
Delegated Date:	15/01/2025	Application Number:	2024/01894/PA
Accepted:	26/03/2024	Application Type:	Full Planning
Target Date:	31/01/2025		
Ward:	Ladywood		

Tower Mount, Reservoir Road, Edgbaston, Birmingham, B16 9EE

Demolition of existing building to allow for the erection of a detached Part 3-storey Residential Care Home (Use Class C2), together with associated access, parking and landscaping work

Applicant: Tru Developments
C/o Agent

Agent: Simply Planning Limited
Third Floor Suite, Victoria House, 114-116 Colmore Row,
Birmingham, B3 3BD

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for the demolition of existing building on site and the erection of a detached part 3 storey residential care home (Use Class C2), together with associated access, parking and landscaping works at Tower Mount, Reservoir Road, Edgbaston.
- 1.2. The proposed care home would be erected centrally within the site and would vary in height comprising one, two and in part three storeys.



(proposed side elevation)

- 1.3. The proposal would provide 80 no. one-bedroom en-suite units with communal facilities. Each bedroom would have a GIA of 21.7sqm . The proposed internal layout would comprise:

Ground floor: 22 no. bedrooms, communal facilities including (hairdressers, cinema, activity/quiet room, 2 no. lounge/dining areas), kitchen, laundry and associated plant and storage rooms, medicine and nurse station, visitors toilets, assisted bathroom and admin and managers offices.

First Floor: 29 no. bedrooms, communal facilities including (gymnasium and lounge/dining area), assisted bathroom, storage rooms, medicine and nurse station.

Second floor: 29 no. bedrooms, communal 2 no. lounge/dining areas, storage rooms, medicine and nurse station, assisted bathroom, staff room and staff changing/shower room.

- 1.4. The proposed amenity space would comprise a terrace area at ground and first floor level, located to the rear of the building (approx. 48sqm) and landscaped areas to the east and rear of the building (approx. 1000sqm).
- 1.5. 13 no. car parking spaces (including 2 no. accessible parking spaces) are being proposed to the west and front of the building. 2 no. new vehicular and pedestrian accesses to the site would be created off Reservoir Road. A bin store, recycling store and cycle parking is proposed to the east of the building.



(Proposed site plan)

- 1.6. The application is being supported by: Air Quality Assessment, Transport Statement, Framework Workplace Travel Plan, Arboricultural Report, Tree Constraints Plan, Tree Protection Plan, Tree Shadow Plan, Care Needs Assessment, Landscape Masterplan, Design and Access Statement, Energy and Sustainability Statement, Planning Statement, Noise Assessment, Biodiversity Metric, Drainage Strategy and Daylight and Sunlight Assessment.

2. Site & Surroundings

- 2.1. The application site is located just to the east of Edgbaston Reservoir, within an area of Victorian terraced housing. It fronts Reservoir Road and a public park to the north, is bordered by the backs of 2 and 2.5-storey terraced houses off Mostyn Road to the east and Leslie Road to the west, and by a raised Severn Trent covered reservoir to the south. The neighbourhood has a distinctive character of 2 / 2.5 storey houses laid out in a grid pattern with strong building lines defining the streets. The houses have a

well-defined horizontal rhythm and a clear vertical hierarchy of windows and other architectural features.

- 2.2. The site is approx. 0.4ha in size (about 40m wide and 95m deep). It was formerly occupied by a row of large Victorian villas ('The Limes') within extensive grounds that were located south of Reservoir Road. The other villas and their grounds were redeveloped for terraced housing around 1900. The Limes was developed as a working men's club at a later date, probably towards the middle of the 20th century.
- 2.3. The existing club has been vacant for over 5 years. The club is a single storey building with a disused bowling green at the rear. A block of lock-up garages backing towards the northeast corner of the site has recently been demolished. There is an electricity sub-station on the site frontage behind the Leslie Road houses. There is a ground level difference between the site and the adjoining residential properties, with the site being set higher than the properties along Reservoir Road, Mostyn Road and Leslie Road.
- 2.4. The site is bounded by a short brick wall adjacent to Reservoir Road, a 1.6m high timber fence to the east and a 2.4m high brick wall and a short section of a 2.4m timber fencing to the west. To the south the site is bounded by trees and a 1.8m high fence.
- 2.5. The site is not located within a designated conservation area. The nearest listed buildings in the vicinity of the site include Grade II listed Reservoir Lodge located approximately 60m from the site and Grade II listed No 38 and 40 Reservoir Road located approximately 180m from the site.
- 2.6. SINC: Edgbaston Reservoir is located approximately 100m west from the site.
- 2.7. The site is located outside Flood Zone 2/3.
- 2.8. The site lies within the wider Greater Icknield Masterplan area (which includes Port Loop, Soho Loop and City Hospital housing developments) promoting a new exemplar sustainable neighbourhood with a focus on family-living. It is also part of the adopted Edgbaston Reservoir Masterplan SPD.



(Site location)

3. Planning History

- 3.1. 2022/04785/PA - Application for a prior notification for the demolition of existing building – Approved with conditions – 15/07/2022

Relevant Pre-application advice

- 3.2. 2023/00111/PA- Pre-Application Enquiry for the proposed erection of new care home – Finalised 23/03/2023
4. Consultation
- 4.1. Employment Access Team – advised they do not require any employment condition to be attached.
- 4.2. City Design and Landscaping – No objections subject to conditions in relation to building appearance, site levels, hard surfacing materials, boundary treatment details and landscape management plan.
- 4.3. Trees – No objections.
- 4.4. Canal and River Trust – advised they have no comments to make on the application.
- 4.5. Conservation – No objections.
- 4.6. Transportation Development – No objections and recommended conditions in relation to highway works, parking spaces, secure and covered cycle parking, vehicular and pedestrian visibility splays and travel plan.
- 4.7. Regulatory Services – No objections subject to conditions in relation to construction management plan, contamination, noise levels for plant and machinery and extraction and odour control details.
- 4.8. Ecology – No objections subject to conditions in relation to further bat survey, bird/bat boxes, precautionary working method statement and an on-site biodiversity net gain condition.
- 4.9. Local Lead Flood Authority – No objections subject to conditions in relation to sustainable drainage.
- 4.10. Severn Trent Water – No objections subject to a condition in relation to drainage plans for the disposal of foul and surface water flows.
- 4.11. WM Police – No objection and provided recommendations/conditions in the interest of safety and security.
5. Third Party Responses:
- 5.1. Press and Site notice were displayed and local ward Councillors, MP, residents' associations and the occupiers of surrounding properties notified.
- 5.2. 11 no. representations received from 5 no. residents raising the following issues (in summary):
- Pleached trees will block ventilation ducts and cause carbon monoxide poisoning;
 - Roots of the trees will damage drains and foundations of adjacent properties;
 - Trees will block light and solar gain;
 - Some of the proposed plants are poisonous;
 - Solar control bars are unsuitable for residents with dementia;

- Ambulances will be coming and going frequently;
- The site boundary line is wrong;
- Not in compliance with Edgbaston Reservoir City Plan or Birmingham Design Guide;
- The area is flooded with HMO's;
- Overlooking issues;
- Insufficient parking;
- It will create noise;
- Landscaping should be improved;
- No community facilities and none of the planned facilities with Port Loop have happened;
- Impact on GP practices; and
- Discrepancies in daylight assessment.

6. Relevant National & Local Policy Context:

6.1. National Planning Policy Framework:

- *Chapter 2: Achieving Sustainable Development*
- *Chapter 4: Decision-making*
- *Chapter 5: Delivering a sufficient supply of homes*
- *Chapter 8: Promoting healthy and safe communities*
- *Chapter 9: Promoting sustainable transport*
- *Chapter 11: Making effective use of land*
- *Chapter 12: Achieving well-designed places*
- *Chapter 14: Meeting the challenge of climate change, flooding and coastal change*
- *Chapter 15: Conserving and enhancing the natural environment*
- *Chapter 16: Conserving and enhancing the historic environment*

6.2. Birmingham Development Plan 2017:

- *PG1 (Overall levels of growth)*
- *PG3 (Place making)*
- *GA2 (Greater Icknield)*
- *TP3 (Sustainable construction)*
- *TP4 (Low and zero carbon energy generation)*
- *TP6 (Management of flood risk and water resources)*
- *TP7 (Green infrastructure network)*
- *TP8 (Biodiversity and geodiversity)*
- *TP12 (Historic Environment)*
- *TP27 (Sustainable neighbourhoods)*
- *TP30 (The type, size and density of new housing)*
- *TP39 (Walking)*
- *TP40 (Cycling)*
- *TP44 (Traffic and congestion management)*

6.3. Development Management DPD:

- *DM2 (Amenity)*
- *DM3 (Land affected by contamination, instability and hazardous substances)*
- *DM4 (Landscaping and trees)*
- *DM6 (Noise and vibration)*
- *DM14 (Highway safety and access)*
- *DM15 (Parking and servicing)*

6.4. Supplementary Planning Documents & Guidance:

- *Birmingham Parking SPD (2021)*
- *Birmingham Design Guide SPD (2022)*
- *Sustainable management of urban rivers and floodplains SPD*
- *Greater Icknield Masterplan (January 2016)*
- *Edgbaston Reservoir Masterplan SPD (October 2022)*

7. Planning Considerations

- 7.1. The main issues for consideration in determination of this application are the principle of development, the impact on visual and residential amenity, standard of accommodation, ecology, contamination and drainage, and the impact on highway safety and parking.

Housing land supply

- 7.2. Paragraph 11 of the December 2024 NPPF sets a presumption in favour of sustainable development, under which there is a 'tilted balance' in favour of granting planning permission where local authorities cannot demonstrate a 5-year supply of land for housing development or where the delivery of new housing over the past three years has been less than 75% of the government's targets under the Housing Delivery Test.

- 7.3. The City Council achieved 79% under the Housing Delivery Test 2023, resulting in a requirement to apply a 20% uplift to the city's local housing need requirement for the next five years from 22,240 to 26,688 new dwellings. As of 1st April 2024, a deliverable housing land supply of 29,959 new dwellings has been identified. When compared with the uplifted housing requirement this results in a housing land supply of 5.61 years. As this is above 5 years and because the city did not fall below the 75% Housing Delivery Test threshold, this means that the 'tilted balance' under national planning policy does not apply to applications for new housing development.

Principle

- 7.4. The application site comprises a brownfield site suitable for housing development, as identified in the Housing and Economic Land Availability Assessment (HELAA 2022). The site falls within the boundaries of the Greater Icknield Masterplan which formed part of the evidence base for the Birmingham Development Plan 2017. Within the Birmingham Development Plan allocations, the site falls within the boundary of Policy GA2 Greater Icknield which is proposed to accommodate the delivery of 3000 new homes. As part of the development, local facilities and employment opportunities will be brought forward to support the delivery of a sustainable neighbourhood. The Greater Icknield area will also support a variety of housing types and tenures including affordable housing. Within the Policy GA2, however, the application site is not subject to a specific housing allocation.
- 7.5. The site also falls within the boundaries of Edgbaston Reservoir Masterplan SPD which states that housing provided within the masterplan area will need to include wide choice of housing sizes, types and tenures to meet community needs which includes homes for families, the elderly and appropriate levels of affordable housing.
- 7.6. A Care Needs Assessment has been submitted with the application which concluded that there are approx. 44,000 people aged over 65+ in the 5km catchment. Whilst the proportion of 65+ residents is below regional benchmarks, a high density of elderly residents in the local area was observed, indicating the area is considered attractive for retirement. Furthermore, the elderly population within the catchment is anticipated to grow by 17.3% over the next 10 years. As of 2024, there is a demand for 1,427 elderly care beds in the catchment which is forecast to increase to 1,654 by 2034.

7.7. The Birmingham Housing and Economic Development Needs Assessment (HEDNA 2022), shows that the total number of people aged 65 and over projected to increase by 32% over the 20-years to 2040. Given the ageing population and higher levels of disability and health problems amongst older people, there is likely to be an increased requirement for specialist housing options moving forward. The analysis suggests that there will be a notable need for both housing with support and housing with care as well as some additional nursing and residential care bedspaces.

Table 11.9 Specialist Housing Need using adjusted SHOP@Review Assumptions, 2020-40 – Birmingham

		Housing demand per 1,000 75+	Current supply	Current demand	Current shortfall/surplus (-ve)	Addition -al demand to 2040	Shortfall /surplus by 2040
Housing with support	Market	29	2,177	2,101	-76	799	723
	Affordable	113	10,298	8,090	-2,208	3,077	868
Total (housing with support)		143	12,475	10,191	-2,284	3,876	1,592
Housing with care	Market	13	1,322	961	-361	365	4
	Affordable	38	1,175	2,708	1,533	1,030	2,563
Total (housing with care)		51	2,497	3,669	1,172	1,395	2,567
Residential care bedspaces		46	2,431	3,261	830	1,240	2,070
Nursing care bedspaces		51	3,058	3,669	611	1,395	2,006
Total bedspaces		97	5,489	6,930	1,441	2,636	4,076

Source: Derived from Demographic Projections and Housing LINEAC

7.8. Policy DM12 of the Development Management in Birmingham DPD states that residential conversions and specialist accommodation will be supported where:

- *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;*
- *The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;*
- *It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;*
- *The scale and intensity of the proposed use is appropriate to the size of the building;*
- *It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies*

7.9. In terms of the cumulative effect of similar uses in the area; a search has been carried out using a mapping tool available to the Local Planning Authority to calculate the % concentration of similar uses within a 100m radius of the application site and other data available to identify intensive residential uses such as HMOs and other such uses.

- 7.10. There are 130 residential addresses within a 100m radius of the application site, out of which 62 have been identified as HMOs and none were identified as Supported Exempt Accommodation. The 47.69% of all residential properties within the 100m radius are already within intensive residential use. The site is not located within an identified Area of Restraint and the former use of the site was a non-residential use. It is considered that the introduction of a C2 residential use at the application site will have little effect on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, it is considered that the introduction of a C2 residential use within the area would not further harm the character of the area.
- 7.11. The site is located within the predominantly residential area and its considered to be accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers. As such, the proposal would comply with Policy DM12 in this respect.
- 7.12. In addition, Policy DM12 of the DMB DPD states that specialist accommodation is normally most appropriately located in large, detached properties set in their own grounds. The proposal is for a purpose build residential care home within its own grounds and as such complies with the objectives of Policy DM12 in this respect.
- 7.13. Finally, residential conversions and specialist accommodation will only be supported where it will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies. The site was formerly in a non-residential use and the proposal would not lead to a loss of family housing. Moreover, policy DM12 of the DPD is clear that it remains a priority for the Council to provide safe environments which facilitate independent living for vulnerable residents and older people in Birmingham (para. 4.28).
- 7.14. Given the above, it is considered that the principle of the change of use from a social club (Sui Generis) to a residential care home (Use Class C2) is acceptable, subject to other site-specific material planning considerations, including the remaining paragraphs of Policy DM12 of the DPD, which will be discussed further within the report.
- Design and impact on visual amenity**
- 7.15. The applicant has undertaken extensive consultation, including with City Design, during the pre-application discussions and during the life of the application in order to demonstrate that the proposal would be appropriate and would create attractive frontage to Reservoir Road and integrate well within the area.
- 7.16. The proposed care home would be T-shaped part 3-storey building featuring flat roof and would occupy a central location within the site with a 3-storey element frontage facing Reservoir Road. Landscape amenity space is proposed to the east of the site and the parking provision would be positioned on the western side of the site.
- 7.17. As per paragraphs 2.1-2.7 of the report, the site is located within an area of Victorian terraced housing. The neighbourhood has a distinctive character of 2/ 2.5 storey houses laid out in a grid pattern with strong building lines defining the streets. The houses have a well-defined horizontal rhythm and a clear vertical hierarchy of windows and other architectural features.
- 7.18. The site is also part of the adopted Edgbaston Reservoir Masterplan SPD area, which sets out development guidance for the site (within the 'Osler Park and Osler Place Opportunity Area' which also includes the former Tower Ballroom site) as:

“New housing should reflect the layout, scale and massing of adjacent traditional houses; however, the opportunity to create interesting contemporary homes that add to local character should be explored. The built form should provide a distinctive frontage to Reservoir Road and face Osler Street Park to improve natural surveillance and safety.”

- 7.19. The proposal is arranged as a frontage block with front door/reception and management offices facing Reservoir Road, behind which is a long rear wing positioned centrally within the site. There is a shared residents' garden at the back of the site bordering the adjacent covered reservoir and an outdoor terrace at first floor level, whilst the ground floor bedrooms have small outdoor private patios. Vehicle access is off Reservoir Road, leading to a one-way drop-off in front of the building and a separate exit, and to a limited number of parking spaces located along the western edge of the site.
- 7.20. City Design have assessed the proposal and raise no objections and recommended conditions in relation to building appearance, site levels, hard surfacing materials, boundary treatment details and landscape management plan. It is considered that the layout, 3-storey scale and massing of the building appear to sit reasonably with local townscape character. Building appearance is contemporary and quite simple. The 3-storey building has a flat roof and repetition of regularly spaced windows on all floors. Facing material is red brick whilst metal cladding is used to highlight the main entrance and ground floor doors.



(Proposed eastern and western elevations)



(proposed front elevation)



(proposed rear elevation)

- 7.21. The City Design officer considers that the appearance of the building complements the vertical rhythm of surrounding terraced housing, whilst the aesthetic has similarities to townhouses built at Port Loop and Soho Wharf. It is considered broadly acceptable, subject to specification of façade and roof materials and architectural detailing. The recommended conditions have been attached. I consider that subject to conditions, the proposal would respond positively to the site and the surrounding area.

Impact on heritage assets

- 7.22. The site is not located within the designated conservation area, however, is situated within the setting of the Grade II listed Reservoir Lodge and the Water Works pumping station. The site was formerly occupied by a mid-19th century villa called 'The Limes' that would have been built between 1851 and 1866. The site is currently occupied by a single storey, flat roofed, former working men's club building, which is not considered to be a non-designated heritage asset.
- 7.23. The Conservation officer has assessed the proposal and raises no objections on heritage grounds. It is considered that while the site is within the setting of the Grade II listed buildings, it does not contribute to their significance. The Conservation Officer considered that the proposed development will cause a minor change in the settings of both the listed buildings identified, but he does not consider that this change would be harmful, and the setting of both buildings would be preserved.

Impact on local neighbourhood and residential amenity

- 7.24. Policy DM2 of the Development Management in Birmingham DPD requires all new development to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours taking into consideration visual privacy and overlooking, sunlight, daylight and overshadowing and aspect and outlook. This is further reinforced by Design Principle 13 of the Birmingham Design Guide SPD and details of minimum privacy distance and 45 Degree Core are presented in City Notes LW3 and LW-4 of the Healthy Living and Working Manual of the Birmingham Design Guide SPD.
- 7.25. City Note LW-3 of the Healthy Living and Working Manual of Birmingham Design Guide SPD states that the City Council will require the application of minimum privacy distance where it is considered necessary to protect resident amenity and privacy. City Note LW-3 requires 5m setback per storey where primary windows (habitable rooms for residential development from main areas of activity and shared circulation space for non-residential) overlooking existing private space is proposed. Moreover, the standards require a distance separation of 21m between buildings faces for two-storey dwellings and 27.5m for three-storey and above.
- 7.26. In regard to the ground floor, the proposal would comply with the 45 Degree Code and the distance separation guidance in relation to adjacent residential properties along Mostyn Road and Leslie Road. In respect of the first and second floor windows of the proposal, it is noted that some of the windows would fall slightly short of the required separation distance in terms of the set back and window to window separation. However, during the life of the application, design measures have been incorporated into the proposal to mitigate against any potential overlooking issues. The amended plans show that the second floor of the building has been set back to achieve a greater separation distance. Additionally, the original Juliet balconies that were previously proposed have been removed and the first and second floor windows serving habitable rooms have been fitted with angled fins to prevent direct views into the gardens and windows of the adjacent properties. Furthermore, communal space windows, facing neighbouring properties would be installed with obscure glass to ensure privacy is maintained. The privacy of residents of the neighbouring properties would be further preserved through tree and landscape planting on the eastern and western boundaries.
- 7.27. In addition, City Note LW-3 of the Healthy Living and Working Manual of Birmingham Design Guide SPD is clear that the weight given to these distance separation standards may be influenced by the location of the development. In this instance,

considerations here include the local character of Victorian two-storey terraced housing, where distances between rear elevations are only approx. 14m in some places, the nature of the proposed care home use and the buildings finished floor level being up to 600mm below existing ground levels (increasing towards the rear of the site). As such, given the design measures the applicant has taken on board, and the respective distances achieved by the proposed building as set out above. On balance, I deem the current proposals to be acceptable by way of any impacts that this would have upon the privacy of existing neighbouring residential occupiers.

- 7.28. A Daylight and Sunlight Effect report has also been submitted with the application which assessed the potential effects of the proposed development on daylight and sunlight and overshadowing to surrounding residential properties using guidelines set by the Building Research Establishment (BRE) and within separate British Standards. The Assessment concluded that all of the assessed neighbouring windows would retain in excess of 80% of their current values with regard to daylight impact. Similarly, in respect of overshadowing, the assessment concluded that the neighbouring gardens would retain well in excess of 80% of their existing values and the scheme would therefore be compliant with BRE guidance.
- 7.29. The application is also being supported by a Noise Impact Assessment which considered both construction and operational phases of the development. The temporary impact of the construction phase on local residents could be mitigated through the implementation of a Construction Management Plan. A condition to this effect has been recommended by Regulatory Services and has been attached. Subject to the use of this condition, I deem the proposals acceptable in this regard.

Proposed living environment

- 7.30. Policy DM12 of the Development Management in Birmingham DPD (DMB DPD) requires that the accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers, and the scale and intensity of the proposed use is appropriate to the size of the building.
- 7.31. The internal layout of the building is similar for all floors. All of the 80 no. bedrooms are arranged along both sides of a corridor running along the rear wing, with a nursing station halfway along. Communal lounge / dining and other facilities for residents (such as a hairdressers, gym and cinema room) are located at the front and back of the building. At the back of the site, single-storey elements positioned either side of the main wing house the building's kitchen, laundry and plant.
- 7.32. Policy DM10 of the Development Management in Birmingham DPD sets out the requirement for development to achieve appropriate residential standards in respect of internal space/room sizes, accessibility, privacy, outlook, daylight, and outdoor amenity space. The submitted plans show that bedrooms and shared communal spaces are adequately sized and would provide good quality accommodation for the intended occupiers. All of the bedrooms and communal spaces would be lit by a natural light and provide satisfactory outlook. The stepping of the external wall line helps to preserve the amenity of neighbouring residents, through the maximisation of separation distances and the addition of fins to the windows prevents overlooking. It is not considered that this would impact on the provision of adequate natural light to those rooms and a satisfactory living standard would be achieved.
- 7.33. The size of the proposed Care Home building ensures that residents will be provided with ample living space, whilst also allowing for the provision of specialised residential services and facilities. The proposed development would provide level access to entrances into the building, external areas and courtyard access points. The proposal

would also provide adequate communal outdoor amenity space which also includes south-facing outdoor garden and first floor terrace at the back of the site and private outdoor patios for ground floor rooms. It is considered that the proposal would provide suitable and satisfactory accommodation for the intended occupiers, and the scale and intensity of the proposed use would be appropriate to the size of the building and in accordance with Policy DM12 of the DMB DPD.

- 7.34. A Noise Assessment has been submitted with the application which concluded that the predominant noise source affecting the site is road traffic noise from Reservoir Road which can be mitigated by use of appropriate rated windows and vents to habitable rooms. Regulatory Services have assessed the proposal and raise no objections and recommended conditions in relation to noise levels for plant and machinery and extraction and odour control details which have been attached.
- 7.35. It is considered that the proposal would provide satisfactory living environment for the future occupiers in line with the requirements of Policy DM12 of the DMB DPD.

Landscaping and biodiversity

- 7.36. The site is located approx. 120m east of Edgbaston Reservoir which is a SINC and Local Nature Reserve. The existing site is dominated by buildings and hardstanding, some of which has been colonised by small areas of shrubs and ruderal species. There is an area of rank grassland and patchy bare ground, formerly a maintained lawn, to the rear (south) of the buildings. A conifer hedge defines the southern boundary with the neighbouring waterworks site. At present, the application site is of little ecological and biodiversity value.
- 7.37. A Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain Assessment (BNGA) with associated BNG Metric and Landscape Masterplan have been submitted in support of the planning application. The PEA has been informed by a desk study and a site survey (habitat survey site walkover and protected species assessment) completed in February 2024. The PEA concluded that the site is of low ecological value. In relation to protected/notable species, the PEA recommends mitigation measures to minimise the risk of harm to nesting birds and badgers during site clearance and construction. Conditions to this effect have been recommended by the City Ecologist and have been attached.
- 7.38. Although the site's ecological value is considered to be low, the proposal is subject to Mandatory Biodiversity Net Gain (BNG). This means the scheme must deliver a minimum uplift in biodiversity value of 10% (as measured using the Statutory Biodiversity Metric [SBM]). The proposal promotes site greening throughout and as detailed within the Landscape Masterplan, significant soft landscaping will be introduced in the form of lawned amenity spaces, native and specimen trees, hedging, wildflower meadow, shrubs and seasonal bulbs.



(proposed landscape masterplan)

- 7.39. The submitted BNG assessment and metric show that post-development, there will be an overall enhancement of the site, with the total number of biodiversity units gained as 0.4 habitat units and 0.78 linear units, representing an overall gain of +122.68% habitat units and +1,940.07% linear units. The City Ecologist is content with the enhancements proposed in the landscape masterplan and raises no objections to the proposal subject to conditions in relation to a further bat survey, bird/bat boxes being provided on-site, a precautionary working method statement being submitted and an on-site biodiversity net gain condition being attached to any subsequent consent.
- 7.40. Maintenance and monitoring of these habitats must be legally secured for a minimum 30-year period following “completion” of the development. These significant on-site enhancements will be secured by a condition, with a S106 agreement to secure a monitoring fee.
- 7.41. An Arboricultural report, a Tree Constraints Plan, a Tree Protection Plan and a Tree Shadow Plan have been submitted with the application. The BCC Tree Officer has assessed the proposal and the supporting documents and raises no objections on arboricultural grounds.
- 7.42. It is noted that concerns have been raised by a local resident that the proposed pleached trees would block ventilation ducts and cause carbon monoxide poisoning, would damage the drains and foundations of the neighbouring properties, would block light and solar gain and that some of the plants would be poisonous. The proposed trees have been carefully selected and positioned as part of the professionally designed landscaping scheme and there is no evidence to suggest that those trees would obstruct ventilation ducts. In addition, tree planting is carried out with appropriate root barriers and planting methods designed to prevent damage to nearby drains and foundations and any potential risks have been assessed by qualified arboricultural specialist in preparation of the supporting documents submitted with the application. In respect of the blocking light and solar gain; pleached trees are typically managed at a controlled height to allow adequate light to filter through. Finally, the proposed landscape masterplan and species mixes have been assessed by City Ecologist, City Tree Officer and City Landscaping Officer who have raised no issues in this regard.

Sustainability

- 7.43. Policy TP3 of the BDP requires new development to be sustainably constructed and non-residential development of more than 1,000 sqm or 0.5ha to aim to meet BREEAM Excellent standard unless financially unviable. Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist, unless financially unviable. A Sustainability and Energy Statement has been submitted with the application which states that the proposal will minimise energy consumption resulting in primary energy use beyond reduction in carbon emissions and a 9.39% reduction in primary energy use beyond a Part L Baseline. In addition, the report states that the development secures 40.88% of its energy requirements from renewable sources. With the imposition of a condition to ensure that measures within the energy statement are implemented, I consider that the proposed development would accord with Policies TP3 and TP4 of the BDP.

Drainage

- 7.44. The application site falls within Flood Zone 1, where there is a low probability of flooding. As originally submitted, the LLFA objected to the proposal due to insufficient information received in order to comply with Policy TP6 of the Birmingham Development Plan. An amended Drainage Strategy has been submitted by the applicant which shows discharging surface water at the greenfield discharge rate and incorporating a rainwater garden as a SuDS feature that provides biodiversity, amenity, habitat and water quality enhancements to the site. Based on the information contained within the amended drainage strategy the LLFA now withdrew their objection subject to the inclusion of conditions in relation to the prior submission of a sustainable drainage scheme and a sustainable drainage operation and maintenance plan to ensure that the proposed development complies with the requirements of Policy TP6 and TP7 of the BDP. The recommended conditions have been attached. The additional advice for the applicant that has been provided by the LLFA has also been attached in a form of informative.
- 7.45. Severn Trent Water raise no objection to the proposal subject to a condition in relation to drainage plans for the disposal of foul and surface water flows which has been attached.
- 7.46. Canal and River Trust advised that they have no comments to make on the proposal.

Contamination/ Air Quality

- 7.47. Regulatory Services raise no objection to the proposal and requested by a way of conditions that a contaminated land remediation scheme is produced in order to allow the site to be developed in the manner proposed as well as verification report and construction method statement/ management plan. The recommended conditions have been attached.
- 7.48. In respect of air quality, an Air Quality Assessment has been submitted with the application which considered the likely effects arising from the proposed development on local air quality during both the construction and operational phases of the development. The report concluded that the proposed development would comply with all relevant national and local air quality policies.

Highway safety and parking

- 7.49. The submitted plans shows that vehicular access to the site would remain via the existing dropped kerb vehicle crossover, positioned opposite the Reservoir Road / Osler Street priority junction. The internal road will comprise of a one-way loop fronting

the site extending from Reservoir Road (west) to Reservoir Road (east). A separate internal access route to the car park along the western edge of the building will be provided as a two-way section and will form a give way with the internal loop at the front of the site. A new egress (in the form of a dropped kerb vehicle crossover) will be provided along the eastern edge of the site.

- 7.50. It is noted that concerns have been raised by local residents regarding the existing parking issues within the area, the proposed parking provision being insufficient with possible additional “unsustainable parking and traffic to the area” and public transport points not being easily accessible.
- 7.51. A Transport Statement has been submitted with the application. 5 sets of week-day survey data for ‘nursing homes’ located at edge of town centres and suburban areas have been selected to derive estimated trips to/from the proposed 80 bed care home. As per the submitted Transport Statement, the traffic to/from the proposed development during highway peak periods would unlikely to be significant to have severe impact on surrounding highways.
- 7.52. BCC current parking SPD specify maximum parking provision of 1 space per 2 staff + 1 space per 8 residents for care home within zone B. The submitted plans show that the proposal would provide 12 car parking spaces – inclusive of 2 disabled spaces at front of the site; 1 active and 1 passive EV space (inclusive); 1 loading bay/ambulance space; and 5 covered/secure Sheffield stands (10 spaces). The site is located within Zone B where the specified parking standards are maximum. Transport Statement also refers to the vehicle accumulation based on the trip rates derived through selected survey data from TRICS data base and refers that the maximum vehicle likely to accumulate for the proposed 80 bed care home would be 10. Waiting is also unrestricted along some parts of surrounding highway.
- 7.53. Transportation Development have assessed the proposal and raise no objections on highways safety or parking grounds and recommended conditions in relation to highway works, parking spaces, secure and covered cycle parking, vehicular and pedestrian visibility splays and a travel plan. The recommended conditions have been attached. I note that Transportation Development have also requested a condition relating to the provision of EV charging points. However, their provision is now a requirement under Building Regulations and as such, does not require duplication under planning.

Section 106 & Community Infrastructure Levy (CIL)

- 7.54. Maintenance and monitoring of the Biodiversity Net Gain must be legally secured for a minimum 30-year period following “completion” of the development. These “significant on-site enhancements” will be secured by a condition, with a S106 agreement to secure a monitoring fee. There are no other planning obligations associated with the development.
- 7.55. The site is located in a low residential market value area and therefore CIL does not apply.

Other Issues

- 7.56. The comments received from a local resident have been considered during the assessment process and any material planning considerations raised have been addressed above.

7.57. West Midlands Police raise no objections to the proposal and provided recommendations/conditions in the interest of safety and security.

7.58. In terms of assessing the planning merits of the proposal, the Local Planning Authority has complied with the Public Sector Equality Duty.

8. Conclusion

8.1. The proposed erection of a residential care home within the Use Class C2 is acceptable in principle and the scheme would provide 80-bedroom care home for which there is an identified need. The proposal would provide satisfactory living environment for the future occupiers and would have no adverse impact on the local neighbourhood or residential amenity. The scheme is suitably located, in close proximity to existing transport links and local services and the scale, massing and design quality of the scheme is considered to be acceptable. The proposal would provide suitable landscaping and significant on-site enhancements in relation to biodiversity net gain. The scheme is also acceptable in terms of sustainability, contamination, air quality, ecology, highway safety and parking and drainage matters subject to the attached conditions.

9. Recommendation

9.1. That planning application be approved subject to the completion of a legal agreement to secure the following:

a) A Biodiversity Gain Land Monitoring Contribution of £5,802.44.

b) Payment of a monitoring and administration fee associated with the legal agreement of £2,000.

9.2. In the absence of the above legal agreements being completed to the satisfaction of the Local Planning Authority by the **1st March 2025** or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-

a) In the absence of a Biodiversity Gain Land Monitoring Contribution, the proposed development would be in conflict with Policy TP8 of the Birmingham Development Plan 2017, the Environment Act 2021 Schedule 14, Schedule 7A of the Town and Country Planning Act 1990 and the guidance in the NPPG on BNG.

9.3. That the City Solicitor be authorised to prepare, seal and complete the above planning agreement.

9.4. That in the event of the planning agreement being completed to the satisfaction of the Local Planning Authority on or before the **1st March 2025**, or such later date as may be authorised by officers under delegated powers, favourable consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

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 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
23365_PA_01 - Location Plan
23365_PA_03 - Proposed Site Plan
23365_PA_06 Rev C - Proposed Plans
23365_PA_08 - Proposed Sections
23365_PA_09 - Typical Bedroom Layouts
23365_PA_12 Rev C - Proposed Elevations
23365_PA_13 - First floor boundary distances Site Plan
23365_PA_14 - Second floor boundary distances Site plan
CLPD 178 P01 - landscape masterplan
(‘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.

- 3 Requires the details of the developer's care package
Prior to the first occupation of the care apartments, details of the proposed "wellbeing" package, which will provide a basic level of care to occupiers of the care apartments, will be submitted to, and approved in writing by the City Council. All residents of the care apartments will subsequently be required to subscribe to the wellbeing package for the duration of their occupation of their apartment. Reason: In order to conclusively secure the occupation of the site as a class C2 development, in order not to make provision for affordable housing and Public Open Space and to define the permission in accordance with BDP and the National Planning Policy Framework.

- 4 Requires the care apartments to be leasehold only
The 'Care Apartments' shall be made available to residents as leasehold only and shall not be individually sold to occupants or managing agents at any time.
Reason: In order to define the permission in accordance with the relevant sections of the BDP and the National Planning Policy Framework.

- 5 Sets a minimum age of residents
Each unit of the residential home hereby permitted shall be occupied only by:
- persons of state pensionable age or over 55 years old;
- a spouse/or partner (including live in partner) living as part of a single household with such a person or persons; or
- any other group or individual expressly agreed in writing by the Local Planning Authority.
Reason: In order to help define the use class and to reduce parking pressure on surrounding roads and 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.

- 6 Requires the submission and approval of external materials
Specification of the external materials of building facades and roofs shall be submitted to and approved in writing by the Local Planning Authority prior to
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commencing construction of the building / extension to which they relate, including materials for:

- walls
- windows - frames, cills / headers / surrounds, soffits, spandrel panels
- external doors, porches, canopies,
- roofs
- rainwater goods, external vents, flues and any other structures attached to the facade of the building
- balconies

Information submitted shall include elevation drawings annotated to identify materials, a schedule of materials including colour images and product literature and sample materials. The development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure appropriate design of the building in accordance with Policies PG3 of the Birmingham Development Plan 2017, the National Planning Policy Framework and Design Principles 14 & 26 and City Note LW-8 of the Birmingham Design Guide SPD 2022

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- 7 Requires the construction and approval of a sample panel on site
No above ground development shall be commenced until sample panel(s) has/have been constructed on the site and agreed in writing by the Local Planning Authority. The sample panels shall show proposed materials and detailing of the following features: windows including frames, surrounding façade, reveal and soffit; horizontal band and relationship to first floor window above and brick façade below. The full scope of the sample panel shall be agreed in writing by the Local Planning Authority prior to construction. Works shall then be carried out in accordance with the agreed details demonstrated by the constructed sample panel(s).
Reason: In order to ensure appropriate design of the building in accordance with Policies PG3 of the Birmingham Development Plan 2017, the National Planning Policy Framework and Design Principles 14 & 26 and City Note LW-8 of the Birmingham Design Guide SPD 2022.
- 8 Requires the submission and approval of building & site level details
No development shall take place (excluding demolition) until details of finished site and building ground floor levels in relation to existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority.
Information submitted shall include cross sections through the site showing existing and proposed levels and relationship with the adjoining landform and buildings. 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 secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, Policy DM2 of the Development Management in Birmingham DPD 2021 and the National Planning Policy Framework.
- 9 Requires the submission of hard surfacing materials
Details of the materials to be used for hard and paved surfacing shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The
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- 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 Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 10 Requires obscure glazing for specific areas of the approved building
Upon first installation, the proposed obscured window(s) as identified on plan reference PA_06 Rev C of the development hereby permitted shall be fitted with obscure glazing which shall have an obscurity rating of not less than 4 in the Pilkington Glass Range (or an equivalent obscurity rating) and the window shall thereafter be retained as such.
Reason: 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, Birmingham Design Guide SPD 2022 and the National Planning Policy Framework.
- 11 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.
- 12 Requires the submission of a landscape management plan
A landscape management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.
Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017, Policy DM2 of the Development Management in Birmingham DPD 2021 and the National Planning Policy Framework
- 13 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, Birmingham Parking SPD and the National Planning Policy Framework.
- 14 Requires the dedicated use of access and egress points
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- The vehicular access and egress indicated on the approved plan(s) shall be used for entry and exit respectively and appropriate signs shall be erected and retained.
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.
- 15 Requires vehicular and pedestrian visibility splays to be provided
Vehicular visibility splay of 2.4m x 25m to be incorporated/maintained at vehicular accesses. Pedestrian visibility splay of 3.3m x 3.3m x 600mm to be incorporated/maintained at vehicular accesses and there must not be anything above 600mm in height within these splays.
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.
- 16 Requires the provision of cycle parking and disabled parking
Secure and covered cycle parking and disabled parking spaces to be provided/maintained in line with minimum standards within BCC current parking SPD at appropriate locations.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 17 Requires the travel plan to be finalised
Travel plan to be finalised in consultation with BCC Travel Demand Management team and the applicant/operator to register on 'Modeshift STARS'. This travel plan should be uploaded and maintained through the "modeshiftstars" portal that Birmingham City Council is a member of - www.modeshiftstars.org. It should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken and operated in strict accordance with the approved travel plan.
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.
- 18 Requires highway works to be substantially completed prior to occupation
All highway works including construction of new footway crossing, any reinstate of any redundant part of existing footway crossing, work related to street furniture/statutory undertakers' apparatus etc and all other associated highway works to be carried out to departmental specifications/standards through appropriate agreement/licence/permit at applicant's expense. All highway works to be substantially completed prior to occupation.
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, Birmingham Parking SPD and the National Planning Policy Framework.
- 19 Requires the prior submission of drainage plans for the disposal 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, and the scheme shall be implemented in
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accordance with the approved details before the development is first brought into use. This is 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.

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 NPPF.

- 20 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 and incorporating the following measures:
Surface water discharge is capped to a maximum of 2 l/s for the entire development site This must be via a vortex flow control to reduce the risk of blockages.
The scheme will incorporate bioretention / rainwater gardens, and geocellular storage.
Be supported by detailed calculations, with supporting network layout plan (Versioned for construction), to demonstrate the proposed network performance (for all events up to and including the 100yr plus 40% climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.
If the scheme is revised to include soakaways a copy of the BRE365 assessment must be submitted to demonstrate the viability of the scheme.
Consideration should be given to exceedance flows (greater than 1 in 100 year plus climate change rainfall events). Evidence (layout/flow plans, calculations and/or simulation results) should be provided, with all applications, to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site.
Cross sections of all SuDS / Drainage features must be provided.
Include measures to ensure that the development is not inundated by surface water, and that finished floor levels are 150mm above surrounding ground levels, 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.
- 21 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
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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: In order 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.

- 22 Requires the prior submission of a Demolition Management Plan
No demolition shall take place until a demolition 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 statement shall provide for:
- assessing and dealing with hazardous materials,
 - integration with the contaminated land remediation strategy
 - loading and unloading of plant and materials (including location),
 - demolition hours,
 - noise control methodologies,
 - the erection and maintenance of security hoarding including decorative displays and facilities for public, viewing, where appropriate,
 - wheel washing facilities,
 - measures to control the emission of dust and dirt during demolition,
 - a scheme for the recycling/disposing of waste resulting from demolition.
- 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.
- 23 Requires the prior submission of a Construction Management Plan
No construction 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 during construction,
 - a scheme for the recycling/disposing of waste resulting from construction works.
- 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
- 24 Requires the prior submission of a contamination remediation scheme
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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 NPPF.

- 25 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

- 26 Limits the noise levels for Plant and Machinery
The rating levels for cumulative noise from all plant and machinery shall not exceed the existing LA90 background levels 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 Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 27 Requires the submission of extraction and odour control details
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- Details of the 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 prior to its installation and operation. 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 Policy PG3 of the Birmingham Development Plan 2017 and the NPPF
- 28 Requires the prior submission of an additional bat survey
If development, including demolition, has not commenced by 1st March 2025, an updated bat survey shall be carried out prior to demolition and a report of findings submitted to and approved in writing by the Local Planning Authority. The scope of the survey shall be agreed in advance with the Local Planning Authority. The report will include, where the presence of bats or bat roost is established, appropriate measures to safeguard the protected species. Such measures shall be carried out in accordance with a programme to be incorporated in the report and agreed in writing by the Local Planning Authority.
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 TP8 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 29 Requires the prior submission of details of bird/bat boxes
The integrated bat tubes and bird nest boxes shall be installed as recommended in the Preliminary Ecological Appraisal (Worcestershire Wildlife Consultancy, March 2024 amended August 2024; ref. 2024/003 A v2).
Reason: In order to enhance the nature conservation interest of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 30 Requires the submission of a Precautionary working method statement
No development shall take place (including vegetation/site clearance and building demolition) until a Precautionary Working Method Statement (PWMS) for hedgehogs, badgers, bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority. 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 TP8 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 31 Biodiversity Net Gain
The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment (Worcestershire Wildlife Consultancy, March 2024 amended December 2024; ref. 2024/003 B v3, 11th December 2024) and the Landscape Masterplan (drwg. CLPD 178 P01a Sheets 1-3) dated 20.09.2024 and prepared by Cornus Landscape Planning and Design.
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The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) non-technical summary
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority has been submitted to, and approved in writing by, the Local Planning Authority.
- The habitat creation and enhancement works set out in the approved HMMP shall be completed in full. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the HMMP have been completed and shall include a completion report, evidencing the completed habitat creation and enhancements. The completion report shall be approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

- 32 Requires energy and sustainability measures to be delivered in accordance with the statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy statement titled Energy and Sustainability Statement, Tower Mount, Reservoir Road, prepared by Envision, Revision Rev B and dated March 2024. Reason: To ensure compliance with Policy TP4 Low and zero carbon energy generation and TP3 sustainable construction of the adopted Birmingham Development Plan (2017) and the NPPF.

Reason for Approval

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- 1 Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.
Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun.
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Case Officer: Lucia Hamid