

Report to Planning Committee

11 May 2022

Application Reference	DC/22/66919
Application Received	7 April 2022
Application Description	Delegation of decision-making authority to Birmingham City Council to determine cross-boundary planning application for proposed demolition of structures at site and erection of two-storey building to provide 17 assisted living units with associated car parking and landscaping.
Application Address	Land To The Rear Of 6 6A 6B And 6C Anderson Road Smethwick
Applicant	Edgbaston SSL Ltd
Ward	Abbey
Contact Officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

- 1.1 That Planning Committee delegates its decision-making authority to Birmingham City Council in respect of the above cross-boundary planning application.

2 Reasons for Recommendations

- 2.1 The majority of the application site lies within the administrative area of Birmingham CC except for a small triangular area of land at the



southwest boundary. This area of land lies within the administrative boundary of Sandwell MBC. Given that there are no strategic cross-boundary implications associated with the proposal, and much of the site area and access is within Birmingham CC's administrative area, it is recommended that Birmingham CC is granted the authority to determine the application in this instance.

3 How does this deliver objectives of the Corporate Plan?

N/A

4 Context and Key Issues

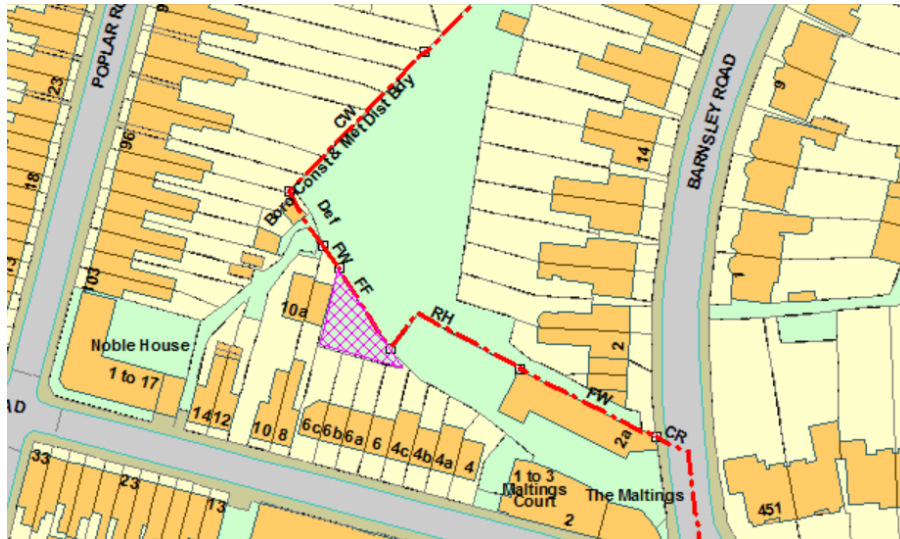
4.1 An application for the 'demolition of existing structures on site, to allow for the erection of a two-storey detached building to provide 17no. assisted living residential units, with associated car parking and landscaping works' (for residents with disability and support needs) was submitted to Birmingham CC on 15 June 2021 (application reference 2021/05314/PA).

Fig 1 Proposed site plan



- 4.2 A triangular part of the application site falls within the administrative area of Sandwell MBC (approximately 7% of the site area):

Fig 2 Area within Sandwell MBC authority (shown hatched)



In circumstances where an application site crosses the administrative boundary between two local planning authorities (LPA) two identical applications should be submitted, one to each LPA, seeking planning permission for the development of land falling within each LPA's administrative area. Accordingly, an identical planning application was submitted to Sandwell MBC on 7 April 2022. No planning application fee is payable to Sandwell MBC, as it has the smaller portion of the site area within its authority.

- 4.3 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the LPA in whose administrative area the development is proposed to be carried out. In the case of cross-boundary applications, this can lead to two LPAs making individual determinations and imposing different conditions on the permissions. However, this is not recommended as it does not promote a coordinated approach to development management and the permissions granted by each LPA may be inconsistent in terms of the conditions attached to them. This is, of course, highly undesirable in terms of



achieving a coordinated approach to delivering development. It is also contrary to the overall tenor of Government guidance, which encourages joint working between LPAs in relation to the use of their planning powers and the duty to cooperate in relation to plan-making.

- 4.4 Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. This provision could be relied on by an LPA to delegate its development management functions to another local authority in respect of a specific cross-boundary planning application.
- 4.5 Therefore, the council could delegate its decision-making powers to Birmingham CC in respect of its determination of this planning application. Birmingham CC, which has been paid the full application fee in any event, would then determine both the application submitted directly to it and the application initially submitted to Sandwell MBC but delegated to Birmingham CC. As Birmingham CC has granted consent for the cross-boundary development, it would thereby grant planning permission authorising the development applied for in both administrative areas.
- 4.6 It should be noted that Birmingham CC's Planning Committee approved their planning application on 7 April 2022. Delegation of decision-making authority to Birmingham in this instance would thereby ratify Birmingham CC's approval for the entire site.
- 4.7 Given that the access and a majority of the site (some 93%) lies within the administrative area of Birmingham CC, it is considered appropriate in this case for Sandwell MBC to delegate its development management functions to Birmingham CC. The proposal, raises no significant concerns from a policy, design or residential amenity perspective. Highways have been consulted and raise no overall objection (10 parking spaces are required, nine are provided), although final comments are awaited and will be reported verbally to the committee.



- 4.8 With reference to Birmingham’s Planning Committee report, all statutory publicity for the proposal has been carried out, including with Sandwell residents. It should be noted that objections have been raised by residents in response to the Birmingham CC consultation, which its Planning Committee considered when making the determination.
- 4.9 As Sandwell MBC has not received a planning fee for the application the council would assume all associated processing costs, including publicity (neighbour notification letters, site and press notices), administration, officer and member’s time. Consequently, the application has not been validated and public consultation has not been carried out for the application submitted to Sandwell MBC, pending the committee’s consideration of the proposal to delegate authority. However, residents who share a boundary with the site have been notified of this committee meeting and the proposal to delegate authority to Birmingham CC.

Alternative Options

- 5.1 Refusal to delegate authority to Birmingham CC is an option but unduly complicates the decision-making process, considering there are no strategic cross-boundary implications, and has resource implications.

6 Implications

Resources:	The granting of authority to Birmingham CC in this instance would conserve council resource.
Legal and Governance:	Planning Committee has powers to discharge its functions to any other local authority under section 101(1) of the Local Government Act 1972.
Risk:	None relevant.
Equality:	None relevant.
Health and Wellbeing:	N/A
Social Value	N/A



7. Appendices

Site Plan

Context Plan

19.005/010 REV K

PDF Sketch up views

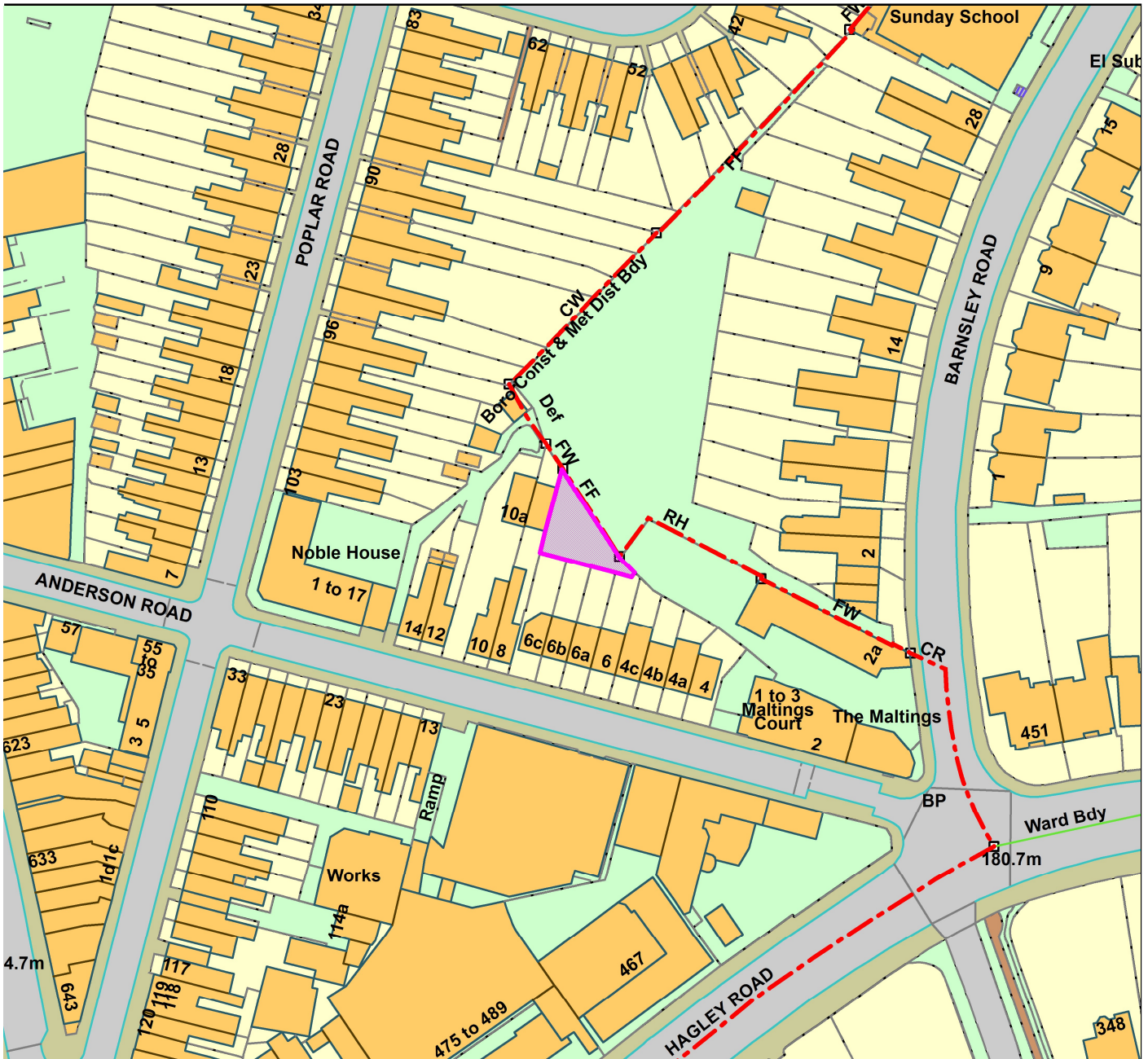
Birmingham CC's Planning Committee Report

Birmingham CC's Decision Notice



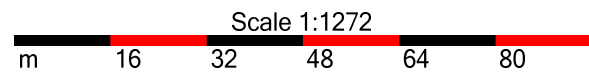
DC/22/66919

Land to the Rear of 6, 6A, 6B, 6C Anderson Road



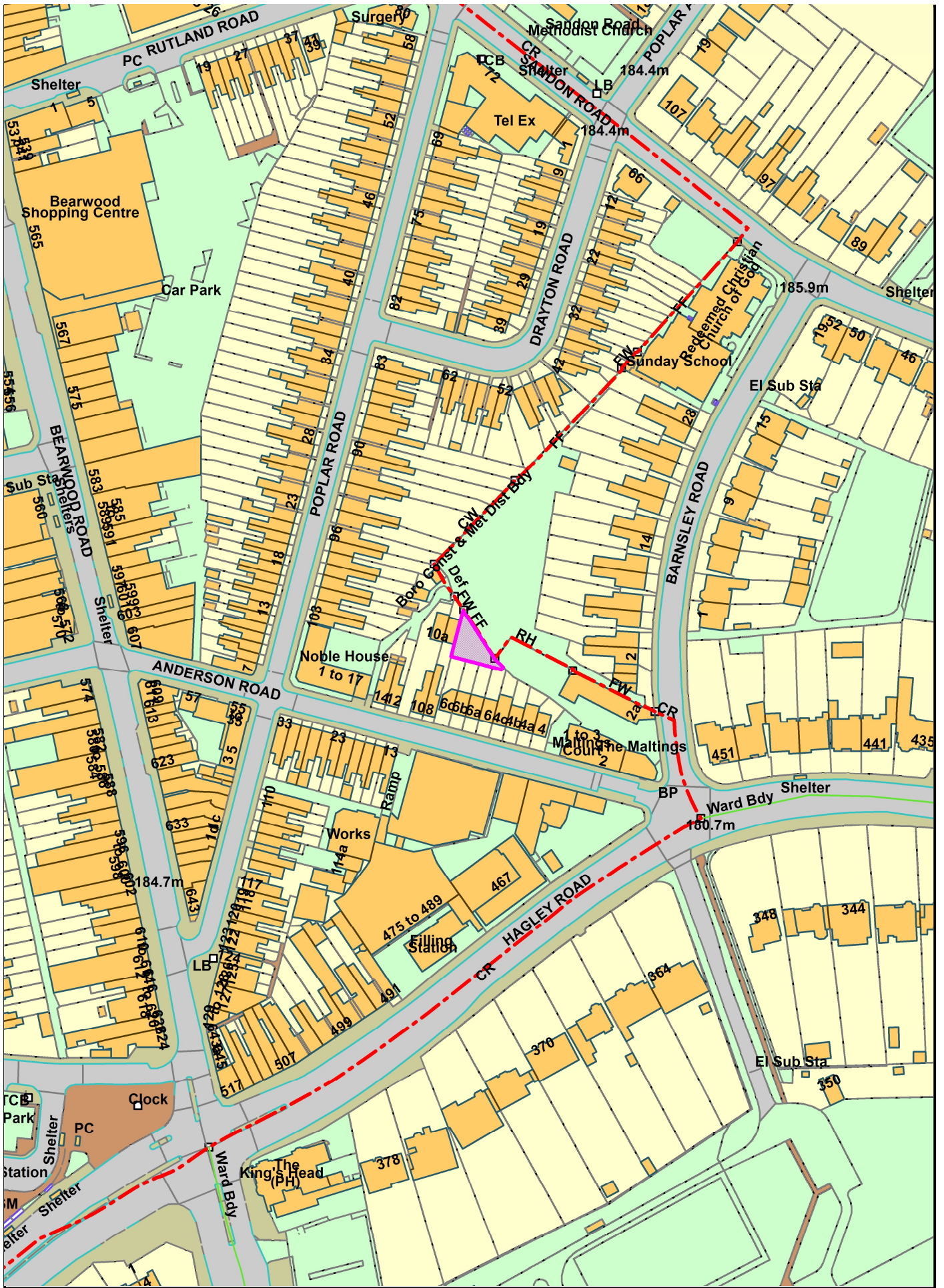
Legend

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	28 April 2022
OS Licence No	





Revisions	Date	Drawn	Chkd

Client

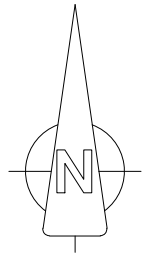
Project
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Edgaston
Birmingham B17 8ED



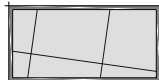






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Drawing Title Site OS Plan	Status PLANNING Scale - unless otherwise stated 1:500 at A3 Drawing Number 19.005 / 001	Rev
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-  GRASS-CRETE LANDSCAPED AREA FOR OVERFLOW PARKING
-  SOFT LANDSCAPED AREA - COMMUNAL
-  PAVED TILE GARDEN AREA - PRIVATE
-  BLOCK PAVING TO PEDESTRIAN WALKWAYS - COMMUNAL
-  TARMAC ACCESS ROAD
-  DEMARCATED PEDESTRIAN WALKWAY
-  SURFACE WATER ATTENUATED PARKING AREA
-  BIN STORE
Timber clad
-  VACANT GARAGE PLOTS ASSOCIATED WITH PROPERTIES ON BARNSELEY ROAD



Revisions	Date	Drawn	Chk'd



Project
 Barnsley Road
 Edgaston
 Birmingham B17 8ED

FACTOR 9 DESIGN
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Drawing Title Proposed Block Plan	Status Planning
Scale - unless otherwise stated 1:500 at A3	Scale - unless otherwise stated 1:500 at A3
Drawing Number 19.005 /010	Rev K



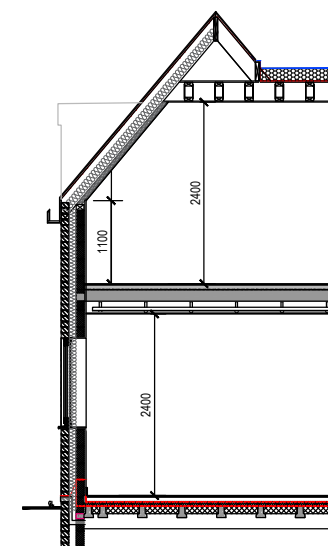


EASTERN ELEVATION

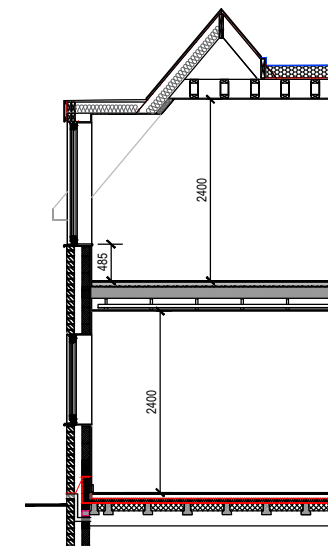


SOUTHERN ELEVATION

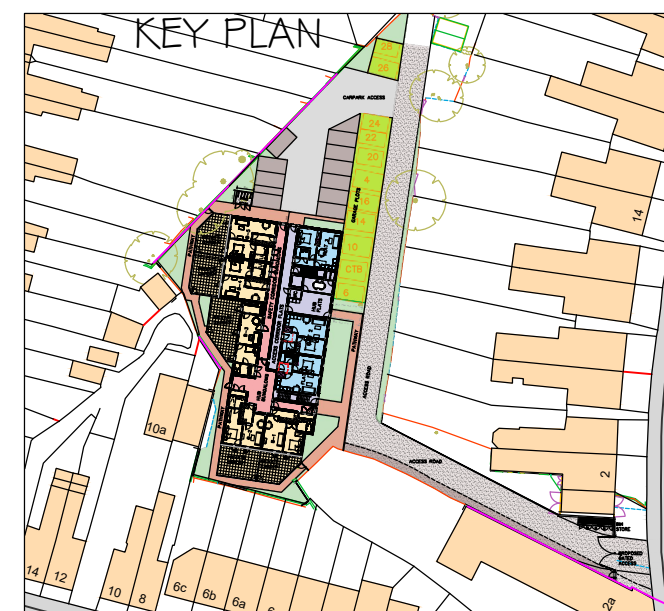
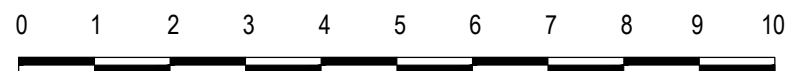
ROOF SECTION



DORMER SECTION



SCALE BAR @ 1:100



Revisions	Date	Drawn	Chk'd

Client

Project
Barnsley Road
Edgaston
Birmingham B17 8ED

Drawing Title
Proposed Elevations
West & South

Status
PLANNING
Scale - unless otherwise stated
1:100 at A3
Drawing Number
19.005 / 027

Rev
B

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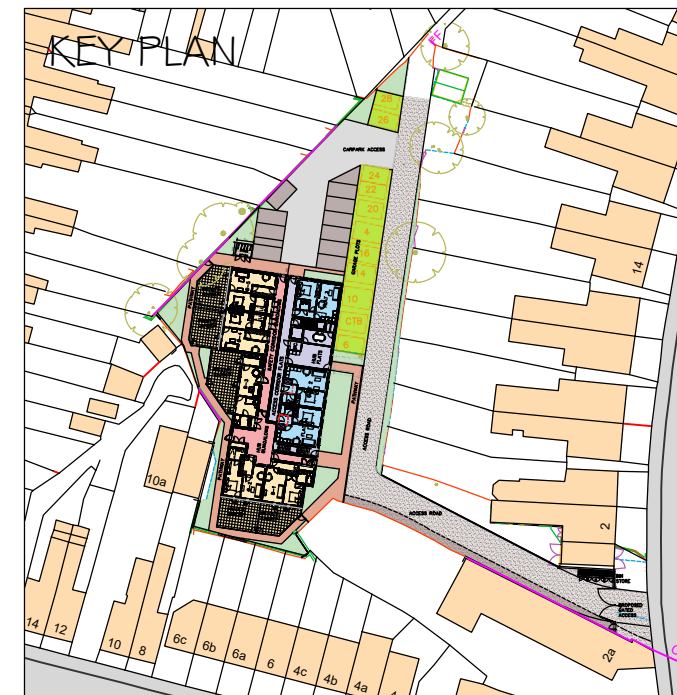
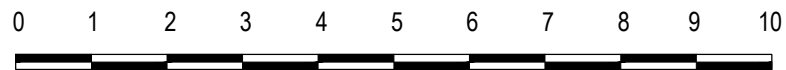


WESTERN ELEVATION



NORTHERN ELEVATION

SCALE BAR @ 1:100



Revisions	Date	Drawn	Chk'd

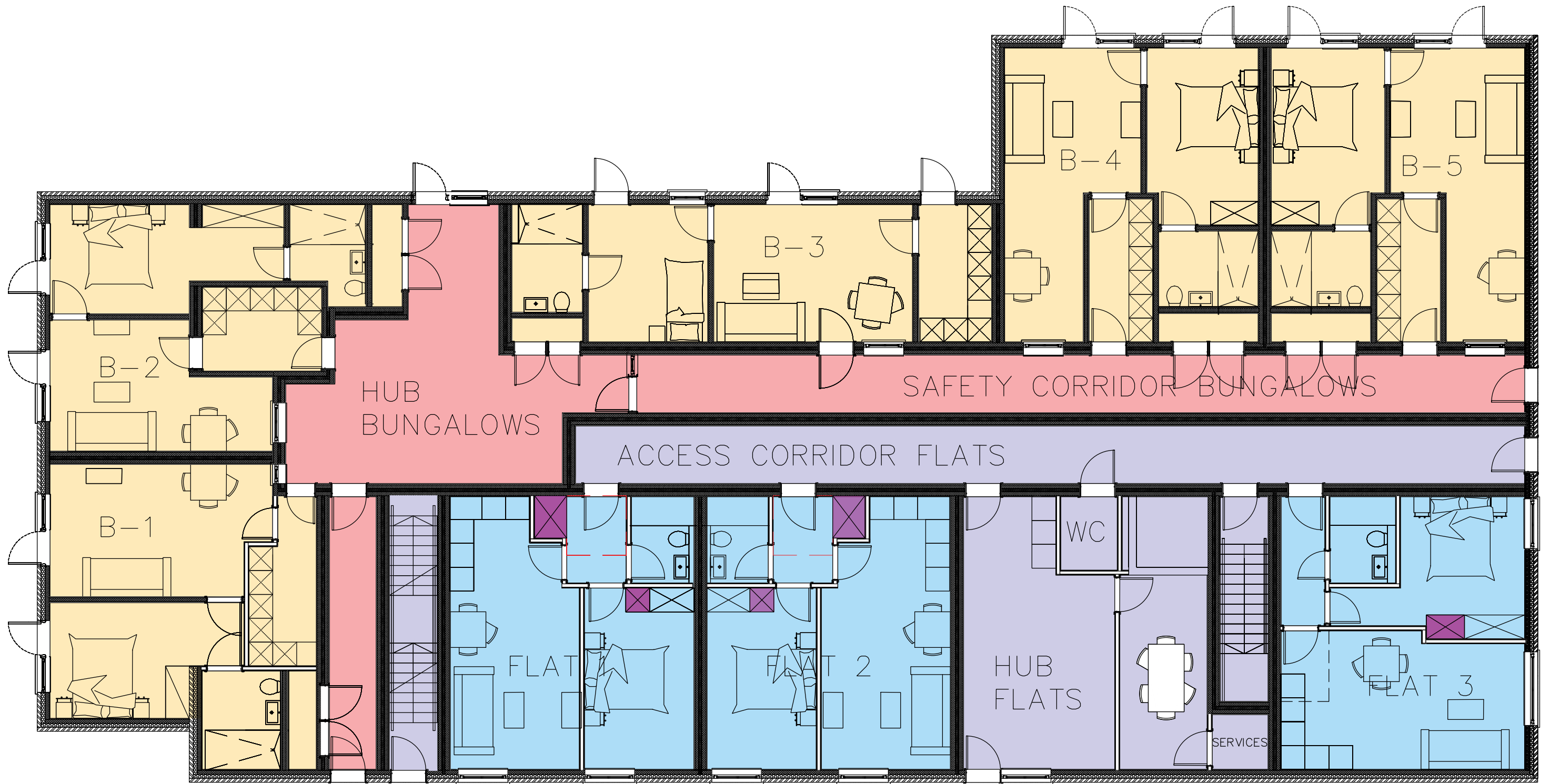
Client
 Project
 Barnsley Road
 Edgaston
 Birmingham B17 8ED

Drawing Title
 Proposed Elevations
 East & North

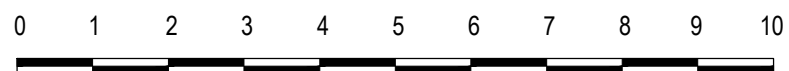


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Status
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 1:100 at A3
 Drawing Number
19.005 / 028
 Rev
B



SCALE BAR @ 1:100



Revisions	Date	Drawn	Chk'd

Client

Project
Barnsley Road
Edgaston
Birmingham B17 8ED



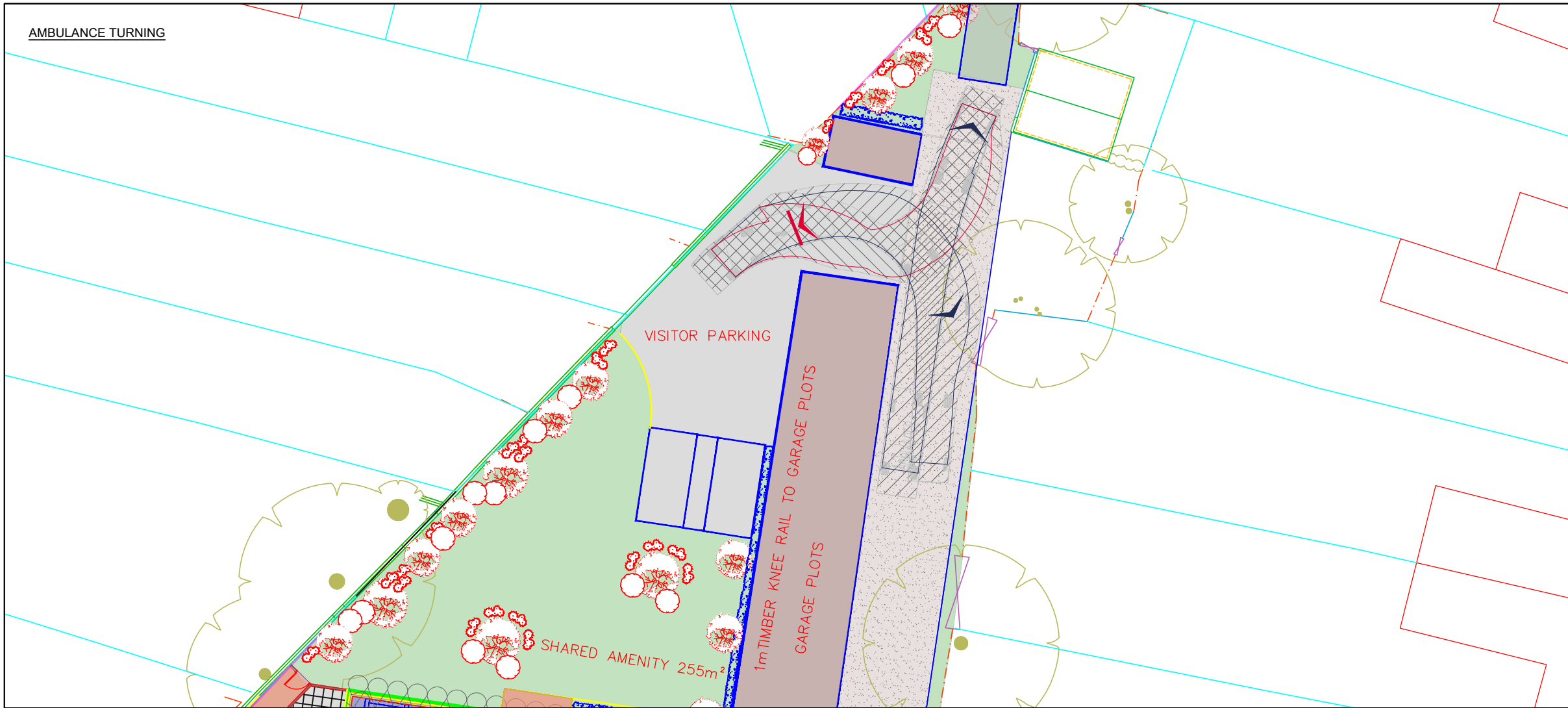
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Drawing Title
Proposed Ground Floor Plan

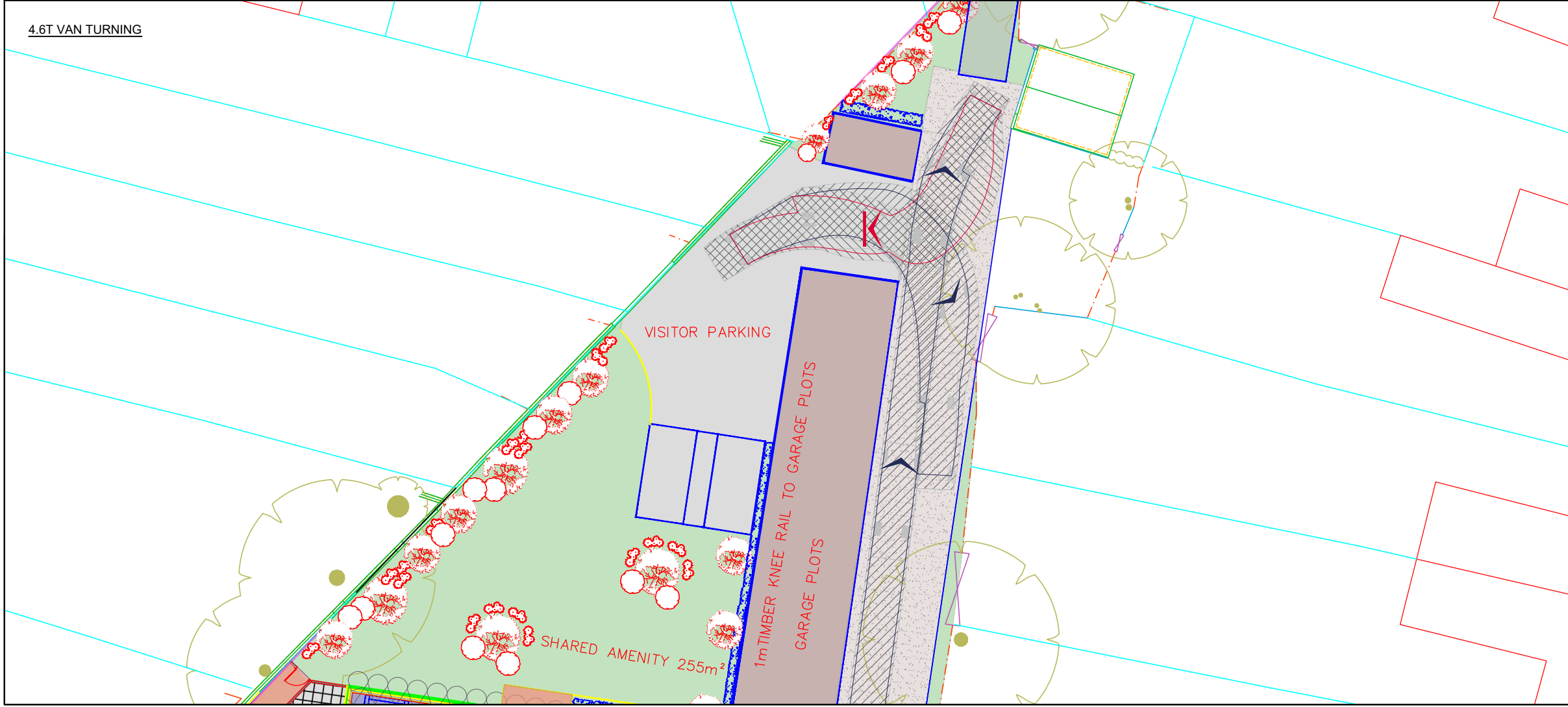
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Drawing Number
19.005 / 023
Rev
A



AMBULANCE TURNING

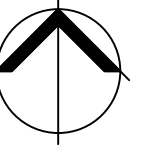


4.6T VAN TURNING

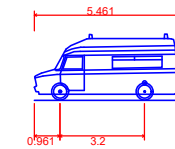


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VEHICLE PROFILE



Ambulance	5.461m
Overall Length	2.020m
Overall Width	2.498m
Overall Body Height	0.225m
Min Body Ground Clearance	1.860m
Track Width	4.00s
Lock to lock time	6.500m
Kerb to Kerb Turning Radius	

REV	DATE	AMENDMENTS	DRAWN	CHK	APP
A	11.02.2022	UPDATED CAR PARK LAYOUT	RB	SP	SP

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 44 SAFFRON HILL
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CLIENT _____

EDGBASTON SSL LIMITED

PROJECT _____

BARNSELY ROAD, BIRMINGHAM

TITLE _____

SITE LAYOUT REVIEW
 (AMBULANCE & 4.6T VAN))

DRAWN BY	CHECKED BY	APPROVED BY
AP	RB	SP
	03.02.2022	03.02.2022

SCALE @ A3	DATE
1:250	03.02.2022

PROJECT NO.	DRAWING NO.	REV.
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Committee Date: 07/04/2022 Application Number: 2021/05314/PA
Accepted: 04/02/2022 Application Type: Full Planning
Target Date: 13/05/2022
Ward: North Edgbaston

Land off Barnsley Road, Edgbaston, Birmingham, B17 8ED

Demolition of existing structure on site, to allow for the erection of a two storey detached building to provide 17no. assisted living residential units, with associated car parking and landscaping works.

Applicant: Edgbaston SSL Ltd
C/o Icen Projects, Da Vinci House, 44 Saffron Hill, London, EC1N 8FH
Agent: Icen Projects
Da Vinci House, 44 Saffron Hill, London, EC1N 8FH

Recommendation
Determine

Report Back

- 1.1. This application was presented to Planning Committee on the 20th of January 2022. At the meeting, Members were minded to refuse the application on the grounds that the proposed residential units did not meet the Nationally Described Space Standards and provided a poor-quality living environment for future occupiers. Members also had concerns regarding the provision of outdoor amenity space, which was also considered to be substandard, falling below the Council's adopted guidelines.
- 1.2. Following this, a full review of submitted plans found there was an error in the previous report, as all of the proposed residential units would either meet or exceed the Nationally Described Space Standards. The correct figures are set out in the original report back.
- 1.3. In the case of an application straddling more than one council boundary, as in this case, Planning permission will also be required from both Councils.
- 1.4. The applicant has further submitted an amended site plan, upon which the Council issued a re-consultation. The amended site plan has repositioned a number of the proposed car parking spaces at the site, in order to create a new private external amenity area for future residents of the proposed apartments. This area measures 255sqm in size, falling below the requirement of 360sqm, as specified within the Places for Living SPG. The plan now also shows the various small pockets of space, previously shown as amenity space, as areas for landscaping. The areas of land occupied by the former garage plots, which is outside of the applicant's ownership, are identified and have been cordoned off using a post and rail fence, with landscaping within. In support of the amended site plan, 3D modelling images have also been submitted, in order to provide an impression of what the scheme would look like.



Proposed layout

- 1.5. This amendment represents a significant improvement to the outdoor amenity space provision for the occupants of the apartments (21.25sqm per apartment against a requirement of 30sqm). The site is also within walking distance to existing parks and open spaces. However, whilst the presence of nearby POS can be justification for accepting a reduced provision of outdoor amenity space in some cases; in this case it is considered that the nature of the proposed occupants will result in them being more reliant upon the on-site provision. Therefore, despite the improvement in provision, members may consider that the remaining shortfall is cause for concern.



Image of development looking from southwards from the northern end of the internal access road

- 1.6. The applicant has also submitted a letter from the Interim Lead Commissioner for Learning Disabilities and Autism, at the NHS Birmingham and Solihull Clinical Commissioning Group. This letter sets out that the Birmingham and Solihull Clinical Commissioning Group support the decision to develop 18no. new supported living units on Barnsley Road. The letter however sets out that there are no guarantees in terms of the Group setting up a contract with the applicant, as such guarantees are not made by the Commissioner. However, the letter sets out that there is a significant need for specialist supported living accommodation such as that proposed.
- 1.7. A further 2no. supporting statements have been submitted on behalf of the applicant, Eden Futures. These set out the need for the development and seek to reassure Members that the applicants operate a number of similar sites in other parts of the country, with no or limited external amenity space. The statement sets out that the individuals residing at the site have a bespoke support plan, in which the applicant focuses on the individual engaging with others outside of the site and visiting local parks, cafes and other such facilities with carers and support staff, as part of their care plan. The statement further argues that the occupants would be encouraged to meet indoors, whereby support staff is available at all times for assistance. With reference to the bungalows, the statement sets out, that as these occupants would have different support needs, the bungalow units would have individual private amenity areas meeting or exceeding the 30sqm guidance figure.
- 1.8. A further consideration is the Birmingham Development Plan became 5 years old on the 10th January 2022. In accordance with Paragraph 74 of the NPPF, 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, this means where the policies which are most important for determining the application are out of date, the titled balance is engaged and 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.

- 1.9. It is considered that the benefits of the proposal in boosting the city's housing supply with a net gain in this form of specialist accommodation affords weight in the decision-making process. Some harm, in the form of a shortfall in the provision of outdoor amenity space is identified and members may consider that this is of sufficient weight to outweigh the need for housing.

2. Consultation/PP Responses

Transport development:

- 2.1. Transportation have reviewed the amended plans and raise no objections, subject to appropriate safeguarding conditions, which are found within the original report and report back.

- 2.2. Since the last committee date, 19no. further letters of objection have been received by the Council. While a number of the points raised are already addressed and covered within the original committee report, the additional areas of concern are detailed below:

- The Officer report references to further planting by way of condition and this is not included within the submitted report;
- The number of EV charging points remains unclear;
- The photo within the committee report is not a clear representation of the site;
- The report is not clear why so much flexibility is being offered to this scheme;
- The report doesn't justify the need for the development;
- The report is not policy compliant;
- The site notice was posted very late;
- The re-consultation was not clear;
- The application has been put back in the past;
- Lack of response from case officer;
- The case officer report contained numerous errors;
- NHS commissioner letter was not public;
- The incorrect fee was paid;
- Council has failed in keeping local people up to date;
- Outdoor amenity space still does not meet standards;
- Lack of consultation with neighbours on amended scheme;
- Transport statement has not been amended;
- The site still relies on the garage plots without their ownership;
- Over reliance on local open space as on-site provision is inadequate;
- No shared internal amenity space for residents;
- Noise, disturbance and odours from nearby recently approved take away will impact the application site and future residents;
- Concerns about the road junction in front of the site;
- Lack of coordination with Sandwell Council;
- Future concerns about access to garage plots and interaction with service users;
- Land ownership issues; and
- No contribution to local open space and other such infrastructure.

- 2.3. A further letter was also received from the MP Preet Kaur, setting out the below:

- Insufficient time has been allowed for residents to respond to the application, as part of the consultation period;
- Officer errors were made during the original review of the application;
- The report refers to the outdoor amenity space exceeding the threshold of the required 360sqm of external space, but this factors in unusable areas;
- The scheme offers insufficient car parking;
- No consultation has been carried out with residents of elected members from Sandwell Council, despite the site crossing boundaries;
- A document relating to a different application has been misfiled on the website;
- A site visit should take place;
- A new light night takeaway has been approved in close proximity to the site, which would add noise and nuisance and anti-social behaviour to the area; and
- West Midlands Police have raised concerns about how the development will affect the community, given the high number of HMO's within the area.

2.4. A further objection letter has been submitted by Councillor Carl Ricer, highlighting the below areas of concern:

- Development relies upon local amenities, however there is little or no public open space nearby the application site;
- Lack of clarity regarding the garage plots and their future use and access;
- Level of car parking is not adequate for the site;
- Transport statement remains unmodified; and
- A new restaurant has opened nearby the site which would release odours into the application site.

2.5. A further petition, with 105 signatures has also been submitted in response to the latest set of amend plans, setting out the following reasons for objection:

- Destruction of green space;
- Impact upon local wildlife
- Additional noise and nuisance concerns around privacy from the loss of trees on site;
- Proposed building would have privacy implications from existing occupiers;
- Increase in traffic within the local area; and
- The lack of consultation with local residents and elected Members.

2.6. In response to the comments above, it can be confirmed that appropriately worded conditions for future landscaping works and EV charging points are included and can be found within the original case officer report below.

2.7. The photo provided within the report is for illustration purposes only and has not been used to assess the application.

2.8. In terms of flexibility, the applicant is not proposing a typical C3 development and as such policies around affordable housing etc. are not applied in this instance.

2.9. Although it is noted that the site notice was not displayed at the same time as original consultation letters were sent out, sufficient time was allowed for future responses to be received in response to this. It can further be confirmed that the Council has

exceeded the statutory requirements to advertise the application, in terms of consultation with neighbours and other groups.

- 2.10. The NHS commissioner' letters have now been made public.
- 2.11. The recently approved takeaway/restaurant nearby will have gone through the full planning process and will have safeguarding conditions associated with the consent, in relation to odour control. With reference to noise and nuisance, these comments are subjective, and it is not considered that there would be any undue noise or nuisance associated with this development, that would have an impact upon the current proposals.

3 Conclusion

- 3.1. Officers consider that the amended scheme has sought to address Members' concerns, but the outdoor amenity provision still does not meet the outdoor amenity standards and members may consider this level of harm is not outweighed by the shortfall in housing.
- 3.2. If members are minded to refuse the application, the following reason for refusal is recommended by officers:
 - The proposed development would not provide sufficient outdoor amenity space for the intended occupiers, contrary to the provisions of Policies DM10 and DM12 of the Development Management in Birmingham DPD, guidance given in 'Places for Living' SPG and the NPPF.

Report Back (3rd February 2022)

- 1.1. This application was presented to Planning Committee on the 20th of January, 2022. At the meeting, Members were minded to refuse the application on the grounds that the proposed residential units did not meet the Nationally Described Space Standards, and provided a poor-quality living environment for future occupiers. Members also had concerns regarding the provision of outdoor amenity space, which was also considered to be substandard, falling below the Council's adopted guidelines.
- 1.2. Officers have however, upon further review of the submitted plans, found that all of the proposed apartments and bungalows would either meet or exceed the Nationally Described Space Standards, for one bed, one person units. The incorrect figures, reported within the original committee report, at paragraphs 1.2 and 6.21 were due to Officer error. The accurate figures are further detailed below for each of the individual units.

Flat / Bungalow	Floor Space in Square Metres
Flat 1	42.43
Flat 2	41.57
Flat 3	42.12
Flat 4	40.23
Flat 5	39.02
Flat 6	43.67
Flat 7	42.41
Flat 8	43.34
Flat 9	39.60
Flat 10	42.36
Flat 11	42.19
Flat 12	42.06
Bungalow 1	46.12
Bungalow 2	45.71
Bungalow 3	41.45
Bungalow 4	47.35
Bungalow 5	47.08
Nurse Hub	44.68

(Figure 1 – table to show floor space figures)

- 1.3. It is therefore considered that a refusal on the basis of the above figures cannot be substantiated.
- 1.4. With reference to the proposed outdoor amenity space, the figures reported within the original committee report at para. 6.22 did not take into account the land identified on the submitted plan as “garage spaces”. Upon further review the following can be confirmed.
- 1.5. Bungalows:
- All of the ground floor bungalows have their own private garden, as these individuals require a greater level of care.
 - The garden sizes are now confirmed to measure between 28sqm and 40sqm, complying with the Council’s Places for Living SPG which requires a minimum figure of 30sqm per unit, with the exception of one bungalow falling slightly short.
- 1.6. Apartments:
- A total of 12 apartments are proposed and Places for Living SPG would require a minimum outdoor amenity space of 360 sqm.
 - When combining the main areas of outdoor private communal space within the site, (linear areas to the east and north of the main building), 307sqm is provided. However, also taking into account the smaller areas elsewhere within the site (each individually larger than 10sqm), it exceeds the minimum requirement.
- 1.7. Whilst it is noted that in numerical terms sufficient outdoor amenity space is provided for the occupiers of the apartments, Members may wish to consider the qualitative issue. The majority of the space referred to above is a linear strip located between the proposed building and the access road, alongside the parcel of space located to the north of the car park. The additional areas referred to above are small parcels of space

that are located to the corners of the site between the site boundary and the boundaries to the bungalow gardens.

1.8. If Members are minded to refuse the application on these grounds, the following is suggested:

- The proposed development would not provide sufficient private useable outdoor amenity space for the intended occupiers, contrary to the provisions of Policies DM10 and DM12 of the Development Management in Birmingham DPD, guidance given in 'Places for Living' SPG and the NPPF.

Original Report (20th January 2022)

1. Proposal

1.1. Proposed demolition of existing single storey garages and erection of 2 storey detached building consisting of 17no. assisted living, self-contained apartments and bungalows; with ancillary landscaping and car parking.



Image 1: Proposed site plan within site context.

1.2. The proposed L shaped block would be erected to the site's south-west, the building would be set in at first floor level, towards the west of the site, with the western most section being single storey only. There is a nurse's station and 8 self-contained units at ground floor; 5 to the west and south described as 'bungalows' with private external terraces and 3 apartments to the east. At first floor, a further 9no. apartments would be created. All of the units would be circa 28sqm in size and would feature a kitchen, living space and separate bedroom, with either an in-suite or separate bathroom.



2: Proposed ground and first floor layout plans.

- 1.3. To the north, 10no. car parking spaces would be created, alongside a cycle store. Small pockets of communal amenity space would be created to the east and west.
- 1.4. A small strip of landscaped land labelled as “garage plots” on the submitted plans is anticipated to be landscaped and retained as open space. However, a condition should be attached to ensure that this parcel of land is landscaped and retained as communal amenity space for residents. Access to the rear of properties on Barnsley Road would also be retained.
- 1.5. The end user would be “Eden Futures”, who are a care provider for people with disabilities and other support needs. The company currently manages upwards of 600 service users and have over 1000 staff across a number of properties, UK wide. The supporting statement has stated that this application has been prepared together with the local commissioner of the NHS. This site is said to have been selected due to being close to local amenities and for having good transport links and demand for such a service within the area. The applicant adds there are also ample staff residing within a 6-mile radius.
- 1.7. The bungalows are individual units served by a safety corridor, with all access points monitored and controlled by staff. The flats are safeguarded in a similar fashion and

have a separate access point. The dwellings are used as short term transitional accommodation, typically for 18 months and are not designed for long term use.

- 1.9. The care levels of each individual vary, with the residents within the bungalows requiring a greater and much more intense level of care, when compared to residents within the apartments. As care staff are situated within a 6-mile radius, no on-site sleeping or shower facilities are provided for the staff and CCTV will remain operational 24/7 and this includes the external amenity spaces.
- 1.10. Up to 12no. staff would be on site at any one time during the day and a maximum of 6no. staff during the night shift. Residents receive on average 2 visitors per week, including health care professionals during morning hours or early evenings. None of the residents are likely to own a private vehicle and the car parking spaces are earmarked for staff and visitors only. All staff will be encouraged to use sustainable transport as opposed to driving to and from the site.
- 1.11. The application is supported by the following documents: Energy statement; Flood risk assessment and drainage strategy; Ecological appraisal; Design and access statement; Tree report; Residential noise survey; Planning statement; Sustainable construction statement; and Sustainability statement.
- 1.12. [Link to Documents](#)



Image 3: Aerial photo of site, within wider context.

4. Site & Surroundings

- 4.2. The application site is between residential dwellings on Barnsley Road, Poplar Road, Anderson Road and Drayton Road. The land has a single access point to its south-eastern corner, accessed via Barnsley Road. The site is largely vacant. The Poplar Road properties are Victorian terraced 2-storey houses with gardens circa 20-40m long. Dwellings on Anderson Road are 3-storey, terraced dwellings, with 12m long rear gardens. To the east, the houses form part of Barnsley Road Conservation Area and are distinctive late Victorian / Edwardian 2-storey semi-detached houses with 16m rear gardens.

4.3. The site had previously been used to house a number of single storey prefabricated garages, relating to dwellings on Barnsley Road. The wider site remained open, with pockets of vegetation and trees throughout, as seen on the aerial image above. A number of these trees and areas of vegetation however have since been removed and cleared. The site is not protected by any TPO's.

5. Planning History

5.2. 2002/02757/PA – erection of 8 dwelling houses – approved.

6. Consultation/PP Responses

6.2. Education services – no objections.

6.3. Transportation – no objection subject to conditions: Appropriate pedestrian visibility splays to be provided, gates to be set back into the site a minimum of 5.5m and parking spaces to be clearly marked out on the ground within the site.

6.4. Lead Local Flood Authority – no objection subject to conditions: the prior submission of a sustainable drainage scheme and a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.

6.5. Regulatory Services – no objections subject to conditions: Construction Management Plan, Contamination Remediation Scheme, Contaminated Land Verification Report and the use of electric vehicle charging points.

6.6. BCC Employment – no objections.

6.7. Severn Trent Water – no objections subject to a condition to secure the disposal of foul and surface water flows.

6.8. West Midlands Police – no objections and make a number of recommendations, relating to crime prevention and safety measures.

6.9. West Midlands Fire Service - no objections and make a number of recommendations.

6.10. School organisation team – no comments.

6.11. Press and site notices posted. MP, Councillors, Residents' Associations and neighbouring occupiers notified. 36no. letters of objection have been received, raising the following comments:

- Lack of sufficient consultation with local residents and neighbours;
- Inaccuracies within the information submitted;
- Lack of clarity of the existing garages on site and the rights of their current owners;
- Clearance of the ground and removal of existing trees on site, without consent or consultation with neighbours;
- Exasperation of existing pollution and traffic/congestion problems within the area;
- Additional noise and anti-social behaviour that will be generated by this new development;
- Residents with mental health issues likely to cause noise/nuisance, engage in antisocial behaviour and result in an increase in crime;
- Health and safety concerns for the residents;

- Increased crime and anti-social behaviour for existing neighbouring residents as a result of the scheme;
- The unnecessary additional pressure on already over stretched police and ambulance services, serving this area;
- Increased light pollution and impact upon neighbouring residential amenity;
- Cramped form of parking will result in additional on streetcar parking pressure;
- Impact upon natural wildlife at the site;
- Overlooking;
- Drop in property values within the area;
- No provision for green or outdoor space for new residents;
- Disproportionate number of HMO's and exempt accommodation within the area already;
- Negative impact upon conservation area;
- Cramped living spaces proposed for residents;
- Loss of green space and the visual aspects of this for existing neighbouring residents;
- Right of way and use of existing garages remains unclear;
- Accessway too narrow for development;
- Problems turning and getting onto the surrounding roads;
- Shoehorned development;
- Treatment of Japanese Knotweed on site;
- Existing issues around fly-tipping;
- Loss of light for neighbouring dwellings;
- The site is not brownfield;
- The applicants do not own the site;
- The site should be repurposed for community use;
- The development should use a vacant building elsewhere within the city;
- Intimidation from developers to sell land;
- Confusion over future of car parking and garage spaces;
- Scale and massing of development is disproportionate for size of site;
- Replacement tree planting is required;
- Residents would come from outside of Birmingham;
- Inaccuracy of submitted information; and
- Increase in emergency services attending site.

6.12. A petition has also been submitted siting reasons set out above for objection to the development with 90 signatures.

6.13. A single letter of support has also been received.

6.14. A letter of objection from the MP Preet Gill has also been received, setting out the below reasons for objection:

- Limited response time was allowed for comments from neighbours;
- Inaccuracy of information submitted;
- Clearance work took place without consultation;
- Unclear why the number of units proposed is required;
- Unclear if existing buildings have been reviewed for use?
- Existing concern of anti-social behaviour and crime;
- High concentration of HMO's within the area;

- Impact upon Police resources;
- No outdoor amenity space for residents;
- Impact upon privacy of neighbouring residents;
- Development too large for the site;
- Issues around land ownership; and
- Site not suitable for this type of development.

6.15. A letter of objection from Councillors Carl Rice, Sharon Thompson, Ahmad Bostan (SMBC) and Nicky Hinchliff (SMBC) has also been received, setting out the below reasons for objection:

- No demand for such accommodation within the area;
- Overconcentration of such uses within the Ward;
- Impact upon local streetcar parking;
- Impact upon the amenity of existing residents;
- Impact of the site limitations on the end service users;
- Small entrance will lead to noise and nuisance;

6.16. A letter of objection from John F. Spellar MP for Warley has also been received, who:

- Would like to endorse the points raised by MP Preet Gill.

7. Policy Context

7.2. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Birmingham UDP saved policies (2005); Development Management in Birmingham, Places for Living SPG (2001); Car Parking Guidelines SPD (2012); Public Open Space in New Residential Development SPG (2007); and Affordable Housing SPG (2001).

8. Planning Considerations

Principle

8.2. The application site is designated as a SHLAA site (S485) and has a previous planning permission for housing which has now expired for 8no. 2 and 3 storey houses.

8.3. The proposal is for 17no. assisted living residential units, as short-term transitional units, providing different levels of care. As such, the proposal is meeting a specific need for the City in relation to assisted living accommodation, whereby residents in support of specialist, affordable housing can be housed. This specific need is identified within Policy TP31 of the BDP and Policy DM12 of the Development Management in Birmingham DPD (DMB).

8.4. Policy DM12 from Development Management in Birmingham focuses on Residential Conversions and Specialist Accommodation. The policy stipulates that such schemes will only be supported if:

- A. It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;
- B. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;
- C. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;
- D. The scale and intensity of the proposed use is appropriate to the size of the building;

- E. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.
- 8.5. In terms of the cumulative impact of similar uses within the area, a search of residential properties within a 100m radius of the application site was undertaken both within Birmingham as well as Sandwell. Policy DM11 of the DMB contains a 10% threshold for HMOs within a 100m radius. 10no. HMOs and 2no. exempt accommodation premises were identified representing a total of 10.9%. However, the proposal is not for a HMO and as such would not impact upon this figure.
- 8.6. Policy DM12, which is relevant to this proposal as forming specialist accommodation, does not specify any threshold. When looking at other uses a guest house and 14 properties converted to provide self-contained apartments were identified. The search failed to identify any uses similar to that proposed and the proposal would not be replacing existing residential accommodation and would be the only such purpose-built assisted living accommodation premises. As such it is considered to comply with the NPPF and Policy TP27 in providing a wide choice of housing size, type and tenure to ensure balanced communities catering for different groups in the community. Local concerns are recognised but it is not considered that the proposal would result in an unacceptable cumulative impact that would erode the character of the area to warrant the refusal of the current scheme.
- 8.7. With reference to section B, this has been discussed within the residential amenity section of this report and this policy is met. The proposals are also considered to meet section C, D and E of the above-mentioned policy. As such, the development is considered to be acceptable.

Sustainability

- 8.8. The applicant has submitted an Energy Statement setting out the baseline energy use and stating that the development will achieve a CO2 reduction of 19% through various energy saving measures. The feasibility of renewable energy generation concluded that the most appropriate cost-effective renewable energy technology for the proposed development would be EV panels and the submitted details have been considered acceptable. The applicant has also submitted a sustainable construction statement which Planning Policy colleagues considered complied with Policy TP3.

Heritage

- 8.9. The application site is partly situated within the Barnsley Road Conservation Area, alongside being situated within the setting of the Grade II Listed Sandon Road Methodist Church. The former, now removed garages on site were considered to be in a poor condition and did not contribute to the significance of the Conservation Area, as such their demolition is considered acceptable.
- 8.10. The proposed building is two storeys in height and sits back from the boundaries of the Conservation Area and as such this is not considered to have a harmful impact upon the setting of either the Conservation Area or the nearby Listed Church. The only part of the proposed development that would be situated within the Conservation Area would be the proposed gates and bin store, details of which have been submitted. These have been considered acceptable by the Conservation Officer and as such the development is considered to make a neutral impact upon the setting of the nearby Listed Church and Conservation Area and is not considered to harm their significance.

Design

- 8.11. The building is located in the southern part of the site, with a small car park to the north. The ‘bungalow’ units positioned on the southern and western elevations have enclosed private gardens, while the first floor is accommodated within the roof space, in order to reduce the building’s scale and keep it below the height of surrounding houses, creating a large expanse of sunken flat roof which has been utilised to provide PV panels. The siting, scale and massing minimises impacts on residents of existing houses and is considered acceptable. It should also be noted that this remains lower when compared to the former approval on site.



Image 4: CGI of aerial shot of proposed development in site context.

- 8.12. The building has a coherent, well-proportioned appearance with red and buff bricks, a standing seam metal roof and dormers, and dark grey uPVC window surrounds. Additional interest is created by detailing of brick work around the windows, alongside vertical and horizontal brick banding. The design approach is considered acceptable.



Image 5: details of proposed materials.

- 8.13. Detailed landscape proposals have not been provided at this stage, but there remains scope to provide trees and other planting for visual and biodiversity interest that will benefit the amenity of both the users of the proposed housing and existing residents of adjacent homes. Suitable conditions to secure details for the proposed: landscaping, materials and architectural details are attached.

Residential Amenity

- 8.14. There are a number of residential dwellings in close proximity. In terms of overlooking, the development is considered to achieve sufficient distances from existing nearby dwellings, in order to avoid any undue overlooking concerns and would meet the distance separation guidelines for ground floor and first floor habitable room openings, as set out within the Spaces for Living SPG. It is noted that 2no. openings do not meet this distance at first floor level for flats 5 and 6, however these do not overlook a private rear garden and are thus found to be acceptable.

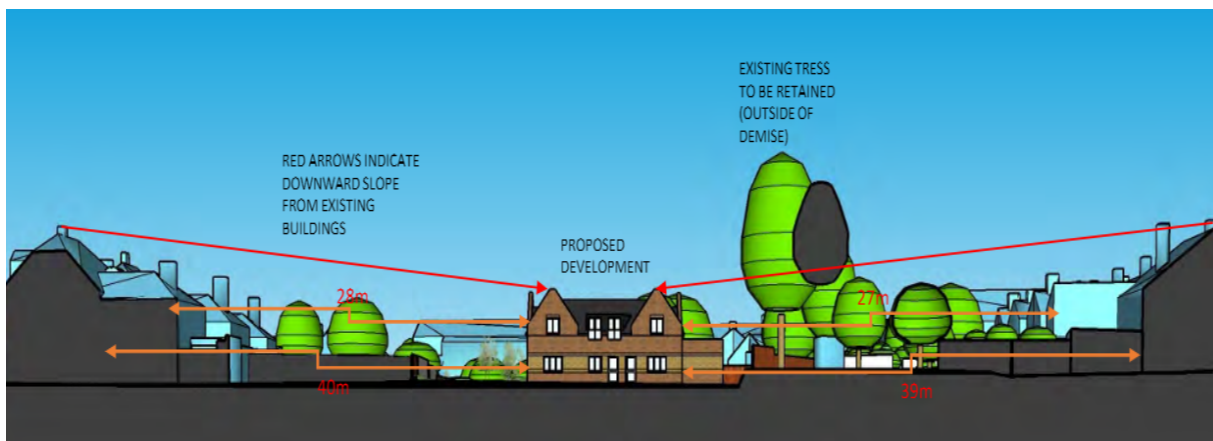


Image 6: CGI showing relationship between proposed development and neighbouring dwellings.

- 8.15. The development is not considered to result in any new undue loss of light or overbearing concerns, for nearby existing residential occupiers, given the low-lying scale of the development and flat roof.
- 8.16. Regulatory services have no concerns with reference to noise and nuisance, however, given the close proximity of residential occupiers, a condition to secure a construction method statement and management plan has been recommended. This will help safeguard the amenity of neighbouring residential occupiers during demolition and construction.
- 8.17. Furthermore, in order to further maintain the privacy and amenity of neighbouring land users a condition for boundary treatment details, will be attached, which will ensure at least a 1.8m perimeter is erected across the site.
- 8.18. In addition, a condition to secure a suitable lighting scheme to minimise and site lights in such a manner which causes the least level of harm to neighbouring adjoining occupiers will be attached. This will minimise any light pollution/spill into the garden areas of neighbouring occupiers.
- 8.19. A further condition to limit the number of occupants will be attached to safeguard the amenity of neighbouring residents.

Amenity for Future Occupiers

- 8.20. Regulatory services have no objections.
- 8.21. The floor plans show all apartments as having a good level of light and outlook for future occupiers. 2no. bedrooms have been fitted with obscure glazing; however, these will also feature roof lights and would have openings which are top hung, above 1.8m, from internal floor level.

- 8.22. It is noted that the apartments do not meet the standards as set out within the Nationally Prescribed Space Standards for 1 bed apartments. This would be circa 37sqm, whereas the proposed units are roughly on average circa 28sqm. However, the type of accommodation is not a typical C3 use, and as such a degree of flexibility is required, when dealing with supported living style accommodation, such as that proposed. As such, it is considered that although the apartments and bungalows do not meet the guidelines, these are considered suitable for the type of accommodation on offer. Given their short-term use and the needs of future residents, on balance, this level of space is deemed acceptable.
- 8.23. Places for Living requires 30sqm of private amenity space per apartment, equating to 510sqm for the proposed development. The applicant is proposing circa 100sqm of private amenity space in the form of a private terraces and shared amenity areas. However, as this is not a typical form of C3 development, a degree of flexibility is required, and it is noted that the needs of residents will be very different to those of typical residential schemes. Lightwood Park remains a short distance away, available for the use of future residents.
- 8.24. Bearing this in mind, the level of private amenity space on offer is considered acceptable. A condition to ensure that the development remains a specialist form of supported living accommodation will be attached to ensure that the development does not become standard C3 accommodation for which a different type of outdoor amenity space is required.

Highway Safety / Parking

- 8.25. 10no. car parking spaces are proposed on site, these are likely to be used by staff and visitors, as the proposed residential occupiers are unlikely to own or use a private vehicle, given the type of accommodation. Transportation Development have no objections and recommend conditions, which include: the gates to be setback form the highway, vehicle visibility splays to be provided and for the parking spaces to be made available, prior to first use. These conditions are considered both appropriate and reasonable and are attached.

Ecology

- 8.26. The Councils Ecologist raises no objections and recommends the conditions relating to bird and bat boxes and an ecological enhancement scheme.
- 8.27. Although comments have been made regarding Japanese Knotweed presently on site. The applicant has confirmed that this is presently being removed and the Ecologist has raised no objections. The submitted survey work, further did not identify any flora risks associated with the scheme for existing wildlife that may be using the site.

Trees

- 8.28. The site has had a number of trees removed from it previously which the current proposal does not adequately demonstrate how these would be replaced on site. As such the Tree Officer has recommended a condition to secure high quality tree planting at the site be attached. The applicant is proposing to retain all trees on site which lie on the site periphery and the trees which have been removed were not protected under a TPO and were outside the Conservation Area boundary and as such had no level of protection. Future tree planting will however be a key component for the redevelopment of the site and a carefully worded condition to ensure high quality planting is attached.

West Midlands Police

- 8.29. West Midlands Police have not raised any objection with reference to the proposals and have not recommended the use of any specific conditions, however, have made a number of security related recommendations, which have been passed onto the applicant. Following the review of these comments it is considered that a suitable CCTV system, alongside a detailed lighting strategy is needed at the site for the security of proposed residents as well as those nearby. Suitable conditions are included.

Contaminated Land

- 8.30. Regulatory services recommend conditions which require the submission and approval of a ground investigation report and remediation scheme, prior to any works commencing on site. Appropriate conditions are included.

Flood Risk and Drainage

- 8.31. Severn Trent Water raise no objections subject to a condition to safeguard against foul water. The condition is attached accordingly.
- 8.32. The LLFA raise no objections subject to conditions to secure the prior submission of a sustainable drainage scheme and the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. These conditions are attached.

Planning Obligations

- 8.33. The City Council require 35% affordable housing upon all residential schemes in excess of 15no. residential units unless a financial viability assessment demonstrates that the site is incapable of making this offer. This is alongside a financial contribution to support the provision of off site public open space.
- 8.34. In this case, the applicant has submitted a supporting statement which sets out that the development as proposed is not a typical residential scheme, but one for assisted living, providing specialist care for residents. The applicant has thereby stated that they are not able to make any contribution towards affordable housing or public open space, as it would make the scheme unviable and further argue any such requirement should not be made, given its end intended use, differing it from a typical residential scheme.
- 8.35. A condition will be added restricting the use to a specialist care provider only, which will mean the development would not be able to form standard residential development. As such, it is therefore considered that given the clear difference it has from a standard residential scheme, that an affordable housing contribution or any other s106 contribution should not be sought from this development and instead a means to prevent this from becoming a typical residential scheme be attached.

Other Matters

- 8.36. Matters relating to land ownership, devaluation of nearby dwellings and suggestions around alternative uses are not material planning considerations and cannot be considered as part of this application.
- 8.37. All necessary public consultation, in line with Council's statutory requirements were carried out as part of this application and the representations received have been accurately set out above.

- 8.38. The applicants have confirmed that the supporting statements are accurate. The Council's Tree Officer, Conservation Officer, Ecologist, Flooding and Drainage Officer and Regulatory Service Officers have no comments with reference to the accuracy of the information submitted.
- 8.39. In terms of the level of care and safety of future residents, Eden Futures is an established and known provider of assisted living accommodation and known to offer a suitable level of care and support to those who require it; the scrutiny of this service is however not a planning matter.
- 8.40. There is no evidence to suggest that the development would increase antisocial behaviour within the area and the Police have raised no objections. It is not a matter for planning to consider the backgrounds of any future residents. A balanced judgement on the level of accommodation has been made and its likely impacts upon the wider area and given the consultation with the Police and other consultees the proposals are considered acceptable.
- 8.41. Matters relating to fly tipping, the removal of trees and clearance works which have taken place cannot prejudice the determination of this application.
- 8.42. Finally, representations also note that the applicant has not considered the use of other buildings, that the applicant will bring residents to the site who are not from the city, alongside matters relating to conversations between neighbours and the applicant. The site has been considered appropriate for the form of development proposed. The other matters raised are not material planning considerations.
- 8.43. Furthermore, for clarity, the site is brownfield development and not greenfield as set out within the various representations.

9. Conclusion

- 9.2. The application proposals would see the development of a brownfield site, in order to provide a high quality and highly sustainable new supported living residential development. The development would see the erection of 17no. transitional units for residents with different degrees of care requirements. The development is further seen to rationalise the site area and provide a good range of on-site private amenity space, while also maintaining the privacy of nearby existing residential occupiers. The proposals are further considered to offer a suitable level of car parking and the development would further use sustainable technology for onsite energy generation and offer EV charging points for the use of visitors and staff. As such, the development proposals are recommended for approval and are considered to make a positive contribution to the city's aim of creating sustainable communities, in line with the BPD and the relevant sections of the NPPF.

10. Recommendation

- 10.2. Approve subject to the below conditions:

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the submission of sample materials |
| 3 | Requires the submission of architectural details |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
-

-
- 5 Requires the prior submission of a contamination remediation scheme
 - 6 Requires the submission of a contaminated land verification report
 - 7 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 8 Requires the prior submission of a sustainable drainage scheme
 - 9 Prior submission of foul and surface water flows
 - 10 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 11 Requires the prior submission of details of bird/bat boxes
 - 12 Requires the submission prior to occupation of hard and soft landscape details
 - 13 Requires the submission of a lighting scheme
 - 14 Requires the submission of a CCTV scheme
 - 15 Requires the submission of boundary treatment details
 - 16 Restricts the use of the site to Assisted Living only
 - 17 Requires the provision of a vehicle charging point
 - 18 Requires gates to be set back
 - 19 Requires the submission of cycle storage details
 - 20 Requires pedestrian visibility splays to be provided
 - 21 Requires the parking area to be laid out prior to use
 - 22 Construction Management Plan
 - 23 Limits the maximum number of residents to 17
 - 24 Prevents the use of the flat roof area as amenity space
 - 25 Communal amenity space
-

Case Officer: Idris Gulfraz

Photo(s)

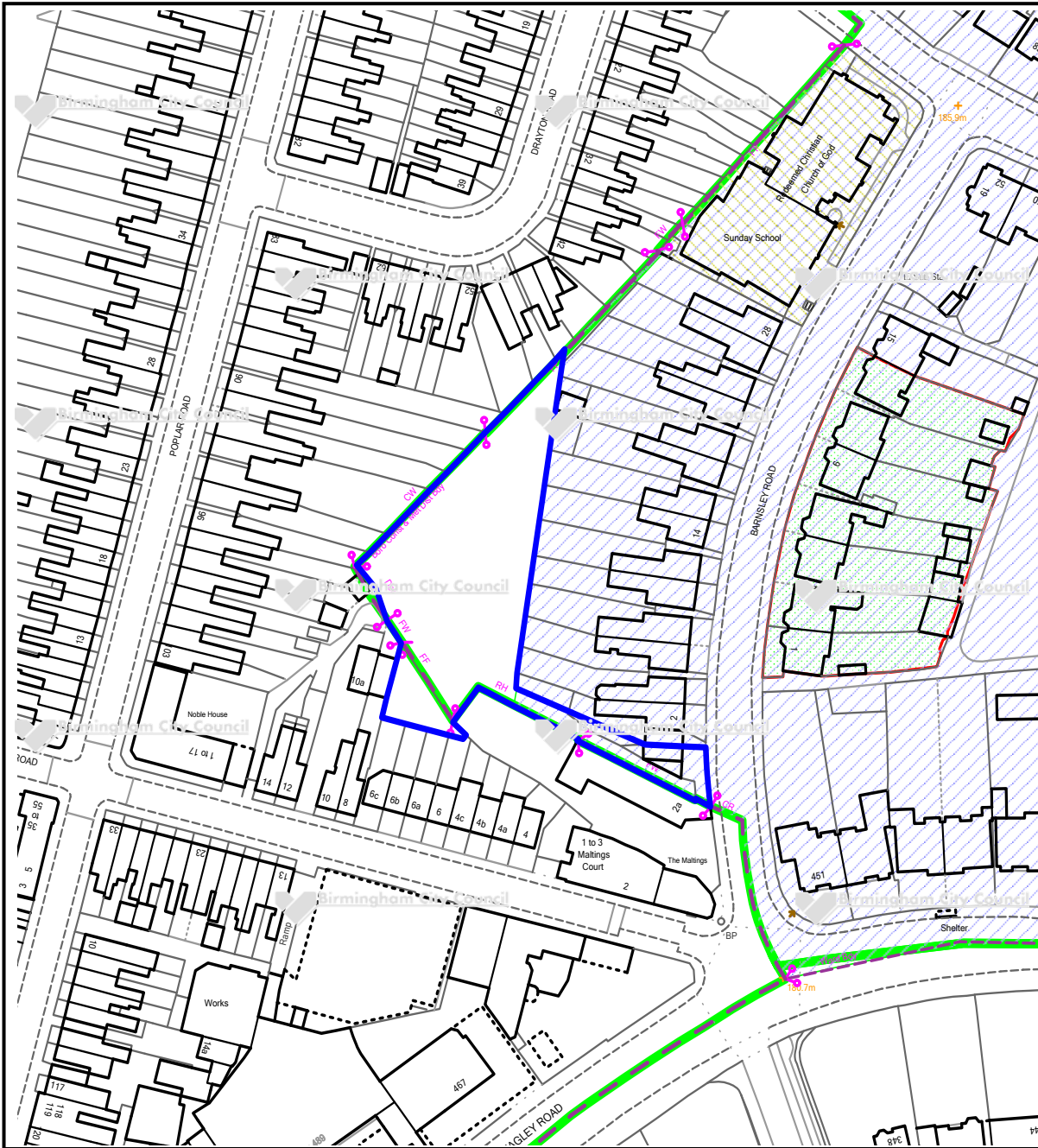


Picture 1 – showing site internally facing accessway off Barnsley Road.



Picture 2: Site access when viewed from Barnsley Road.

Location Plan



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DECISION DOCUMENT

APPLICATION NUMBER: 2021/05314/PA

TOWN AND COUNTRY PLANNING ACT 1990

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Demolition of existing structure on site, to allow for the erection of a two storey detached building to provide 17no. assisted living residential units, with associated car parking and landscaping works.

at

Land off Barnsley Road, Edgbaston, Birmingham, B17 8ED

Conditions that affect this development or use

-
- 1 Implement within 3 years (Full)
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
-
- 2 Requires the submission of sample materials
Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 3 Requires the submission of architectural details
The following architectural details shall be submitted to and approved in writing by the Local Planning Authority prior to commencing construction of the building to which they relate: materials and detailing of windows, external doors, building facades, roof and rainwater goods. The development shall be implemented in accordance with the details approved and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with BDP and the National Planning Policy Framework.
-
- 4 Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers
" Proposed block plan - 19.005/010 Rev. K;
" Proposed bin store and main gates - 19.005/063;
" Proposed ground floor plan - 19.005/023 Rev. A;
" Proposed first floor plan - 19.005/024 Rev. A;
" Proposed elevations west and south - 19.005/027 Rev. B; and
" Proposed elevations east and north - 19.005/028 Rev. B ('the approved plans').
Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 5 Requires the prior submission of a contamination remediation scheme
No development shall take place until the following components of a remediation scheme to deal with the risks associated with contamination of each phase for the intended use have been submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment, which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
 - 3) An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.
Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the Na
-
- 6 Requires the submission of a contaminated land verification report
Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework
-
- 7 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
No building or use hereby permitted shall be occupied or the use commenced until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme.
The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.
Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

- 8 Requires the prior submission of a sustainable drainage scheme
No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.
Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
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- 9 Prior submission of foul and surface water flows
The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.
Reason: to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 10 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
An Ecological Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The development shall thereafter be implemented in accordance with the approved details.
Reason: In order to safeguard the nature conservation value of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
-
- 11 Requires the prior submission of details of bird/bat boxes
No development shall take place (excluding demolition) until details of the number, design, location and post-development monitoring arrangements of (bird nesting boxes/bat boxes/bricks/tubes) to be provided as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be installed in accordance with the approved details and thereafter maintained.
Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing to enhance the nature conservation interest of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 12 Requires the submission prior to occupation of hard and soft landscape details
A scheme of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved.

These details shall include:

- 1) A scaled plan at 1:100 showing all existing vegetation and landscape features to be retained; and where used, locations of individually planted trees, areas of woodland, shrubs, hedges, herbaceous planting, bulbs, and areas of grass.
- 2) Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs.
- 3) Planting schedules noting species, plant sizes and proposed numbers/densities, and details of the proposed planting implementation programme.
- 4) Location, type and design of materials to be used for hard landscaping, including ground surfacing, paving, kerbs, edges, steps and furniture.
- 5) Specifications, where applicable for the following:
 - o permeable paving;
 - o tree pit design - indicating root available soil volumes and matched to species demands at mature size;
 - o underground modular systems;
 - o sustainable urban drainage integration;
 - o surfacing within tree Root Protection Areas (RPAs).
- 6) Specifications for operations associated with plant establishment and maintenance that are compliant with best practice.
- 7) Retaining structures, noting their height, design and facing materials.
- 8) Minor artefacts and structures.
- 9) Proposed and existing functional services above and below ground.

All hard and soft landscape works shall be implemented in accordance with the approved details.

The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained.

Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005.

13 Requires the submission of a lighting scheme

The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

14 Requires the submission of a CCTV scheme

A scheme for the provision of a network of closed circuit television cameras, including the proposed location of the cameras, mounting columns, proposals for the use and management of the system and proposals for its installation shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The CCTV system shall be installed in accordance with the approved details prior to first occupation and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

15 Requires the submission of boundary treatment details

Details of the proposed boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use/dwelling (s) hereby permitted and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

16 Restricts the use of the site to Assisted Living only

The development shall only be occupied and operated as an Assisted Living facility, and at no time shall any of the accommodation hereby approved be let, sold or otherwise occupied as any other form of use as defined in class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking or re-enacting that Order with or without modification).

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

17 Requires the provision of a vehicle charging point

No fewer than one charging point for electric vehicles shall be provided at each residential unit with dedicated parking. No fewer than 10% of non-dedicated parking spaces shall be provided with electric vehicle charging points. The charging points shall be available for use prior to first occupation of the development hereby approved.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP5 of the Birmingham Development Plan and the National Planning Policy Framework

18 Requires gates to be set back

Any gates provided to the development access shall be set back at a distance of 5.5 metres from the edge of the carriageway of the adjoining highway and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 19 Requires the submission of cycle storage details
 Details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Provision shall thereafter be implemented and maintained in accordance with the approved details.
 Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 20 Requires pedestrian visibility splays to be provided
 A pedestrian visibility splay of 3.3 metres by 3.3 metres by 0.6 metres shall be incorporated at the/each access point before the access point(s) is first used and thereafter maintained.
 Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 21 Requires the parking area to be laid out prior to use
 The use/development hereby approved shall not be occupied until vehicle parking has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
 Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.
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- 22 Construction Management Plan
 No construction (including demolition) shall take place until a construction method statement and management plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- ¿ assessing and dealing with contamination and hazardous materials and risks during site preparation and construction,
 - ¿ loading and unloading of plant and materials,
 - ¿ construction hours,
 - ¿ noise and vibration control methodologies,
 - ¿ measures to control the emission of dust and dirt,
 - ¿ a scheme for the recycling/disposing of waste resulting from construction works.
- The development shall be implemented in accordance with the approved details.
 Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 23 Limits the maximum number of residents to 17
 There shall be no more than 17 residents at the application site at any one time.
 Reason: In order to define this permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 24 Prevents the use of the flat roof area as amenity space
- The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
 Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

25 Communal amenity space

The land labeled as 'garage plots' on the approved plans shall be landscaped in accordance with the plans submitted under the requirements of condition 12 and retained as communal amenity space for the proposed residents thereafter unless otherwise agreed in writing by the LPA beforehand.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005.

The proposed development is exempt from a CIL contribution.

Date: Thursday 7th April 2022

Ian J. MacLeod

Ian MacLeod, Director of Planning, Transport and Sustainability

P.O. BOX 28, Birmingham B1 1TU

Please note
This is not a building regulation approval

INFORMATIVE NOTE(S) (if any)

In arriving at this decision, Birmingham City Council has endeavoured to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

Please ensure that you visit the following link before commencing any development:
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at
water.officer@wmfs.net

If you want to appeal this decision and to use the inquiry procedure, you now need to tell us, and the Planning Inspectorate, at least 10 working days in advance of appeal submission by emailing inquiryappeals@planninginspectorate.gov.uk and planning.appeals@birmingham.gov.uk of your intention. More information on this and a template to attach to your email can be found at <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>

APPROVAL