 **Planning and Regeneration**

PO Box 28, Birmingham B1 1TU

# **DECISION DOCUMENT**

**APPLICATION NUMBER: 2017/07064/PA**

**TOWN AND COUNTRY PLANNING ACT 1990**

| **APPLICANT** | **AGENT (if used)** |
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| Midland Properties and Finance (Birmingham) Ltd  334-340 Harborne High Street  Harborne  Birmingham  B17 9PU | Michael Edwards Associates  Unit 5 Birchy Cross Business Centre  Broad Lane  Tanworth In Arden  Solihull  B94 5DN |

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

Erection of 12 flats,parking associated landscaping and access from Harborne Park Road

at

Land To Rear Of Kings Arms PH, 4-22 Harborne Park Road, Harborne, Birmingham, B17 0DH

**Conditions that affect this development or use**

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| 1 | 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 3935/1; 3935/2A; 3935/3A; 3935/4a and 3935/5a ('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. |
| 2 | Requires the prior submission of a contamination remediation scheme  No development shall take place until the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has 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) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.  4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.  Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.  Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 3 | Requires the prior 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 |
| 4 | Requires the prior submission of a sustainable drainage scheme  No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.  Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework. |
| 5 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan  No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage for the development has been completed in accordance with the approved Sustainable Drainage Schemeand a Sustainable Drainage Operation and Maintenance Plan has been submitted to, and approved in writing by the Local Planning Authority.  The approved drainage system shall be operated and maintained thereafter in accordance with the approved Sustainable Drainage Operation and Maintenance Plan. Reason  To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD. |
| 6 | Requires the prior submission a noise study to establish residential acoustic protection  Prior to the occupation of the dwelling(s), a scheme of noise insulation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details to ensure that all windows, any other glazed areas and external doors to habitable rooms on the south western elevation over Harborne Park Road provide a weighted sound reduction index (Rw + Ctr) of at least 38dB. Any ventilation on this elevation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference (Dne,w + Ctr) of at least 44dB. All other glazed areas and external doors to habitable rooms should provide a weighted sound reduction index (Rw + Ctr) of at least 35dB. Any ventilation on these elevations to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference (Dne,w + Ctr) of at least 41dB.  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. |
| 7 | Requires the prior submission of hard and/or soft landscape details  No development shall take place until full details of hard and/or soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.  Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005. |
| 8 | Requires the prior submission of boundary treatment details  No development shall take place until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building 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. |
| 9 | Requires the prior submission of a lighting scheme  The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.  Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework. |
| 10 | Requires the prior submission of sample materials  No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 11 | Requires the prior submission of cycle storage details  No development shall take place until details of the provision for the secure, and covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.  Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 12 | Requires the gates to be set back 5m from the highway.  The gates proposed to the car parking area shall be set back 5m from the highway and shall be maintained and retained as such for the lifetime of the development.  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. |
| 13 | Requires the prior submission of details of refuse storage  No development shall take place until details of facilities for the storage of refuse within the curtilage of building(s) approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.  Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| 14 | 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. |

| Date: Thursday 30th November 2017  Waheed Nazir signature  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Waheed Nazir, Corporate Director, Economy  P.O. BOX 28, Birmingham B1 1TU |
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| **Please note**  **This is not a building regulation approval** |
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| INFORMATIVE NOTE  Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK  Please ensure that you visit the following link before commencing any development:  http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf  For further information please contact the West Midlands Fire Service Water Office at water.officer@wmfs.net |
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