

DECISION DOCUMENT

APPLICATION NUMBER: 2015/10407/PA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT

Moundsley Hall Nursing Home Ltd
Walkers Heath Road
Kings Norton
Birmingham
B38 0BL

AGENT (if used)

Mr Richard Baily
Alpha House
3 Farmer Ward Road
Kenilworth
Warwickshire
CV8 2ED

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 a 50 bed residential care home, together with car parking, landscaping and ground works. Outline application with appearance, landscaping, layout and scale to be determined.

at

63-65 Penns Lane, Sutton Coldfield, Birmingham, B72 1BJ

Conditions that affect this development or use

-
- 1 Requires the prior submission of a construction method statement/management plan
No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:
- * the parking of vehicles of site operatives and visitors
 - * location of loading and unloading of plant and materials
 - * hours of demolition/construction/delivery
- The development shall be implemented in accordance with the approved details.
Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 2 Requires the prior submission of level details
No development shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 3 Requires the prior submission of earthworks details
No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the finished levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be implemented in accordance with the approved details and thereafter maintained. The works shall be implemented prior to occupation of any part of the development. Any amendments to the approved details shall be approved in writing by the Local Planning Authority.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 4 Requires the prior submission of a drainage scheme
No development shall take place until such time as a scheme for drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
-
- 5 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
No development shall take place until a Sustainable Drainage Assessment (including drainage plans, detailed design, hydrological and hydro-geological assessment) using appropriate sustainable drainage principles and 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

The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Assessment prior to the use of the building commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan
Reason: To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), TP6 of the Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.
-
- 6 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 extension(s)/building(s)/dwelling(s)/development 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 Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 7 Requires the prior submission of sample walling/render panel/stonework/brickwork
No development shall take place until a sample panel of (walling) (render) (stonework) (brickwork) at least one metre square (showing the proposed coursing, method of pointing and colour of mortar) (showing the proposed finish and colour) has been erected on the site and subsequently approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved panel. The panel shall be retained on site until the completion of the works.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 8 Requires the prior submission of dormer window/window frame details
No development shall take place until detailed drawings of the proposed dormer windows and/or window frames, at a minimum scale of 1:10 illustrating materials and coverings, paint finish, fenestration profiles, lintels, cills, window dressings, cheeks, reveal and window furniture, have been submitted to and approved in writing by the Local Planning Authority. The windows shall be constructed and installed in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 9 Requires the prior submission details obscure glazing for specific areas of the approved building
The ancillary room window(s) in the side elevation of the rear wing of the approved building shall be installed with obscure, non-opening glazing and thereafter retained as such. Details of such windows shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the window.
Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Places for Living SPG, Extending Your Home SPD and the National Planning Policy Framework.
-
- 10 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, 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 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 Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005.
-
- 11 Requires the prior 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 Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 12 Requires the prior submission of hard surfacing materials
No development shall take place until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 13 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(s)/use/dwelling (s) hereby permitted and shall be retained thereafter.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 14 Requires the prior submission of Ramps and Step details
No development shall take place until drawings of the proposed ramps and/or steps at a scale of 1:10 and including cross-sections have been submitted to and approved in writing by the Local Planning Authority. Such drawings should include details of all materials, plinths, copings and the profile, fixings and colour of handrails and supports. The development shall not commence until a sample panel of the plinth, coping and handrail as shown on the approved drawings at least one metre square showing the materials, bonding, method of pointing and colour and mix of mortar has been erected on the site and subsequently approved in writing by the Local Planning Authority. The ramps/steps shall be constructed in accordance with the approved drawings and panel. The panel shall be retained on site until the completion of the works.
Reason: To safeguard the character of the building (which is listed as being of architectural or historic interest) (which is in a Conservation Area) in accordance with Paragraphs 3.8, 3.10, 3.25, 3.26 and 3.27 of the Birmingham UDP 2005, the National Planning Policy Framework and Regeneration through Conservation SPG.
-
- 15 Limits delivery time of goods to or from the site to between 0800 - 1900 hours Monday to Saturday only.
No deliveries shall be taken at or dispatched from the site outside the hours of 0800-1900 Monday to Saturday.
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 16 Limits the noise levels for Plant and Machinery
The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
-
- 17 Requires the prior submission of roof level vertically directed extraction and odour control details
No development shall take place until details of the roof level vertically directed extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained. No other roof mounted plant, machinery or equipment shall be installed to the building hereby approved unless the details are submitted to and agreed in writing by the Local Planning Authority and the approved details are implemented and maintained thereafter.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF

- 18 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 based on a noise assessment which shall be submitted to and approved in writing by the Local Planning Authority and shall specify the weighted sound reduction index ($R_w + C_{tr}$) for glazing and the weighted element normalised level difference ($D_{n,e,w} + C_{tr}$) for ventilation. The development shall be implemented in accordance with the approved scheme and thereafter retained and maintained.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
-
- 19 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 Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 20 Requires the prior submission of an additional ecological survey
No development shall take place until an additional ecological survey, and a report has been 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 survey report shall be accompanied by a strategy, which provides full details of measures for mitigation and enhancement. The development shall be implemented in accordance with the approved details of the mitigation strategy unless otherwise approved in writing by the Local Planning Authority.
Reason: In order to safeguard any protected species present on the site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
-
- 21 Requires the prior submission of details of bird/bat boxes
No development shall take place until details of the number, design, location and post-development monitoring arrangements of (bird nesting boxes/bat boxes/bricks/tubes) to be provided as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be installed in accordance with the approved details and thereafter maintained.
Reason: To enhance the nature conservation interest of the site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
-
- 22 Prevents occupation until the turning and parking area has been constructed
The building shall not be occupied until space has been laid out and surfaced in accordance with drawing number 5058/106G 09 02 for 18 cars (including 2 disabled parking spaces) to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall not be used for other than their designated purpose.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 23 Requires the prior submission of a parking management strategy
The development hereby permitted shall not be occupied until a parking management strategy (including management of disabled spaces, staff and visitors spaces) has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter only be operated in accordance with that approved strategy.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, the Car Parking Guidelines SPD and the National Planning Policy Framework.
-
- 24 Requires pedestrian visibility splays to be provided
A pedestrian visibility splay of 3.3 metres by 3.3 metres by 0.6 metres shall be incorporated at the/each access point before the access point(s) is first used and thereafter maintained.
Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 25 Requires the provision of cycle parking prior to occupation
The covered bicycle/motorcycle storage spaces shown on drawing number 5058/106G 15 03 shall be provided before occupation of any dwelling/building 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 Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 26 Requires the applicants to join Travelwise
The building(s)/premises/site shall not be occupied until the new occupiers of the premises have affiliated to "Company Travelwise in Birmingham". In the event that the occupiers cease to affiliate to Travelwise, they shall come forward, within 3 months of them ceasing to affiliate, with further proposals for decreasing reliance on the private car and for continuing staff use of alternative means of transport. Such proposals shall be agreed in writing by the Local Planning Authority and thereafter implemented.
Reason: In order to achieve a more sustainable development in accordance with Paragraphs 3.8, 3.10 and 6.17 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 27 Requires redundant footway crossings to be reinstated.
Prior to the first occupation of the development hereby approved, all redundant footway crossing(s) shall have been reinstated with full height kerbs to departmental specifications / standards at applicant's expense.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 28 Requires any work relating to any street furniture, statutory apparatus etc. to be carried out to appropriate specifications/standards at applicant's expense.
Prior to the first occupation of the development hereby approved, all work relating to any street furniture, statutory apparatus etc. shall have been carried out to appropriate specifications/standards at applicant's expense.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 29 Tree Survey and Arboricultural Implication Assessment
Submission Required (Outline Application)
The first submission of reserved matters shall include, in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (BS5837:2012 and any subsequent edition), a full up to date tree survey and arboricultural implications assessment (AIA) taking account of all the trees on the site and on adjoining land including public highway.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 30 Arboricultural Method Statement - Submission Required
No development shall take place until a site specific arboricultural method statement (AMS) and a tree protection plan (TPP), in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012 and any subsequent edition), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 31 Requires the prior submission of details showing the area for engineered tree planting pits for the two replacement Holly trees.
No development shall take place until detailed drawings showing the area for engineered tree planting pits for the two replacement Holly trees in accordance with drawing 5058/106G 15 03 has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented prior to the planting of the trees.
Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 32 Prevents the use from changing within the use class
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or reenacting that Order with or without modification), the premises/building(s)/site(s) shall be used for a residential care home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification.)
Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 33 Prevents new windows in side elevations of building
No windows/dormer windows shall be inserted or constructed in the side elevations of the building unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 34 No approval given to access shown on the proposed site plan.
The access point shown on the proposed site plan 5058/106G 15 03 submitted has not been considered as part of the application approved by this permission. No permission is given to the access of the proposed development shown on the plan.
Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 35 Requires the submission of reserved matter details following an outline approval
Details of the access (hereinafter called the reserved matter) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
-
- 36 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 Refuse Vehicle Tracking Plan, 5058/101F, 5058/102G, 5058/103F, 5058/104G, 5058/106G 15 03, 5058/107J, 5058/108H, 5058/109J, 5058/110I, 5058/114, 2575/01 and Location Plan 1:1250 ('the approved plans')
Reason: In order to define the permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-
- 37 Limits the approval to 3 years (outline)
Application(s) for approval of any reserved matter(s) must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last matter to be approved.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

The proposed development does not attract a CIL contribution.

Date: Thursday 14th April 2016



Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

Please note
This is not a building regulation approval

INFORMATIVE NOTE

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

Please ensure that you visit the following link before commencing any development:
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at
water.officer@wmfs.net

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