

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL AGAINST THE DECISION OF BIRMINGHAM CITY COUNCIL TO REFUSE
PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND
CONSTRUCTION OF 83 RESIDENTIAL APARTMENTS AT 334-340 HIGH STREET AND
8-22 HARBORNE PARK ROAD, HARBORNE, BIRMINGHAM, B17 9PU.**

**STATEMENT OF CASE BY ANDREW FULFORD BSc MA MRTPI ON BEHALF OF
BIRMINGHAM CITY COUNCIL**

26th February 2024

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Appendices

Appendix A – Suggested Conditions

1. Introduction

1.1 This statement of case concerns the decision by Birmingham City Council to refuse planning permission for the demolition of existing buildings and construction of 83 residential apartments at 334-340 High Street and 8-22 Harborne Park Road, Harborne, Birmingham, B17 9PU.

1.2 The application was refused under delegated powers on 4th July 2023 for the following reasons:

1, By virtue of its scale, massing and appearance the proposal constitutes a poor design that would materially harm the character and appearance of the street scene and as such would be contrary to Policy PG3 of the Birmingham Development Plan 2017 guidance in Birmingham Design Guide SPD 2022, Policy DM2 of the Development Management in Birmingham DPD 2021 and the National Planning Policy Framework.

2, The scheme fails provide any affordable housing contribution contrary to policies TP31 and TP45 of the Birmingham Development Plan and the NPPF.

3, No contribution towards open space provision has been offered which is contrary to the Open Space SPD, Policy TP45 of the BDP and the NPPF.

4, The applicant has failed to demonstrate that there is sufficient off street parking in an area already experiencing high levels of parking demand. It is therefore considered that the inadequate parking proposed would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. As such it would be contrary to Policies PG3 and TP44 of the Birmingham Development Plan 2017, policies DM14 and DM15 of the Development Management in Birmingham DPD and the National Planning Policy Framework.

5, By virtue of the significant number of 1 bed flats the proposed development fails to deliver a good mix of house types. There is an undersupply and evidenced demand in the City for family housing which the scheme fails to deliver and as such the proposal would be contrary to Policy TP30 of the Birmingham Development Plan 2017 and the National Planning Policy Framework 2021.

6, By virtue of its siting, layout and levels of sunlight received the private amenity space proposed is considered to be of a poor quality that creates an unacceptable living environment for the proposed occupiers and as such the development would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, Birmingham Design Guide SPD 2022, Policy DM2 of the Development Management in Birmingham DPD 2021 and the National Planning Policy Framework.

1.3 It will be explained within this Statement of Case that the proposed development breaches both national and local planning policies and refusal was therefore the correct course of action. The broad areas of concern are identified below and will be set out and expanded in greater detail within forthcoming proofs of evidence.

2. Site Description

- 2.1 The application site comprises 0.24ha of land located between Harborne High Street and Harborne Park Road. The site includes 334-346 High Street and 8-22 Harborne Park Road. The site includes a 3 storey mixed use building with rear single storey extensions which fronts onto the High Street on its northern boundary. The ground floor of this building includes a carpet and furnishings showroom as well as two further adjacent vacant commercial units. The two upper floors of the building include 6 private rental maisonettes with access to the rear. Projecting to the rear of the building are an agglomeration of single storey extensions forming the eastern boundary of the site. An open undeveloped grassed area fronts onto Harborne Park Road along the site's western boundary which is separated from the service yard by an existing brick wall. There are also 6 garages forming the sites southern boundary.
- 2.2. The application site is located towards the western end of Harborne High Street and is within the Harborne District Centre boundary but outside of the Primary Shopping Area. The site is also located at the northern end of Harborne Park Road (A4040), near to the junction with High Street. Given the sites arrangement it fronts both the High Street and Harborne Park Road. The site is located in a mixed use area comprising various commercial, retail, community and residential uses.

3. Planning History

- 3.1 There is no relevant history to 334-346 High Street but the following approvals relate to 8-22 Harborne Park Road (but the approved development was not built out):
- 3.2 2017/07064/PA - Erection of 12 flats, parking associated landscaping and access from Harborne Park Road. Approved on 30/11/2017.
- 3.3 2019/04496/PA - Application for a non-material amendment to planning approval 2017/07064/PA for alterations to front elevation, addition of RWPs and gutters to elevations, additional AOV to staircase and amendment to apartment size. Approved on 26/06/2019.

4. Appeal Scheme

- 4.1 The scheme proposes the redevelopment of the site including the demolition of all existing buildings and the erection of 83 residential apartments split across two development blocks.
- 4.2 Block A fronts High Street and is 6 storeys high with the top storey taking the form of a pitched roof with large dormer windows along the High Street frontage. Block A will accommodate 42 apartments, incorporating 13 x1 bedroom apartments and 29 x 2 bedroom apartments.
- 4.3 Block B fronts Harborne Park Road and is 4 storeys high with the top storey located within the roof space with projecting dormer windows along the Harborne Park Road frontage. Block B will accommodate 41 apartments, incorporating 27 x1 bedroom apartments and 14 x2 bedroom apartments.

- 4.4 There are a total of 40 x1 bedroom apartments (48%) and 43 x 2 bedroom apartments (52%) across both Blocks A and B.
- 4.5 A singular vehicular access is proposed off Harborne Park Road. This will provide access for service and maintenance vehicles and also access to 2 disabled parking bays.
- 4.6 A communal rear courtyard is provided which measures 614sqm, of which 200sqm are considered to contribute towards the amenity space provision. In addition, the ground floor apartments on the rear of both blocks have their own private amenity space and roof top gardens are provided for Blocks A (114sqm) and Block B (71sqm).
- 4.7 Bin and cycle storage is provided in the rear courtyard. The proposals include two cycle stores housing a total of 86 bicycles for residents as well as providing 8 visitor cycle spaces.

5. Policy Context

- 5.1 National Planning Policy Framework
- 5.2 The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. There has been recent increased emphasis placed on creating beautiful homes and places.
- 5.3 Paragraph 55 sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 explains that planning obligations must only be sought where they meet all of the following tests:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.4 Paragraph 60 highlights that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. Paragraph 63 explains that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, this explicitly includes affordable housing.
- 5.5 Paragraph 64 specifies that where a need for affordable housing is identified, planning policies should set out the type of affordable housing required, and the expectation is that the affordable housing should be provided on-site in the first instance.
- 5.6 Chapter 8 seeks to ensure that planning decisions aim to achieve healthy, inclusive and safe places and beautiful buildings with paragraph 96 specifying that developments should not undermine quality of life.

- 5.7 Paragraph 108 of the NPPF sets out a number of criteria that need to be met when considering applications from a transport perspective. Specifically, criteria a) indicates that the potential impacts of development on transport networks need to be addressed and criteria e) emphasises that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. The final criteria under paragraph 114 states that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be effectively mitigated to an acceptable degree. Paragraph 115 goes on to state that permission should be refused where there would be an unacceptable impact on highway safety.
- 5.8 Paragraph 128 highlights the importance of achieving appropriate densities. Relevant factors include the desirability of maintaining an areas prevailing character and setting and the importance of securing well designed and beautiful, attractive and healthy places.
- 5.9 Paragraph 133 requires local planning authorities to prepare design guides or codes which are consistent with the principles set out in the National Design Guide and National Model Design Code which reflect local character and design preferences. Paragraph 134 goes on to state that these national documents should be used to guide decisions on applications in the absence of locally produced design guides or codes.
- 5.10 The importance of high quality design within the NPPF is emphasised within Chapter 12 entitled 'Achieving well-designed and beautiful places'. Paragraph 135 identifies criteria (a-e) which help ensure that developments are well designed and address issues such as adding to the overall quality of an area, are visually attractive, sympathetic to local character and history, establish a strong sense of place and sustaining an appropriate amount and mix of development.
- 5.11 Paragraph 139 sets the bar high for issues of design and makes it abundantly clear that poor design that fails to improve the character and quality of an area should be refused. This is the case especially, where it fails to reflect local design policies and government guidance on design. This should take into account any local design guidance and supplementary planning documents.
- 5.12 There have been a number of updates to the NPPF in recent years which have placed increasing importance on high quality design. For example, in the July 2021 version of the NPPF the following changes were made:
- Insertion of the words 'beautiful and sustainable' into what was then paragraph 126 (now paragraph 131);
 - Introduction of reference to the National Design Guide and National Model Design Code into paragraph 128 (now paragraph 133);
 - Insertion of new paragraph 129 encouraging Council's to prepare design guides and codes (now paragraph 134); and
 - Expansion of paragraph 134 (now paragraph 139) that expresses that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and local design guides.

- 5.13 In the December 2023 version the following design related changes were made:
- Expansion of the title of chapter 12 to read ‘Achieving well-designed *and beautiful places*’
 - Further encouragement for local planning authorities to prepare local design codes in line with the National Design Code in paragraph 138 (formerly 133); and
 - Paragraph 140 (formerly 135) is expanded to ensure that there is a good level of detail on approved plans to provide greater confidence that a high quality development will be achieved.
- 5.14 In light of these updates to the NPPF it is clear that the Government is placing ever greater emphasis on the importance of high quality design in all schemes. This will mean good quality design will be vital, with local communities put at the very heart of decision-making to help shape their towns and cities. Thus, making it easier for planners to embrace beautiful, practical design while rejecting the ugly, unsustainable or poor quality.
- 5.15 National Model Design Code
- 5.16 The National Model Design Code incorporates 2 documents; Part 1 – The Coding Process and Part 2 – Guidance Notes. The Guidance Notes sets out possible contents for a design code which is modelled on the 10 characteristics of well-designed places set out in the National Design Guide. In the Built Form section there are 2 pages dedicated to height. It indicates that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. Paragraph 113 highlights that consistent building heights, or variations within a narrow range can help make an area type feel coherent.
- 5.17 The Identity section emphasises that the identity of a place comes not just from the form and appearance of the buildings and spaces but also from the way that it is planned, its natural environment and the use of its buildings. This includes the way that it responds to the character of the local area and the design of its buildings and public spaces. Paragraph 120 goes onto state that identity may come out of respecting and enhancing the existing character of the area and also from adapting and shaping to develop new character. Whilst also emphasising that the architectural approach needs to be influenced by its surrounding architectural character.
- 5.18 Birmingham Development Plan (BDP)
- 5.19 The BDP was adopted in January 2017 and provides a robust and up to date policy framework for assessing and determining planning applications. Full weight can be attached to policies within the BDP where they are consistent with the NPPF.
- 5.20 Policy PG3 of the BDP sets out that all new developments will be expected to demonstrate high quality design contributing to a strong sense of place. Specifically, the policy states that developments should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.

- 5.21 Policy TP9 highlights that new residential developments will place additional demands on all types of open space and children’s play areas. The policy explains that on new residential developments the provision of public open space will be required to be broadly in line with the standard of 2ha per 1000 population. The preference for on-site provision is highlighted and the need for compliance with the Public Open Space SPD is emphasised.
- 5.22 Policy TP27 sets out that new housing developments should contribute to making sustainable places. 7 characteristics are listed and these include a wide choice of housing sizes, types and tenures and a strong sense of place with high design quality.
- 5.23 Policy TP30 sets out that new housing should deliver a range of dwellings to meet local needs and support the creation of mixed and balanced communities. The policy highlights the need to take account of up-to-date housing assessments and states that generally densities should be at least 50 dwellings per hectare in areas well served by public transport. Although it does go on to state that there may be occasions where a lower density would be appropriate in order to preserve the character of the locality.
- 5.24 Policy TP31 highlights that the Council will seek 35% affordable housing on schemes over 15 dwellings in size. Where the applicant considers that a development proposal cannot provide affordable housing in line with this percentage a viability appraisal must be submitted. The costs associated with assessing the viability appraisal must be borne by the applicant.
- 5.25 Policy TP44 promotes the efficient, effective and safe use of the existing transport network. It highlights the importance of ensuring that the planning and location of new development supports the delivery of a sustainable transport network. It also stresses that developments should be refused where the cumulative impacts are severe.
- 5.26 Policy TP47 sets out that development will be expected to provide or contribute towards the provision of:
- measures to directly mitigate its impact and make it acceptable in planning terms; and
 - Physical, social and green infrastructure to meet the needs associated with the development.
- 5.27 Development Management in Birmingham DPD
- 5.28 The DPD was adopted in December 2021 and therefore provides up to date development management policies which can be given full weight in the determination of planning applications where consistent with the NPPF.
- 5.29 Policy DM2 of the Development Management DPD highlights that all development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours. In assessing the impact of development on amenity, 8 criteria are listed which includes d) Access to high quality and useable amenity space.

- 5.30 Policy DM10 sets out 6 standards for residential development with bullet point 4 stating that all new residential development must provide sufficient private useable outdoor amenity space appropriate to the scale, function and character of the development.
- 5.31 Policy DM14 states that developments must ensure that the safety of highway users is properly taken into consideration and new development should not have an adverse impact on highway safety.
- 5.32 Policy DM15 states that new developments will need to ensure that the operational needs of the development are met in terms of parking provision and proposals for parking and servicing should avoid highway safety problems and protect local amenity and character of the area.
- 5.33 Supplementary Planning Documents/Guidance (SPDs/SPGs)
- 5.34 A number of SPD's and SPG's are relevant to this appeal. Significant weight can be attached to the policies and guidance within these documents where they are consistent with the NPPF.
- 5.35 Birmingham Design Guide SPD
- 5.36 The Birmingham Design Guide was adopted in September 2022 and can be afforded significant weight. Through its implementation, the Design Guide ensures that development successfully responds to the varied needs of the city: homes to be adaptable and efficient; neighbourhoods to be welcoming, safe and attractive; places of work to compete with the best in the world; the built environment to reflect local distinctiveness and embrace creativity; leisure and recreation facilities to be diverse and modern; pervasive green infrastructure effectively integrated; and citizens to be part of healthy, happy and affordable communities. The Design Principles Document set out a number of principles in the design of new development. The most relevant are listed below.
- 5.37 Design Principle 1 (Enhance and Contribute to Birmingham's ID) states that development must positively add to Birmingham's diverse identity through the creation of designs that respond to the physical, cultural, historical and socially distinct characteristics of the surrounding area.
- 5.38 Design Principle 2 (Character Assessment) highlights that the design of proposals must be informed by a clear understanding of the surrounding areas character. A direct synergy between the proposed and the existing should be evident and explained.
- 5.39 Design Principle 11 (Increasing Densities) highlights that where proposals are seeking to increase the scale and density of buildings above those in the surrounding area, designs must demonstrate how a change in scale will enhance the surrounding area.
- 5.40 Design Principle 14 (Architectural Cohesion and Quality) states that all new developments must deliver site-specific, coherent architecture that positively responds to the site and enhances its surroundings aided by a range of factors including a strong, creative architectural concept and rationale; a form, scale and

mass complementary of its surroundings; well-proportioned, balanced and articulated elevations; attractive composition and detailing of fenestration, roofs and other features; and a considered palette of good quality, durable materials.

- 5.41 Design Principle 15 (High Quality Homes) emphasises that homes will be expected to support residents mental health and physical quality of life. 5 bullets points are listed including the need to provide sufficient, usable indoor and outdoor space for all occupants.
- 5.42 Within the Healthy Living and Working Places City Manual further detailed design guidance is provided. This includes City Note LW-5 (integrating biophilic design principles), LW-6 (Strong Concept), LW-7 (Form, mass and scale) and LW-8 (façade composition and detailing).
- 5.43 City Note LW-7 highlights that the form, mass and scale should be informed by the character of the surrounding area and appropriate adjacent buildings. Whilst a modern interpretation may not need to follow a historic form, the scale and massing should align with its surroundings.
- 5.44 City Note LW-13 highlights that all residents should have access to private outdoor amenity space of sufficient size and quality to serve the occupants. For apartments 5sqm is required per 1 bed flat and 7sqm per 2 bed flat. Paragraph 2.47 highlights that communal spaces must be private landscaped gardens/spaces that allow multiple use and not left over areas of grassed land adjacent to parking.
- 5.45 Affordable Housing SPG
- 5.46 The SPG emphasises that there is a high need for affordable housing and major development should deliver affordable housing in line with policy requirements.
- 5.47 Birmingham Parking Standards SPD
- 5.48 The Birmingham Parking SPD was adopted in November 2021 and provides an up-to-date basis on which parking levels for new development can be assessed.
- 5.49 In the SPD the appeal site falls within Zone B. In this zone the maximum standards for 1 and 2 bed flats are 1 space per dwelling plus 1 unallocated space per 10 dwellings. Each parking space should be provided with an electric vehicle charging point (EVCP) and disabled bays should be provide for 5% of the units. A covered cycle storage space should be provided per flat plus 1 further visitor space per 10 units.
- 5.50 Public Open Space in New Residential Development SPD
- 5.51 This SPD requires the provision of public open space on all developments over 20 dwellings in size. Whilst there is a preference for on-site open space the SPD acknowledges there are certain circumstances where it may be acceptable for open space to be provided off-site and sets out the costs involved in Appendix B of this document.

6. The Case of the Local Planning Authority

- 6.1 Chapter 5 sets out the array of national and local policies that are relevant to this appeal. They highlight the importance of quality design that maintains the character and appearance of the surrounding area, the need to provide good quality amenity space, the need to provide appropriate levels of parking, secure a good mix of housing types, the need for affordable housing and the requirement to provide public open space. The Council's broad areas of concern are outlined in the following paragraphs.
- 6.2 Character Impact
- 6.3 The application site has 2 frontages, one onto the High Street (Block A), the other onto Harborne Park Road (Block B). Each will be dealt with in turn.
- 6.4 The proposal results in the loss of a 3 storey brick built building dating back to the 1960s or 70s. Whilst this building is of no particular merit it is of a similar scale to the majority of Harborne High Street which is generally a mix of 2 and 3 storey properties. There are examples of slightly larger 3 or 4 storey buildings on corner plots, including the adjacent Kings Oak flats. The only taller building is the adjacent former office building which has been converted to flats and is 6 storeys high. This is considered to be complete anomaly which is not reflective of its surroundings in terms of its scale or appearance and consequently does not provide a justification for further development of this scale or poor quality design on the appeal site.
- 6.5 The appeal scheme is a maximum of 6 storeys high on the High Street peaking at 17.9m tall. This scale is considered to be excessive especially when the site is positioned next to 350-352 High Street which is a very modest 3 storeys (9.3m high), a difference of over 8m.
- 6.6 It is not just the scale which is problematic, concerns are also raised over the design and appearance. The High Street elevation has particularly cramped floor plates which has resulted in the fourth floor having small windows that sit unusually low in the elevation. The hipped roof is substantial and has unusually large and dominant dormer windows. It is considered that the addition of a pitched roof on top of 5 storeys of development is a particularly alien and discordant feature not reflective of its surroundings. The projecting five-storey oriel over the entrance is also inappropriate in this setting with no similar examples found in the locality. In his final comments the City Design Manager has raised strong objections to the design, which he described as a jumbled and incoherent concoction of ideas.
- 6.7 Harborne Park Road is a traditional residential street which generally consists of 2 and 2 and a half storey terraced dwellings where the 3rd storey is provided within the loft space. It is acknowledged that there is a 4 storey apartment block located on the corner of High Street and Harborne Park however a 4th storey on a prominent corner plot is generally considered to be acceptable. The appellants scheme has failed to address the street hierarchy and has maintained a substantial 4 storey scale across the whole Harborne Park Road frontage. This scale is in stark contrast to the traditional terraces opposite. Furthermore, the

appeal scheme appears obtrusive and over-dominant when compared to the single storey Southlink Charter Centre and Baptist Church which are both located in close proximity on the same side of Harborne Park Road.

- 6.8 The previously approved 3 storey scheme on this parcel of land had a maximum height of 11.58m and fitted more comfortably within its context. The proposed development is over 1m taller at 12.7m high. In this additional 1.2m the applicant has managed to squeeze in an additional storey. It is interesting to note that the windows on each floor of the previously approved scheme aligned well the adjacent Kings Court which is not the case with the proposed development. This gives the impression of compressed floor to ceiling heights on each floor and adds to the incongruous appearance of 4 storeys in this location.
- 6.9 The site is relatively modest in size at 0.237ha yet 83 dwellings are proposed. This amounts to a density of 350 dwellings per hectare. This highlights the over-intensive nature of the development that is in stark contrast to its surroundings. Whilst density of itself doesn't govern the external envelope of a building – in this case it is the density of internal accommodation which has driven the excessive nature of the built development which is so obviously out of scale with its context.
- 6.10 At proof of evidence stage the Council will expand upon the broad issues raised and will set out in detail the full harm arising from the scale, appearance and massing of the proposed development articulating how it would materially harm the character and appearance of the area.
- 6.11 Paragraph 131 of the NPPF highlights the need to create high quality, beautiful and sustainable buildings. It is not considered that this development can be categorised as either high quality or beautiful from a visual perspective. Paragraph 139 of NPPF makes it abundantly clear that development that is not well designed should be refused and the paragraph goes on to state that that this is the case especially, where it fails to reflect local design policies and government guidance on design. In this case the scheme is contrary to Policy PG3 of the BDP and the Birmingham Design Guide SPD and consequently there are strong grounds on which to refuse this proposal.
- 6.12 Planning Contributions
- 6.13 Refusal reasons 2 and 3 relate to the applicant's failure to provide any affordable housing or open space contributions. In accordance with policy TP31, 35% affordable housing should be provided. In accordance with Policy TP9 and the Public Open Space in New Residential Development SPD the development should contribute towards the provision of public open space. This contribution has been calculated to be £178,575.
- 6.14 It is noted that a new viability appraisal has been provided with the appeal. The Council has instructed viability consultants to review the document with a view to understanding whether there are any points of disagreement within the appraisal. It is hoped that any points of difference can be discussed with the appellant's and an agreement reached over the levels of any S106 contributions and where spend should be prioritised in the event that not all contributions can be viably afforded. Unfortunately, it has not been possible to reach agreement with the

appellants by the deadline of 27th February, however a separate statement of common ground will be provided in the coming weeks to cover this issue.

6.15 Transportation Matters

6.16 The scheme has been presented as car free except for 2 disabled parking bays. Many of the surrounding residential streets have parking restrictions and on street locations where parking is unrestricted are already in high demand. There are double yellow lines on both High Street and Harborne Park Road meaning that parking demand would have to be met in the surrounding streets such as St Peter's Road, Ravenshurst Road and Emerson Road. Google street view highlights that these streets are already popular for on street parking through a combination of dwellings with no or insufficient off street parking and customers/employees utilising facilities on the High Street.

6.17 In a relatively wealthy and attractive suburb such as Harborne there is an increased likelihood of higher levels of car ownership. It is expected that the market rent achieved in a desirable location such as this will not be affordable to lower income households who are less likely to own cars. It is important to highlight that the most significant concerns raised by local residents relate to the lack of off-street parking and how this would impact on surrounding residential streets. The applicant has failed to demonstrate that 83 new flats wouldn't increase the demand for on-street parking in an area already suffering with parking problems. This in turn could lead to highway and pedestrian safety issues. It is certainly unclear where occupiers could park which could lead to the increased likelihood of illegal or inconsiderate parking with increased congestion in the residential streets surrounding the site which will have a severe impact on the local highway network.

6.18 The Council's Transportation Officer did not object to the application but did request a legal agreement that requires the applicant to undertake 6 monthly parking surveys in local streets for a period of 3 years post the completion of development with a financial contribution of £25,000 secured to undertake a traffic regulation order to address any issues that arise. The appellant has now indicated that they may be able to agree to this financial request however, it is not considered that this sum will be wholly effective in addressing the substantial concerns. The Council will confirm whether they agree to the inclusion of this financial contribution within a forthcoming Statement of Common Ground on viability matters.

6.19 Of current concern is that the assumptions made by the appellant in relation to car ownership are not clear. As indicated above the scheme is most likely to appeal to young professionals, many of whom are likely to own cars. If the scheme were approved, it is not clear how clear how any traffic regulation order (TRO) would retrospectively address the parking problems caused by the development. If more parking restrictions are introduced this would potentially frustrate existing homeowners who can no longer park outside their properties and push the problem further afield where parking restrictions do not exist. It is acknowledged that the council have accepted such sums to monitor parking and implement TRO's as necessary on student schemes. However, in such cases the student leases generally prohibit cars being brought to the area and furthermore students can leave their cars at the parental home once they realise

that there is nowhere to park and/or their lease could be terminated if they are in breach. No such mechanism would be expected on a build to rent scheme and it is considered highly unlikely that occupiers would change their lifestyle to the extent that they would sell their cars. It is therefore highly unlikely that a TRO could satisfactorily address parking problems in these circumstances.

- 6.20 It is noted that the applicant has undertaken a parking survey however concerns are raised over the methodology used. The survey states that 5m per space has been utilised to estimate the number of on street spaces available in the surrounding streets. It is considered that a distance of 6m per space should be used to reflect the size of modern cars and the need to be able to manoeuvre in and out of spaces. The impact of this methodology is a considerable over-estimation of the number potential on street spaces available. The applicant has calculated that there is capacity of 99 spaces on the surrounding streets which based on 5m per space equates to 495m of road where cars could be parked. Dividing this figure by 6 reduces the number of potential spaces to 82 which is a 17.2% reduction.
- 6.21 This matter will be explored further in a proof of evidence. It is currently considered that the proposal will have a severe impact on the local highway network which conflicts with Policy TP44 Of the BDP, policies DM14 and DM15 of the Development Management DPD and paragraph 115 of the NPPF.
- 6.22 Housing Mix
- 6.23 The fifth refusal relates to the poor mix of housing proposed. Policy TP30 highlights that housing schemes should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods.
- 6.24 The Council has recently completed a Housing and Economic Development Needs Assessment (HEDNA) dated April 2022. Table 8.22 highlights that on a City wide basis that there is lowest need for 1 bedroom properties, just 5% for market housing. The HEDNA then explains in table 8.23 that as starting point for negotiation only 3% of a scheme should be 1 bed market housing where 35% affordable housing is being provided.

Table 8.22 - Suggested Mix by Broad Tenure

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	40%	30%	10%
Affordable housing (rented)	20%	35%	25%	20%

Source: Icen Projects based on Modelling

Table 8.23 Suggested Starting Point for Housing Mix Negotiations

	1 Bed	2 Beds	3 Beds	4+ Beds
Market (65%)	3%	23%	26%	13%
AHO (10%)	2%	4%	3%	1%
Affordable Rent (25%)	5%	9%	6%	5%
Total (100%)	10%	36%	35%	19%

Source: Icen Projects

Table 8.26 Modelled size requirement by sub-area – market housing

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Central	12%	35%	35%	18%
Edgbaston	7%	33%	42%	18%
Erdington	7%	32%	47%	14%
Hall Green	8%	28%	42%	22%
Hodge Hill	6%	32%	47%	15%
Northfield	7%	33%	46%	14%
Perry Barr	5%	30%	47%	17%
Selly Oak	6%	34%	44%	16%
Sutton Coldfield	6%	30%	40%	24%
Yardley	6%	32%	48%	14%
TOTAL	7%	32%	43%	18%

Source: Housing Market Model

- 6.25 Helpfully, table 8.26 breaks down the market housing needs for different accommodation sizes into sub areas. The application site falls within the sub-area of Edgbaston where there is a 7% requirement for 1beds, 33% requirement for 2 beds, 42% requirement for 3 beds and 18% requirement for 4 bed (or larger) homes. This emphasises the high level of need for family housing in the wider Edgbaston area.
- 6.26 In this appeal scheme there is a split of 48% 1 beds and 52% 2 bed apartments. With the greatest need for family housing the significant proportion 1bed properties clearly fails to address the housing need identified. It is accepted that the HEDNA suggests that the dwelling mix proposed in relation to a Build-to-Rent scheme should focus on 1, 2 and 3-bed properties. However, taking into account the specific location of the site a significant reduction in 1 bed properties is still required and the introduction of some 3 bed properties would be required to achieve policy compliance. Consequently, the mix of accommodation proposed is contrary to policy TP30 of the BDP.
- 6.27 Outdoor Amenity Space
- 6.28 The final refusal reason relates to the quality of open space to be provided. The Birmingham Design SPD requires 5sqm of amenity space for 1 bed apartments and 7sqm per 2 bed apartment. In the case of this 83 unit apartment scheme a total of 501sqm of outdoor amenity space should be provided. A breakdown of the open space to be provided is set out below.

Location of communal Open Space	Amount (sqm)
Communal Terraces	185
Private Terraces (plots A 39, A 40, B 34 & B 35)	61
Ground level communal space	200
Private Gardens	189
Total	635

Table 1: outdoor amenity space

- 6.29 Through a combination of a communal open space, private gardens, private roof terraces and a communal roof terrace a total 635sqm is provided. Whilst 13 of the apartments have their own private space this leaves the occupiers of 70 flats reliant on the communal areas which totals 385sqm. It is important note that this equates to an average of just 5.5sqm for each of the 70 flats which only just exceeds the standard for 1 bed flats. Furthermore, there is nothing to prevent occupiers of the flats which have private gardens also utilising these communal spaces making them even more cramped.
- 6.30 The open space provided at ground floor level is surrounded on 3 sides by development that is between 4 and 6 storeys high which greatly compromises the level of sunlight that will be received. Furthermore, the space is broken up into smaller plots which limit its usability and with some space located directly adjacent to a bin store and parking spaces it greatly reduces the attractiveness of the space. The small area of communal open space at ground floor level has the feel of a parcel of land that is simply left over and cannot be developed rather than good quality communal space for residents.
- 6.31 A roof terrace is provided within each block, although it is questionable how attractive the space on block A would be due to the noisy environment on a main route into the City Centre. It is therefore considered that the quality of open space provided falls short of the standards required by policies DM2 and DM10 of the Development Management DPD and the Birmingham Design Guide creating an unacceptable living environment for the proposed occupiers.
- 6.32 5 year Housing Land Supply
- 6.33 The Birmingham Development Plan which was adopted more than five years ago the Local Housing Need figure must be applied when calculating the five year housing land supply.
- 6.34 In a position statement published in November 2023, the Council estimated a total supply of 31,534 dwellings for 2023- 2028 (including windfall allowance). The statement explained that the Local Housing Need (LHN) target over the same period was 37,223 dwellings (including a 5% buffer). This equated to a 4.24 years supply. Since this time updated NPPF and NPPG removes the requirement for 5% buffer thereby increasing the Council's figure to 4.45 years supply but this still represents a shortfall against the LHN requirement.

6.35 As a result, the Council cannot demonstrate a five year housing land supply which means that the presumption in favour of development applies in accordance with Para 11d of the NPPF. The consequences of this are that the 'tilted balance' will be engaged for decision taking. This means that the assessment shifts from a neutral balance where the consideration is whether the harm outweighs the benefits to a tilted balance, where the harm would have to significantly and demonstrably outweigh the benefits justify the refusal of residential development. This assessment will take place towards the end of the statement where weight will be placed on the delivery of 83 additional dwellings, although the level of weight should be tempered to reflect that this not the family housing that is most needed in the City.

6.36 Planning Balance

6.37 Weight must be attached to the provision of 83 additional dwellings which will help boost supply, although it must be emphasised that it is not the kind of accommodation that is most in need in the City due to the proportion of 1 bed units and failure to provide affordable housing. The appellant also places weight on the economic benefits of the scheme, the accessibility of the site and the efficient use of land. It has been identified that the proposal will materially harm the character and appearance of the area, create an unacceptable living environment for the proposed occupiers, would have a severe impact on the local highway network and provides a poor mix of accommodation types This amounts to severe conflicts with policies in the Birmingham Development Plan, Development Management in Birmingham DPD, relevant SPG's and various paragraphs within the NPPF. It is considered that combined, the significant harm identified would clearly and demonstrably outweigh the benefits of the scheme and this will be expanded on further within a proof of evidence. The Council therefore will robustly contend that the planning balance lies in favour of dismissing this appeal.

7. Conditions

7.1 If the Inspector is minded to grant approval, the Council has provided a list of suggested conditions as Appendix A to this statement.

8. Conclusion

8.1 In summary the development materially harms to character of the area, fails to create an unacceptable living environment for the proposed occupiers, has a severe impact on the local highway network, provides a poor mix of house types contrary to PG3, TP30, TP31 and TP47 of the BDP, policies DM2, DM10, DM14 and DM15 of the Development Management DPD, Birmingham Design Guide SPD, the Open Space SPD and the NPPF. The Inspector is therefore respectfully requested to dismiss the appeal.

Appendix A: Suggested Conditions

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:

Site Location Plan 844-D5A-00-00-DR-A-0002 Rev P01

Site Ground Floor Proposed 844-D5A-00-00-DR-A-0101 Rev C03

Landscaping Plan 844-D5A-00-00-DR-A-9401 Rev C01

Block A Ground Floor Proposed 844-D5A-00-00-DR-A-0301 Rev C04

Block A First Floor Proposed 844-D5A-00-01-DR-A-0301 Rev C04

Block A Second Floor Proposed 844-D5A-00-02-DR-A-0301 Rev C04

Block A Third Floor Proposed 844-D5A-00-03-DR-A-0301 Rev C03

Block A Fourth Floor Proposed 844-D5A-00-04-DR-A-0301 Rev C03

Block A Roof Level Proposed 844-D5A-00-05-DR-A-0301 Rev C04

Block A Roof Floor Plan Proposed 844-D5A-00-RF-DR-A-0301 Rev C02

Block A Elevations 1-2 844-D5A-00-ZZ-DR-A-0411 Rev C04

Block A Elevations 3-4 844-D5A-00-ZZ-DR-A-0412 Rev C04

Block B Ground Floor Proposed 844-D5A-00-00-DR-A-0302 Rev C03

Block B First Floor Proposed 844-D5A-00-01-DR-A-0302 Rev C03

Block B Second Floor Proposed 844-D5A-00-02-DR-A-0302 Rev C03

Block B Roof Level Proposed 844-D5A-00-03-DR-A-0302 Rev C03

Block B Roof Floor Plan Proposed 844-D5A-00-RF-DR-A-0302 Rev C02

Block B Elevations 5-6 844-D5A-00-ZZ-DR-A-0421 Rev C03

Block B Elevations 7-8 844-D5A-00-ZZ-DR-A-0422 Rev C03

Bay Study 1 844-D5A-00-ZZ-DR-A-3101 Rev C02

Bay Study 2 844-D5A-00-ZZ-DR-A-3102 Rev C02

('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, Implement within 3 years

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.

3, Requires the submission of sample materials

Samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. For the avoidance of doubt the materials submitted shall include:

- Masonry;
- Windows;
- Joinery (soffits, eaves, bargeboards, canopies);
- Rainwater goods;
- Roofing;
- Flashing;

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.

4, Requires the prior submission of a sustainable drainage scheme

No development (excluding demolition) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.

Reason: This is required 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 Assessment. The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.

Reason: To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), 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 submission of a CCTV scheme

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

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

7, Requires the submission of a lighting scheme

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

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

8, Requires the prior submission of a contamination remediation scheme

No development (excluding demolition) 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 to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF

9, 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

10, Requires the submission of a scheme for ecological/biodiversity/enhancement measures

An Ecological Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to safeguard the nature conservation value of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

11, Requires the prior submission of level details

No development shall take place (excluding demolition) until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.

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

12, Requires the submission of hard and soft landscape details

Details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. These details shall include 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, areas of woodland, 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 a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

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

13, 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.

14, 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 dwellings 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.

15, 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 and the National Planning Policy Framework.

16, Requires the provision of cycle parking prior to occupation

The covered bicycle storage spaces shown on drawing number 844-D5A-00-00-DR-A-0101 Rev C03 shall be provided before occupation of any dwellings on the site and shall thereafter be retained.

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, Provision of electric vehicle charging points (EVCP)

Each parking space shall be provided with an electric vehicle charging point prior to first occupation and retained thereafter.

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

18, Requires the prior submission of a construction method statement/management plan

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:

- * the parking of vehicles of site operatives and visitors
- * location of loading and unloading of plant and materials
- * hours of demolition/construction/delivery

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

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to safeguard the amenities of occupiers of dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

19, Requires pedestrian visibility splays to be provided

A pedestrian visibility splay of 3.3m by 3.3m by 600mm shall be incorporated at the access point before the access point is first used and thereafter maintained.

Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

20, Formalisation of existing access

The formalisation of the existing access off Harborne Park Road shall be undertaken to the City's Specification at the applicant's expense.

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.

21, Requires gates to be set back

Any gates provided to the development access shall be set back at a distance of 5m from the edge of the carriageway of the adjoining highway and thereafter maintained.

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

22, Noise Insulation Scheme (Harborne Park Road)

Prior to the occupation of the dwellings, 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 Harborne Park Road elevation of Block B provide a weighted sound reduction index ($R_w + C_{tr}$) of at least 38dB. Any ventilation on this elevation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalized level difference ($D_{n,e,w} + C_{tr}$) of at least 44dB.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

23, Noise Insulation scheme (everywhere except Harborne Park Road elevation)

Prior to the occupation of the dwellings, 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 all elevation across both blocks (with the exception of the Harborne Park Road elevation) shall provide a weighted sound reduction index (Rw + Ctr) of at least 35dB. Any ventilation on this elevation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalized level difference (D_{ne,w} + Ctr) of at least 41dB.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

24, Demolition Method 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;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition; and
- 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.