

DECISION DOCUMENT

APPLICATION NUMBER: 2015/09502/PA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT

Birmingham Municipal Housing Trust
1 Lancaster Circus
Queensway
Birmingham
B4 7DJ

AGENT (if used)

Amec Foster Wheeler
Gables House
Kenilworth Road
Leamington Spa
Warwickshire
CV32 6JX

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

Outline planning application to include up to 136 residential dwellings (C3), district centre to include retail uses (A1, A2, A3, A5) and/or community/leisure Uses (D1, D2) up to 2,730sqm (Gross Internal Area), new roundabout access from Meadway, access from Broadstone Road, enhancements to retained public open space, landscaping, provision of new playing fields, new multi-use games area, new toddler play area, new teenage play area, drainage works, ancillary works and demolition of existing buildings

at

Land to the south of Meadway incorporating the Kent's Moat Recreation Ground, site of former high rise flats and existing flats to the south of the Poolway Shopping Centre, Stechford, Birmingham

Conditions that affect this development or use

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- 1 Requires the prior submission of a phasing plan
No development shall take place until a phasing plan for the construction and implementation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 2 Requires the prior submission of a construction method statement/management plan
No development shall take place, including any works of demolition, until a Construction Method Statement 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 method statement shall provide for details of the following:
- * the parking of vehicles of site operatives and visitors
 - * location of loading and unloading of plant and materials
 - * hours of demolition/construction/delivery

The development shall be implemented in accordance with the approved details.

Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 3 Tree Survey and Arboricultural Implication Assessment
Submission Required (Outline Application)
The first submission of reserved matters for each phase, shall include a full up to date tree survey and arboricultural implications assessment (AIA) taking account of all the trees on the site and on adjoining land including public highway and be undertaken in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (BS5837:2012 and any subsequent edition).
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 4 Requires the prior submission of contamination remediation scheme on a phased basis
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: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 5 Requires the prior submission of a contaminated land verification report in a phased manner
Prior to occupation of any part of a phase, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for each phase of development 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 Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework
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- 6 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: 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 Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.

- 7 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and 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
To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), TP6 of the Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.
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- 8 Requires the implementation of the ecological mitigation measures for bats and breeding birds
The development shall be implemented in accordance with the ecological mitigation measures for bats and breeding birds in section 7.3 of the Ecological Assessment report (Amec Foster Wheeler Environment & Infrastructure UK Ltd, October 2015; Doc. Ref. 36052rr040i2).
Reason: In order to safeguard the nature conservation value of the site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
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- 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
No development shall take place until an Ecological Enhancement Strategy, based on the recommendations contained in the the Ecological Assessment report (Amec Foster Wheeler Environment & Infrastructure UK Ltd, October 2015; Doc. Ref. 36052rr040i2) for each phase of development has been submitted to and approved in writing by the Local Planning Authority. 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 Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
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- 10 Requires the prior submission of a habitat/nature conservation management plan
A habitat/nature conservation management plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The plan shall include:
- o Description and evaluation of the features to be managed;
 - o Ecological trends and constraints on site that may influence management;
 - o Aims and objectives of management;
 - o Appropriate management options for achieving aims and objectives;
 - o Prescriptions for management actions;
 - o Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - o Monitoring and remedial / contingencies measures triggered by monitoring.
- The plan shall be implemented in accordance with the approved details, and thereafter maintained
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
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- 11 Requires the prior submission of hard surfacing materials in a phased manner
No development shall take place until details of the materials to be used for hard and paved surfacing for each phase of development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 12 Requires the prior submission of boundary treatment details in a phased manner
No development shall take place until full details of the proposed boundary treatment of the site for each phase of development have been submitted to and approved in writing by the Local Planning Authority. 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 Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 13 Requires the prior submission of a lighting scheme in a phased manner
The development hereby approved shall not be occupied until a detailed lighting scheme for each phase of development, including the area of public open space, 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 Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.
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- 14 Requires the prior submission level details on a phased manner
No development shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings for each phase of development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. 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 Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 15 Requires the prior submission of sample materials in a phased manner
No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted for each phase of development have been submitted to and approved in writing by the Local Planning Authority. 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 Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 16 Requires the prior approval of the siting, design and form of the access
No development shall take place until full details of the siting, design and form of the proposed means of access from Meadway and Sheldon Heath Road have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development hereby permitted is brought into use.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 17 Requires the prior submission and completion of works for the S278/TRO Agreement
The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include drainage, streetlighting, lining, signing, removal of redundant accesses and Traffic Regulation Orders and are to be carried out at the applicants expense to Birmingham City Council specification.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 18 Requires the prior submission of cycle storage details in a phased manner
No development shall take place until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles within each phase of development have been submitted to and approved in writing by the Local Planning Authority. 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 highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 19 Requires the prior submission of a residential travel plan
No dwelling shall be occupied on site until a residents' Travel Plan has been submitted and agreed in writing with the Local Planning Authority, which includes measures to actively promote the use of more sustainable transport choices for residents occupying the site. The Plan shall include incentives to be offered to each household upon occupation of each dwelling to encourage the use of modes of travel other than the car and information regarding public transport timetables, cycle maps, the location of local facilities such as schools, shops, education and healthcare services and walking information. The plan shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 20 Requires the prior submission of public open space details
No development shall take place until details of the public open space, the area of which is shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. Details shall include the laying out of play equipment, MUGA and playing fields as well as the implementation timescale of this area of public open space. The public open space shall be provided in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site and the Public Open Space is provided in accordance with Paragraphs 3.8, 3.10 and 3.53 B of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 21 Requires no less than 55% of all the ground floor commercial units and / or total commercial ground floors space shall be used for retail
No less than 55% of all the ground floor commercial units and/or total commercial ground floor space hereby permitted shall be used for retail (Class A1 use).
Reason: In order to ensure a satisfactory mix of uses is delivered in this development in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Shopping and Local Centres Centres SPD (2012) and the National Planning Policy Framework.
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- 22 Requires no more than 10% of all the ground floor commercial units and / or total commercial ground floors space shall be used for hot food takeaway
No more than 10% of all the ground floor commercial units and/or total commercial ground floor space hereby permitted shall be used for hot food takeaway (Class A5 use).
Reason: In order to ensure a satisfactory mix of uses is delivered in this development in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Shopping and Local Centres Centres SPD (2012) and the National Planning Policy Framework.
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- 23 Limits the hours of use of the commercial units (0600-2200 hours on any day)
The commercial premises hereby approved shall only be open for customers between the hours of 0600-2200 on any day.
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 24 Limits delivery time of goods to or from the commercial units (0600-2200 hours on any day)
No deliveries shall be taken at or dispatched from the commercial premises hereby permitted outside the hours of 0600-2200 on any day.
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 25 Requires the prior submission of a goods delivery strategy for the commercial units
A Code of Best Practice for the management and operation of the delivery process, to include vehicle movements, reversing warnings, engine start up, the type and operation of equipment for both vertical and horizontal movement of goods, measures that contain noise breakout from the loading bay and adjacent areas and a signage scheme to include permitted delivery times, the need to switch off engines and that they are in a noise sensitive area, for the commercial units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the delivery times hereby permitted are first implemented, and such agreed Code operated in its entirety thereafter whenever deliveries are carried out. The signage shall be displayed at the entrance to the development and at each loading bay at all times.
Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
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- 26 Requires the prior submission of any extraction and odour control details at the commercial units
Prior to occupation of the associated commercial unit, any extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF
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- 27 Limits the noise levels for Plant and Machinery from the commercial units
The rating levels for cumulative noise from all plant and machinery associated with the commercial units hereby approved shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
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- 28 Requires the prior submission of details of refuse storage to the commercial buildings
No development shall take place until details of facilities for the storage of refuse within the curtilage of the commercial buildings approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 29 Requires the prior submission a noise insulation scheme to the dwellinghouses
Prior to the occupation of the dwelling(s), a scheme of noise insulation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details to ensure that all windows, any other glazed areas and external doors to habitable rooms provide a weighted sound reduction index ($R_w + C_{tr}$) of at least 32 dB. Any ventilation on this elevation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference ($D_{ne,w} + C_{tr}$) of at least 38 dB.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.

- 30 Requires the provision of a minimum 35% affordable housing units
A minimum of 35% of the dwellings to be provided in perpetuity on the site shall be affordable homes and shall only be used for the purpose of providing housing accommodation to be occupied by households in need of affordable housing to meet the objectives set out in the paragraphs 5.37 A-G of the Birmingham UDP 2005, the Council's Affordable Housing SPG 2001 and the Affordable Housing Statement dated contained within the Design and Access Statement submitted with the application.
Reason: In order to secure the satisfactory provision of affordable dwellings on the application site in accordance with Paragraphs 5.37 A-G of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 31 Requires the planning permission to be implemented by Birmingham City Council
The planning permission hereby granted shall only be implemented by Birmingham City Council.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 5.37 A-E of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 32 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 36052-LEA-PDD-P001, 36052-Lea26b-R-Op1 and 36052-Lea041 ('the approved plans').
Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 33 Requires the scheme to be in accordance design and access statement
The development hereby approved shall be implemented in accordance with the principles outlined in the Design and Access Statement dated November 2015.
Reason: In order to define the permission and ensure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 34 Requires the submission of reserved matter details following an outline approval
Details of the appearance, landscaping, layout and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
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- 35 Limits the approval to 3 years (outline)
Application(s) for approval of any reserved matter(s) must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last matter to be approved.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Thursday 4th February 2016



Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

Please note
This is not a building regulation approval

INFORMATIVE NOTE

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

In reaching this decision Birmingham City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's draft Birmingham Development Plan and Supplementary Planning Documents/Guidance. The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.