

# DECISION DOCUMENT

**APPLICATION NUMBER: 2024/01894/PA**

## **TOWN AND COUNTRY PLANNING ACT 1990**

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

Demolition of existing 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

at

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

### **Conditions that affect this development or use**

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- 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.
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- 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.
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- 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.
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- 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.
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- 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 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.
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- 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 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.
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- 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.
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- 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.
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- 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
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- 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  
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.
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- 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.
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- 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.
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- 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](http://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.
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- 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.
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- 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 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.
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- 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.
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- 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 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.
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- 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
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- 24 Requires the prior submission of a contamination remediation scheme  
No development shall take place until the following components of a remediation scheme to deal with the risks associated with contamination of each phase for the intended use have been submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment, which has identified:
    - o all previous use s
    - 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.
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- 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
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- 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.
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- 27 Requires the submission of extraction and odour control details  
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.
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- 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.
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- 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.
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- 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.  
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.

Date: Monday 17th February 2025

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**Please note  
This is not a building regulation approval**

**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.**