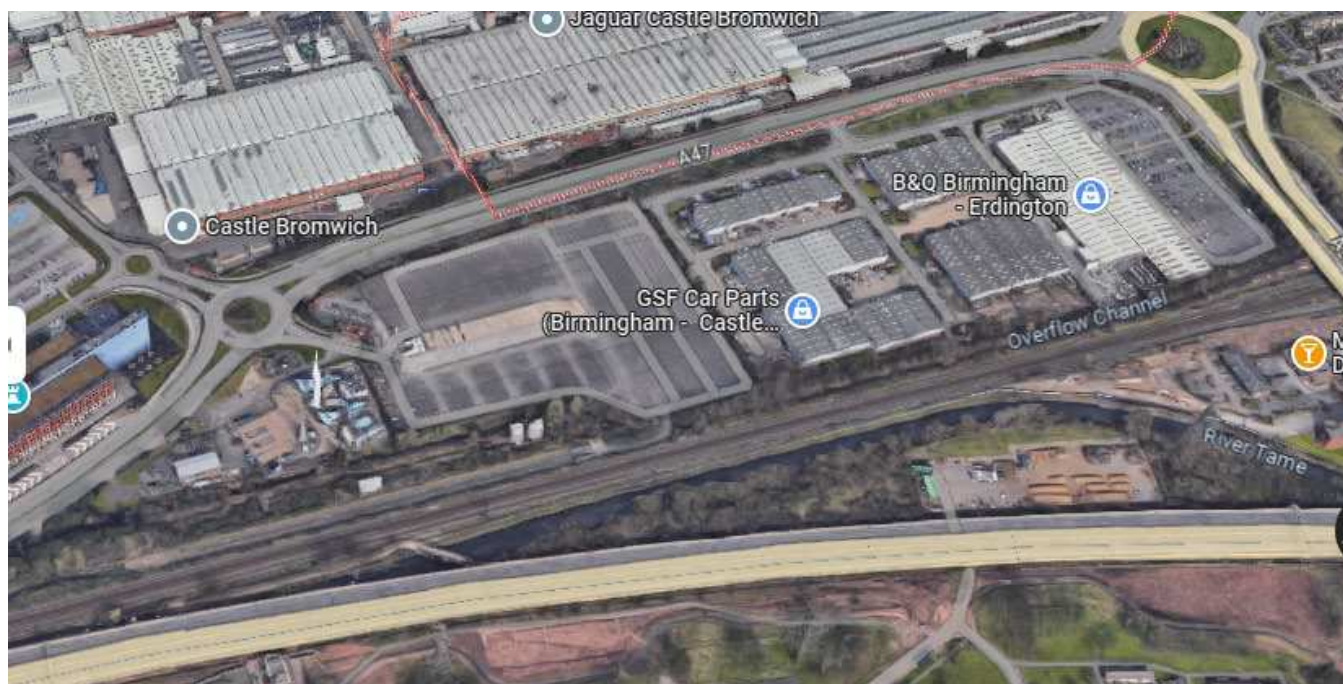
13	Contaminated Land
14	Sustainability measures
15	Railway protection measures
16	Requires the submission of boundary treatment details
17	Requires the submission of sample materials
18	BREEAM compliance
19	Requirements within pre-defined tree protection areas
20	Requires tree pruning protection
21	Replacement tree planting
22	Ecological mitigation measures
23	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
24	Ecological Management Plan
25	Flood Risk Assessment
26	Contamination remediation
27	Foundation designs
28	SUDS infiltration
29	Submission of surface water drainage scheme
30	Drainage maintenance
31	Restriction on uses

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Case Officer: Faisal Agha

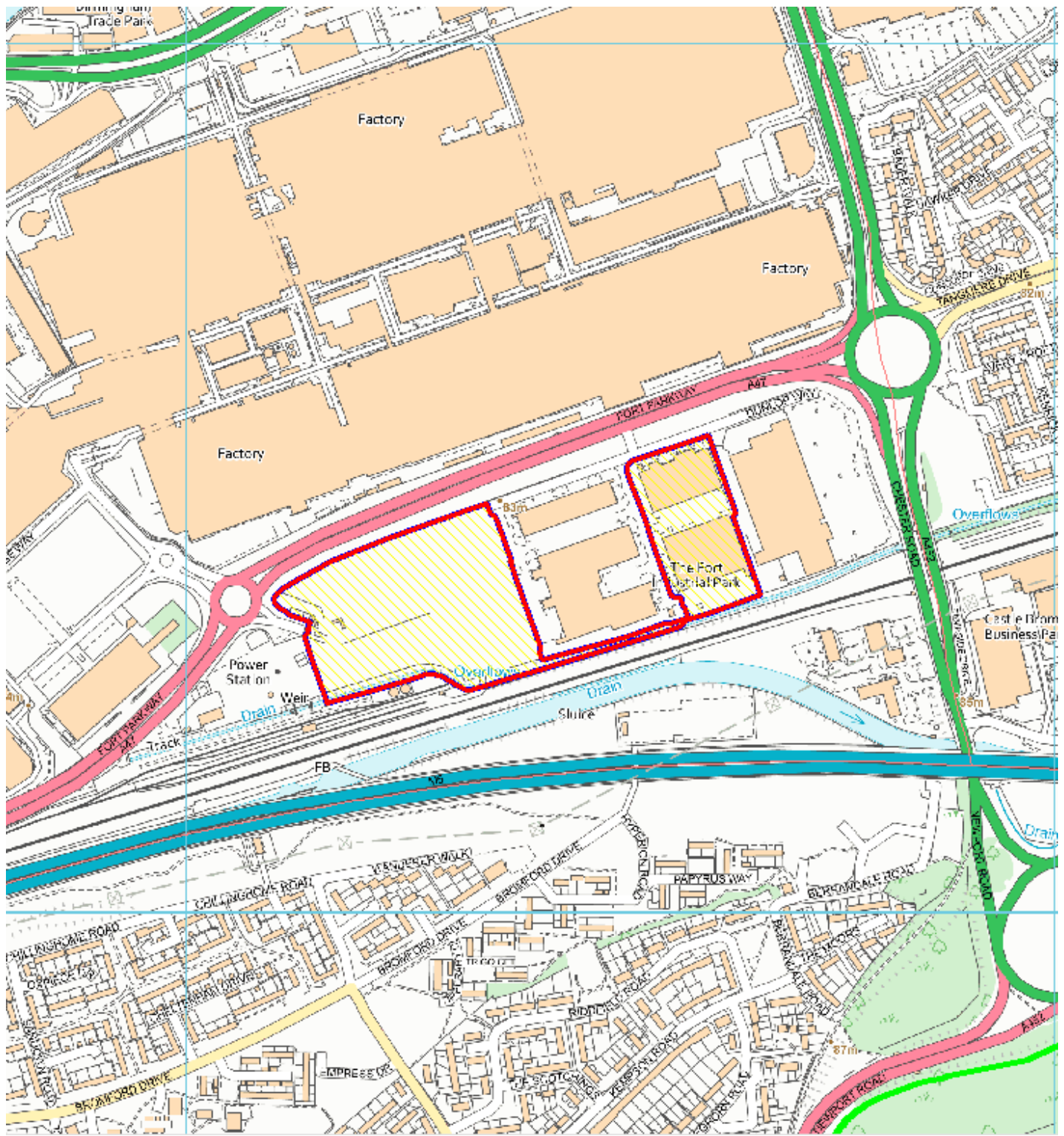


## Photo(s)



AERIAL VIEW OF THE SITE – FORT PARKWAY TO THE NORTH, RAILWAY LINE TO THE SOUTH

## Location Plan



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