

General Development Applications

(5/h) Application No: PAP/2023/0135

14, Newborough Close, Austrey, Atherstone, CV9 3EX

Replacement of overgrown leylandii hedge and existing gate with 2m high fencing and replacement gate around garden of the property, for

Mr Neil Flemming

Introduction

This application is reported to the Board due to the property in question being the residence of Member of the Council.

The Site

The application site is a two-storey detached dwellinghouse towards the end of a residential cul-de-sac in Austrey. The neighbouring properties are also dwellinghouses of similar design with two storeys. The properties here have open front gardens but there is also much in the way of hedgerows and trees.

A Location Plan is at Appendix A.

The Proposal

This is a retrospective application to retain a 2-metre high fence and gate around the front of the property, which replaces a leylandii hedge.

Images of the fencing and gate as built can be found at Appendix B

Following receipt of the application, an amended plan was received which shows a “canted” finish to the fence at the highway boundary in order to provide some visibility for vehicles exiting the next-door property at number 16, staining of the fence and some planting. This is at Appendix C.

Development Plan

The North Warwickshire Local Plan 2021 – LP29 (Development Considerations); LP30 (Built Form and LP34 (Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2021 – (the “NPPF”)

Representations

One letter of support has been received saying that the former leylandii hedge had reached such a height that daylight was being blocked and making it difficult to park. A fence is the preferable option.

One objection has been received saying that the fence is not in keeping with the character of the estate and the village. There is also a danger to pedestrians and other vehicles as visibility has been obstructed.

Re-consultation has taken place in respect of the amended plan referred to above and the receipt of any further representations will be reported at the meeting.

Consultations

Warwickshire County Council as Highway Authority – No objection.

Observations

Local Plan Policy LP30 requires that all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. The design, location and position of the fence results in a stark difference between the dark toned bricks of the dwellinghouse and the light tone of the wood in the fence and gate. This has a noticeable impact on the character of the street scene. The applicant was thus asked to consider mitigation measures. The amended plans show that the fence and gate would be stained in a darker colour, and that planting will be placed in front of the fence panels no more than 600mm in height. This alteration has been reflected in the plans shown at Appendix C.

Local Plan Policy LP29 (9) states that developments should amongst other things, avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution. Officers consider that the fence and gate causes no material adverse impact on the planning considerations included in this policy.

This fence does sit adjacent to a highway which requires an assessment of the impact on highway safety. Local Policies LP29(6) and LP34 require proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out of the Local Plan. The main concern here is the visibility splays for pedestrians. This has been addressed by the applicant through the amended plan which shows the removal of a section of fencing in order to allow pedestrians on the footpath and cars reversing of the driveway of 16 Newborough Close to see each other. As a consequence, the Warwickshire County Council as Highway Authority has no objection.

The Board will be aware that there is a material consideration here that carries substantial weight. This is the fall-back position arising from permitted development rights. In this case, the applicant can erect a 2-metre-high boundary fence along his boundary with number 16, as well as erect a one metre fence at the rear of the frontage pavement, without the need to submit a planning application by virtue of Class A of Part 2 to Schedule 2 of the General Permitted Development Order (2015) as amended. As a consequence, if the Board chose to refuse planning permission in this case, and if then it considered it expedient to issue an Enforcement Notice, that Notice could only require the reduction in height of the front fence and gate to one metre.

The Board will also be aware that any Covenants attached to Title Deeds of the properties in the Close requiring that land be left “open” are not material planning considerations and thus carry no weight in the determination of this application. This is a civil matter which needs to be taken through private action.

It is thus in all these circumstances that the recommendation below is made.

Recommendation

That planning permission be GRANTED subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with Site Location Plan received by the Local Planning Authority on 3 April 2023, and the Block Plan and Elevations received by the Local Planning Authority on 27 June 2023.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans

2. The approved landscaping scheme received by the Local Planning Authority on 27 June 2023 shall be implemented within the next available planting season following this approval.

REASON

In the interests of the visual amenities of the area.

Notes

1. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

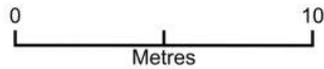
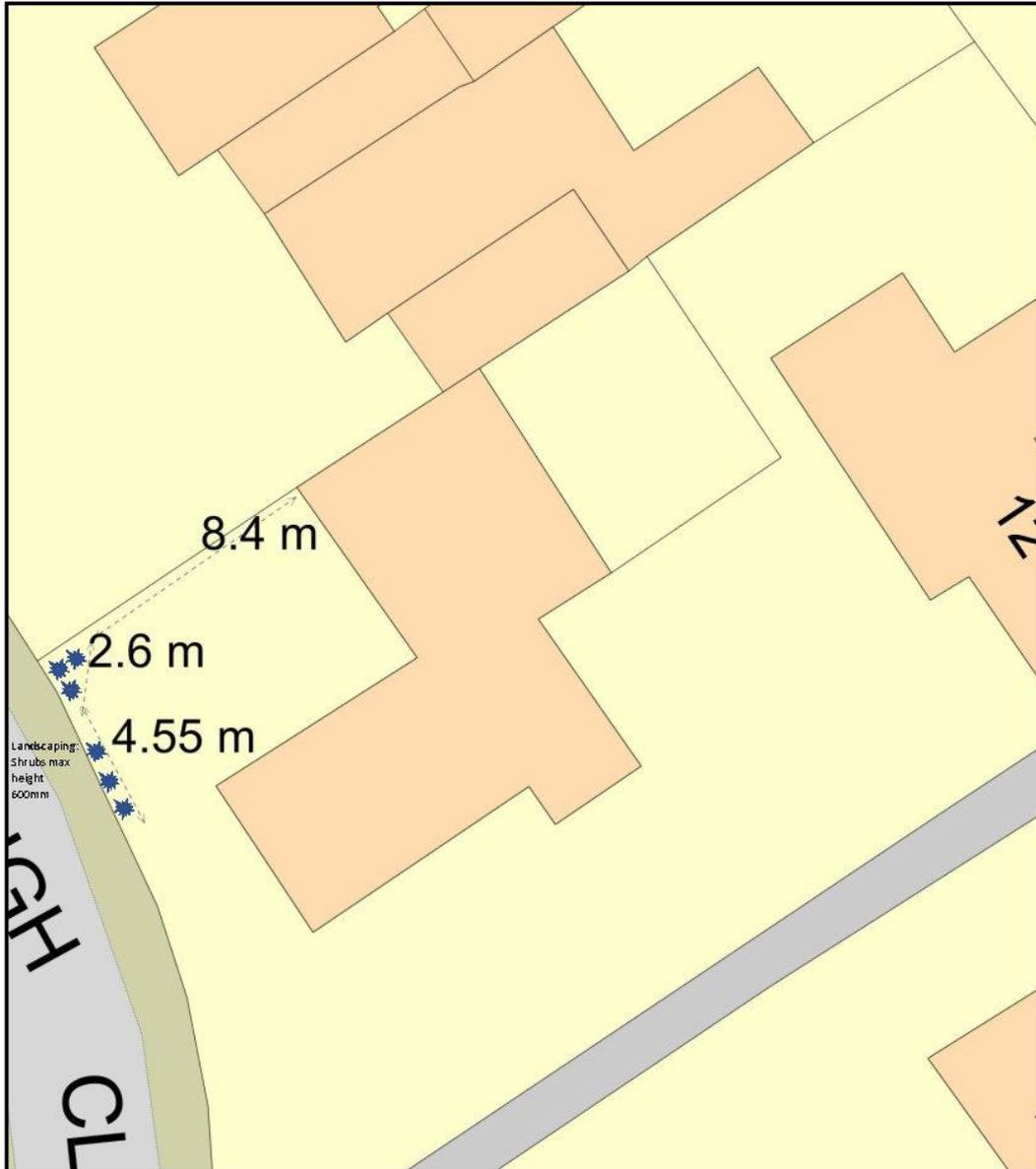
Appendix A



Appendix B



Fencing - 14 Newborough Close



Plan Produced for: Neil Fleming
Date Produced: 19 May 2023
Plan Reference Number: TQRQM23139150613953
Scale: 1:200 @ A4
PUBLIC

14 NEWBOROUGH CLOSE- FENCING – ELEVATIONS



PUBLIC

General Development Applications

(5/i) Application No: PAP/2022/0371

Land North East Of Brockhurst Farm, Lindridge Road, Sutton New Hall, Birmingham,

Proposed development of 178 dwellings, including access, drainage and associated infrastructure, for

Taylor Wimpey UK Limited

1. Introduction

- 1.1 This application has been submitted to this Council for determination. It is located on land that directly abuts the common boundary with the Birmingham City Council. As a consequence, that Council has been consulted on the proposal and its comments are recorded below in this report.
- 1.2 Additionally, it became very clear from receipt of the application that the proposed access arrangements would need to involve off-site highway works that would be located within the City Council's area, as well as mitigation measures that would require Traffic Regulation Orders that are within the gift of that Council.
- 1.3 As a consequence, the applicant also submitted the same application to the City Council, but with the addition of the land within Birmingham City Council which would accommodate the highway measures.
- 1.4 The City Council has considered its application and granted planning permission for the highway works within its area at the end of April. The approved off-site highway works are thus a material planning consideration of substantial weight in the determination of the North Warwickshire application.

2. The Site

- 2.1 This site is located on the northern side of Lindridge Road, approximately 250 metres east of the built-up area of Sutton Coldfield. It is currently in agricultural use and is triangular in shape, narrowing to a point at its northern extent. It measures 4.35 hectares in size and is bounded by the A38/M6 Toll road to the east, Lindridge Road to the south and Langley Brook to the west. There is a Sewerage Treatment works to the north-west of the site. The boundaries are largely defined by hedgerow and vegetation, providing a reasonably wide buffer to the A38/M6 Toll, which varies between 9 and 19m in width. Junction 9 of the M42 is located approximately 4 kilometres to the south-east of the site.

- 2.2 Within the site, the southeast corner is broadly level though levels do then fall away significantly to the north and east towards Langley Brook. Beyond the site boundary, Lindridge Road is relatively steep, with an incline rising from west to east. The A38 is significantly lower than the site itself beyond the east and southeast corners, although when this becomes the M6 Toll towards the northeast corner, the levels are broadly equivalent.
- 2.3 There is no public access to or across the site, with an existing field access at the southern end of the site. There is also currently no footpath along Lindridge Road into Sutton Coldfield.
- 2.4 A general location plan for the application site is at Appendix A and an aerial photograph is at Appendix B.

3. Background

- 3.1 The application site is one allocated for around 140 houses within the North Warwickshire Local Plan 2021 – Policies LP37 and particularly H6 refer.
- 3.2 The land to the south of the Lindridge Road extending south to Minworth, east to the line of the A38 and west to Walmley is land allocated for up to 5500 houses together with associated facilities by the Birmingham City Council in its Development Plan. This allocation is known as the Langley Sustainable Urban Extension (the Langley SUE).
- 3.3 The Langley SUE is shown on a plan at Appendix C and this also illustrates the site of the H6 allocation.
- 3.4 An outline planning permission for the SUE was considered by the City Council in December 2022. It is minded to support the proposal subject to the completion of a Section 106 Agreement. The plans to be included in the grant of any permission here, include a series of Parameter Plans as well as a phasing plan.
- 3.5 One of the Parameter Plans illustrates the principles of the layout. This and the phasing Plan are attached at Appendices D and E.

4. The Proposals

- 4.1 This proposal seeks the construction of 178 dwellings, including a new access, landscaping, drainage, and associated infrastructure. The main access would be located at a new position along Lindridge Road, with the intention of retaining and improving the existing field access as a 4-metre wide emergency link. There would also be one further access point onto Lindridge Road, serving six dwellings from a private drive. A balancing pond is proposed to the northern end of the development, which is the lowest point of the site. Two play areas are proposed – one each on the eastern and northern boundaries. 71 affordable dwellings are proposed, totalling 40% of the total dwelling provision. These would comprise 14 one-bedroom properties, 36 two-bedroom ones and 21 three-bedroom dwellings. The tenures would be made up of 51% Affordable Rent and

49% Shared Ownership. The market houses would be a mix of two, three and four-bedroom houses.

4.2 The proposed layout is illustrated at Appendix F and images of the house types are at Appendix G.

5. Consultations

Warwickshire County Council as Highway Authority – There were some initial concerns, but the receipt of amended plans and clarification of the Birmingham City Council position has led to there being no objection in principle subject to standard conditions.

Warwickshire County Council as Lead Local Flood Authority – There was an initial objection but further clarification from the applicant has been submitted and the final response from the Authority is awaited. The Board will be notified of the up-to-date position at the meeting.

Warwickshire Planning Archaeologist – There was an initial objection, as it was considered that pre-determination trial trenching should be undertaken to evaluate the archaeological potential of the site. The applicant undertook this work with a Scheme agreed by the County Council. This has led to the Archaeologist removing the objection in principle but requiring pre-commencement conditions for further work.

Warwickshire Fire and Rescue Service – No objection subject to standard conditions

Warwickshire Police (Crime Reduction and Community Safety) - No objection

National Highways – No Objection

Birmingham City Council – An objection has been lodged as it considers that although the land is allocated for residential development, the proposal does not accord with Local Plan Policy H6. This is because the proposal has come forward without any regard to the Langley SUE development. To approve the proposal in isolation would be premature and prejudice the integration of infrastructure delivery as part of the overall wider SUE development. The layout is neither in keeping with the principles sought in the Langley SUE Supplementary Planning Document and thus there would neither be any design integration.

Birmingham City Council Ecologist – No objection subject to conditions for a lighting design strategy to reflect biodiversity interests, details of the landscaped boundary treatments and a Landscape and Ecology Management Plan.

Environmental Health Officer – He has concerns about the adverse noise impact from the use of the adjoining A38 but has recommended conditions which set out the maximum noise thresholds to be achieved.

Housing Officer – No objection to the 40% on-site affordable provision and is satisfied with the 50/50 tenure mix, but that a clause be included in any Section 106 Agreement such that the mix be reviewed if there is limited “take-up” of the rented properties.

6. Section 106 Contributions

Coventry and Warwickshire Integrated Care Board - £153,110 is requested for improvements to off-site primary medical care and healthcare facilities

Warwickshire Public Rights of Way - £4,259 to support the ongoing maintenance and improvements to public rights of way within 1.5 kilometres of the site

Warwickshire Highway Authority – £8900 towards road safety initiatives such as road safety education in schools and for vulnerable groups; £1780 towards promoting sustainable travel through information given to new occupiers and £3000 towards the administration of securing 20 mph speed limits within the site.

Warwickshire County Council as Education Authority – A total of £988,432 is requested made up of a contribution towards Secondary Education and towards home to school transport. (Appendices H and I)

Birmingham City Council as Education Authority - The City Council requests a sum of £1,390,449.88 in order to fund expansion at existing primary and secondary schools. (Appendix J)

NWBC (Leisure and Recreation) – £555,005 towards off-site enhancements, but subject to maintenance considerations.

7. Representations

Sutton Coldfield Town Council – It has lodged an objection. It says that the proposal is contrary to Policy H6 of the adopted North Warwickshire Local Plan which states that delivery, access and development of the site is to be directly linked to the development and delivery of the Langley Sustainable Urban Extension immediately to the south. No reference is made to the Langley SUE allocation within the submitted transport documentation and there is limited reference to how the two sites would be linked in terms access or delivery. Vehicular access is proposed to be provided from Lindridge Road, but limited information is provided on how this junction will interact with Langley SUE accesses also onto Lindridge Road. It is an isolated location of the development. No off-site improvements or dedicated infrastructure for cyclists has been proposed. The Design and layout of the proposed development lacks imagination and local distinctiveness resulting in an overall appearance of a bland suburban development.

The Sutton Coldfield Civic Society also objects as there would be further loss of Green Belt and increased pressure on existing infrastructure.

Cllr Richard Parkin (Ward Member for Sutton Reddicap) – There is an objection based on the design of the development; its isolated rural location and its impact on local infrastructure and services within Sutton Reddicap.

Three letters of objection have been received from nearby residents referring to the loss of Green Belt land; existing services being already stretched and that there are traffic safety issues on Lindridge Road.

8. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP14 (Historic Environment), LP15 (Landscape), LP16 (Natural Environment), LP17 (Green Infrastructure), LP21 (Services and Facilities), LP22 (Open Spaces and Recreation Provision), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water and Flood Management), LP34 (Car Parking), LP37 (Housing Allocations) and H6 (Land at Lindridge Road)

9. Other Material Planning Considerations

The National Planning Policy Framework

Birmingham Development Plan 2017

The Langley Sustainable Urban Expansion - Supplementary Planning Document (SPD) 2019

The Council's Air Quality and Planning SPD 2019

The Council's Planning Obligations for Sport, Recreation and Open Space SPD 2023

10. Observations

a) Matters of Principle

10.1 The application site is allocated for residential development through the Local Plan and as a consequence, the land is excluded from the Green Belt. The proposal is therefore supported in principle, notwithstanding the comments received from some of the representations.

10.2 The Local Plan also contains policies which are linked to the development of its allocated sites. In this case, that is Policy H6. It says that the allocation here is subject to a number of matters:

i) Delivery, access and development of the site being directly linked to the development and delivery of the Langley SUE immediately to the south within Birmingham City Council's area and allocated in its Development Plan.

ii) That the location of residential development and open space is to take account of the proximity of the Langley Mill Sewage Treatment Works of Lindridge Road to the north-west of the site and the M6 (Toll) to the east and north.

iii) A site-specific Flood Risk Assessment is undertaken to demonstrate that the extent of the land available for development is outside of Flood Zones 2 and 3.

- 10.3 As reported above, the Birmingham City Council has objected to the application as it considers that the first of the matters mentioned above has not been satisfied. The City Council considers the proposal to be premature and that it would prejudice the integration of the site into the wider Langley SUE development.
- 10.4 The focus of this report will thus be to respond to this objection and this will be dealt with in the assessment of the final planning balance at the end of report. Prior to that however, it will be necessary to cover the other planning issues involved, to see if they carry any weight in that final assessment.

b) Planning Issues

i) Highway Matters

- 10.5 In the introduction to this report it was noted at an early stage in the consideration of this proposal, that off-site highway works would be needed. Both the Warwickshire County Council and Birmingham City Council as Highway Authorities were agreed on this and have engaged with the applicant to ensure their inclusion in the proposals. In short, the works include measures along the existing carriageway to the west of the site, to include a reduction in the speed limit, traffic calming measures and a new footway and crossing. These are required to provide pedestrian and cycle connectivity from the site into the built-up area on the edge of Sutton and to improve highway safety through the extension of reduced speed limits eastwards beyond the site access. These engineering works now have the benefit of planning permission following the determination of the planning application submitted to the City Council as reported in the Introduction to this report. The City Council will have to consider the making of a Traffic Regulation Order in respect of the extended length of road to have reduced speed limits. The grant of the planning permission will be material to its consideration.
- 10.6 It is of substantial weight that neither the Warwickshire County Council nor the City Council object to the access arrangements proposed for access into the site itself – that is a main access approximately centrally located along its southern boundary, a private drive serving six dwellings to its west and an emergency link to the east. It is also of substantial weight that the Warwickshire County Council has not objected to the site layout arrangements subject to standard conditions.
- 10.7 Members will be aware that Local Plan policy LP29(6) requires provision of safe and suitable access for all users to a proposed development site. Additionally, the NPPF requires any significant highways impacts on the local highway network or on highway safety to be mitigated to an acceptable degree with a refusal of planning permission being considered only when the residual impacts are severe. That is not the case here and thus the proposal would accord with the policy LP29(6).
- 10.8 The City Council's objection to the overall proposal is based on it being "premature" and that it would "prejudice" the integration of infrastructure delivery within the wider Langley SUE. It is considered that its support for the proposed access arrangements and mitigation measures reduces the weight that can be given to this objection, particularly as the decision to grant that planning permission was taken in the full knowledge of the Langley SUE development.

ii) Ecological Matters

- 10.9 The site comprises an arable field with semi-natural woodland, hedges and scattered trees around its peripheries. The wooded Langley Brook corridor is adjacent to its western boundary. The Lindridge Road hedgerows and the Brook corridor all contribute to a wider ecological network which contains sites of nature conservation interest. This corridor is the most significant feature on the site and its retention and enhancement is considered to be essential. The drainage proposals include a new balancing pond in this area which will be a benefit in this respect, but details of its outfall to the Brook needs to be conditioned. The proposals do include removal of hedgerow lengths along Lindridge Road but these are to be compensated for by significant new planting along the southern, western and eastern boundaries.
- 10.10 The overall response from the Birmingham City Council's ecologist in this instance is one of no objection subject to standard conditions. In this respect it is considered that the proposal would accord with Local Plan Policy LP16 which seeks protection and enhancement of the natural environment, relative to the nature of the development proposed.

iii) Heritage Matters

- 10.11 There are no designated or locally designated heritage assets on the site or within a kilometre diameter of the site's boundary. Initial assessments found that the site is located within a landscape that was settled during the Bronze and Iron Ages with two Bronze Age burnt mounds and an Iron Age farmstead located between 50 to 100 metres north-east of the site. As a consequence, further investigation was undertaken at the request of the Warwickshire Archaeologist. This resulted in a further mound being found on the site and thus a mitigation strategy is to be agreed with further excavation needed. However, the Archaeologist is satisfied that there is no objection to the principle of development subject to agreement on the strategy. This can be conditioned through pre-commencement conditions.
- 10.12 In these circumstances, the proposal would accord with Local Plan policy LP15 which requires the historic environment to be conserved or enhanced. In this case, the mitigation strategy will include the recording and archiving of the "find" on the site.

iv) Drainage Matters

- 10.13 Policy H6 explicitly draws attention to the Langley Brook and its associated Flood Zones 2 and 3, requiring a site-specific Flood Risk Assessment. This has been undertaken by the applicant and that Assessment included the length of the Brook south of the site well into the extent of the Langley SUE development, as required by the Policy. It proposes an attenuation basin in the north-west corner of the site with controlled discharge into the Brook. Foul water drainage would connect to the existing public foul sewer in Lindridge Road.

- 10.14 It is of significant weight that the City Council did not object to the drainage arrangements for the Langley SUE development and that it has not raised this matter in respect of its response to the current application. In other words, it considers that the proposed arrangements as set out above would not prejudice the arrangements on the larger Langley SUE development.
- 10.15 In respect of the site within North Warwickshire, then as recorded above the final response is still awaited from the Warwickshire County Council as the Lead Local Flood Authority. It is anticipated that this is likely to be one of no objection subject to standard conditions. If so, that would carry substantial weight leading to the proposal being able to accord with Local Policy LP33 and with the relevant part of Policy H6 as identified in paragraph 10.2.

v) Air Quality and Noise

- 10.16 The applicant's documentation in respect of these two considerations has been considered by the Environmental Health Officer and no objections have arisen in principle. In respect of air quality, then during the construction period, mitigation measures are proposed to reduce the potential for dust and particulate emissions so as to comply with Best Practice guidance. A Construction Management Plan will need to be conditioned in the event of an approval so as to require implementation of the measures. Once complete, then air quality impacts are predicted to be below the recommended guidance. These impacts are anticipated to be even lower, if LEV charging points are included in the development; if there is ready pedestrian and cycle access to facilities and that public transport is accessible. As recorded above in para 10.5, planning permission has already been granted for the connections westwards into Sutton Coldfield and conditions will be attached in respect of charging points. The Langley SUE will contain a range of services and will cater for public transport routes.
- 10.17 The potential for noise pollution here is higher than some other sites because of the A38 corridor that bounds the eastern boundary. The applicant's assessments have been considered by the Environmental Health Officer and conditions are recommended in respect of providing an updated Noise Impact Assessment and fixing maximum noise thresholds which will then determine the specifications for glazing and ventilation in the new houses closest to the A38.
- 10.18 It is noteworthy that the Birmingham Environmental Health Officers did not object to the Langley SUE planning application.

vi) Affordable Housing

- 10.19 The proposal is policy compliant in that it includes 40% on-site provision – that is 71 units. The Council's Housing Officer welcomes this additional accommodation and the house types being developed. There is no objection to the proposed tenure mix and the applicant has acknowledged the request for a review of this, during the development of the site. This would be accommodated in any Section 106 Agreement.

vii) Layout and Design

- 10.20 The site is the subject of a number of constraints on how it could be developed – there is a marked fall in level from east to west; the A38 runs along the eastern boundary, the Langley Brook forms a significant feature along the western boundary, the highway requirements in respect of access onto the Lindridge Road, together with having acceptable road gradients within the site all had to be considered in drawing up the layout. That has of necessity been one that has had to follow the contours of the land. Additionally, the proposal has had to accommodate as far as it can, the fact that the land to the south too will be developed residentially and that this is the subject of a Supplementary Planning Document adopted by the Birmingham City Council. The main objective of that SPD in respect of this proposal is to ensure connectivity to that far larger development area. This will be considered in more detail below, but at this stage it is considered that weight has been given to that SPD in the drawing up of the layout – the landscaped buffers along the eastern and western boundaries and the footpath extensions. It is considered that the response to all of these constraints is both reasonable and proportionate.
- 10.21 It is acknowledged that the number of dwellings proposed is greater than that envisaged in the Local Plan allocation - 178 as opposed to 140. The increase is a consequence of the development constraints of the site, the objective of accommodating a policy compliant provision of on-site affordable housing and responding to the infrastructure requests from the various Agencies, whilst maintaining viability. It is considered that this is a proportionate response in this situation. Moreover, the increased number need not necessarily be harmful. It is considered that the layout does not introduce any adverse impacts in respect of residential amenity, over-shadowing or lack of privacy, parking provision, circulation space or in the provision of amenity and recreational space. The design and appearance of the houses is acceptable.
- 10.22 It is acknowledged that the City Council's comments about the integration of the site into the wider setting in design and appearance terms will need to be addressed and this will be dealt with below.

11. Section 106 Issues

- 11.1 The various requests for contributions are set out in section 6 above.
- 11.2 Members are aware that there are three Statutory “tests” under the Community Infrastructure Levy Regulations for any such contributions to be acceptable and these are re-affirmed in the NPPF. The tests are that the contributions are:
- necessary to make the development acceptable in planning terms,
 - directly related to the development and
 - fairly and reasonably related in scale and kind to the development.

11.3 The three most significant requests will be looked at in turn.

a) Leisure and Recreation

11.4 Two on-site play areas are to be provided on site – one small one in the south-east corner and a larger, fully equipped one to the north. Officers are satisfied with their size, location and with the specification of the equipment to be provided as this provision would accord with the Council's newly adopted SPD. It is acknowledged that the maintenance of this provision would be dealt with by a Management Company rather than by the Council. Additionally, the general on-site open and amenity space within the proposal is welcomed, and officers are satisfied that it is compliant with the SPD. As a consequence, the value of the contribution sought is restricted to enhancements of off-site facilities.

11.5 The development will increase the Borough's resident population and that will add pressure on existing open space and overall recreation provision. As such, Local Plan Policy LP22 states that open spaces and recreational areas will be retained, protected and enhanced. New development will be expected to provide a range of new on-site provision which will also require proper maintenance. Off-site contributions may be required where developments lead to a need for new or enhanced provision. This accords with Policy LP1 which refers to new infrastructure and the use of Section 106 contributions to ensure delivery. Section 8 of the NPPF and in particular paragraph 98, also refers to open space and recreation provision. In this case the Council does have an up-to-date SPD upon which to assess potential impacts arising from new developments and this has been used to arrive at the value of the contribution set out in section 6 above. It is considered that this request meets the three "tests" set out above - convenient and appropriate on-site play and amenity space is provided for the health and wellbeing of the new residents and contributions sought to enhance provision off-site. This has been calculated using an up-to-date adopted SPD. The applicant accepts that this is the case. It is also noteworthy that there has been no request from the Birmingham City Council.

b) Health Care

11.6 The Coventry and Warwickshire Integrated Care Board has set out its request based on the impact of this development on its services. This would accord with Local Plan Policy LP21 where developments have to consider the impact on the provision of services and facilities which must be addressed. Financial contributions are referred to here and this would match the content of Local Plan Policy LP1. Again, this is supported through the content of the NPPF. This request is considered to meet the "tests" and the applicant agrees.

Again, it is noteworthy that there has been no equivalent request for similar services within Birmingham.

c) Education

- 11.7 The Warwickshire County Council has set out its request for education contributions towards schools in Warwickshire. This too would align with the approach set out in Policies LP1 and LP21. In the case of the NPPF, then the request would fall fully under the objectives of paragraph 95.
- 11.8 The County Council explains that the site is in the Coleshill School Place Planning area for both primary and secondary provision. It considers that as there is a significant level of surplus places available at Coleshill Primary School, it would not be appropriate to seek a contribution for additional primary school places. In respect of Secondary provision, there is a shortage of places at Coleshill School and so a contribution is sought. This, together with funds for SEND provision would amount to the £538,432 referred to in Section 6 above. Although the County Council is able to show sufficient supply of primary school places, ease of access is of concern. Curdworth Primary is the closest but there is not safe or easy access. The same applies for Coleshill Primary School and the Coleshill School. Although there are bus services which call at the Secondary School, these are likely to need diversion to meet the needs of the application site. An ongoing contribution for home-school transport of £450,000 is thus requested over a period of years – see Appendices I and J.
- 11.9 In this case, the City Council too has lodged a request for education contributions. The request is for £1,390,449 and is evidenced in Appendix K. This says that there are sufficient childcare places available to absorb any increased demand from the proposed development. In respect of primary education, the City is saying that there is minimal surplus capacity within the six primary schools within two miles of the site and thus a full contribution is sought. Similarly, there are four secondary schools within a three-mile distance which will exceed capacity for the 2024 entry. Whilst some expansion is ongoing the peak of forecasts is not expected until 2028/29.
- 11.10 As a consequence of the County and City Council requests, officers are currently engaged in trying to establish if there is common ground between the two Education Authorities as there is some duplication in the requests. Members will be aware that as the residential proposal lies within Warwickshire, the “home” Local Authority in respect of Education is the Warwickshire County Council. However, the site is directly adjacent to the eastern edge of Birmingham, where there are existing schools and where new Schools will be provided at some stage as approved within the Langley SUE development. The ongoing discussions revolve around the third “test” set out in paragraph 11.2 above - the final contribution agreed, should be “fair and reasonably related to the development”. The outcome too should reflect Local Plan Policy LP1 which seeks “sustainable” development and Local Plan Policy H6 where one of the conditions refers to the site’s development being linked to the development and delivery of the Langley SUE. The Board will be informed of the current position at the meeting.

12. Compliance with Policy H6

- 12.1 Unusually for an officer's report, the main policy consideration is being dealt with at its end rather than at the beginning. This is because conclusions from a number of the planning matters raised above need to be fed into the final assessment. In short as reported in section 10(a) above, this is, does the proposal accord with Local Plan Policy H6?
- 12.2 Paragraph 10.2 identified the three main conditions set out in that Policy. It is proposed to take conditions (ii) and (iii) first, as these are the more "technical" of the conditions and they have been addressed in the commentary above.
- 12.3 The third condition asked for a site-specific Flood Risk Assessment to be submitted. This has been done with the full engagement of the County Council as the Local Lead Flood Authority. The outcome of this is awaited and subject to there being no objection, the site can be developed without there being an adverse water management impact. The developable area of the site is all outside of Flood Zones 2 and 3.
- 12.4 The second condition is that the development takes account of the nearby Treatment Works and the A38 which bounds the eastern boundary. By way of an update, the Treatment Works now only operates as a pumping station. The policy consideration has been satisfied as there are significant corridors of open space proposed along the western boundary coinciding with the Langley Brook water course and the separation corridor of landscaping along the eastern boundary with the A38. The potential air quality and noise impacts arising from the A38 have been addressed too – just as they have been on the larger Langley SUE site.
- 12.5 It is thus considered that these two conditions have been satisfactorily addressed.
- 12.6 The first condition is the one of principle – whether the grant of an early permission here would prejudice the successful implementation of the wider SUE, because of the lack of integration and by adopting a different development design.
- 12.7 It is proposed to look first at the matter of integration. There are a number of matters to be identified here.
- 12.8 Firstly, the City Council did not object to the allocation of this land during the North Warwickshire Local Plan process in the full knowledge of its own Langley SUE allocation.
- 12.9 Secondly, the site is small in respect of the Langley SUE both in terms of area and the number of houses proposed - 178 houses as opposed to 5500 (just over 3%) and 4.3 hectares compared to 302 hectares (just over 1%). It is also a distinct geographical unit adjoining the wider site. Its development would not prejudice the wider Langley SUE development.

- 12.10 Thirdly, it is acknowledged that the site is adjacent to the SUE and therefore that there has to be connectivity with the larger development in order that occupiers can access services, facilities and amenities within it. There are such connections – the green corridors along the Langley Brook and A38 align with the green spaces shown on the SUE's Parameter Plan and there is the recently permitted footpath connection alongside Lindridge Road connecting to the present built up area to the west and which will also provide access into the SUE via a new crossing. Additionally, the layout enables footway access to the Lindridge Road at two points. It is also of significant weight that the City Council has not objected to the vehicular access arrangements onto the application site in the full knowledge of the SUE development being along the whole of the southern boundary of the application site. This can be seen on the Parameter Plan which indicates two potential access points from the Road into the SUE. Additionally, the proposal does not restrict the provision of bus stops along the Lindridge Road.
- 12.11 Fourthly, the phasing plan of the Langley SUE as reported to the City Council in December 2022 shows that there would be two blocks of development on the south side of Lindridge Road – one in the first five years and the second in the next five. The development of the application site would be likely to take three to four years to complete and thus it should quite quickly become visually and spatially part of the wider setting. If a planning permission is granted, then it is agreed that it would stand alone for a short period of time, but this will also happen in respect of any of the other blocks in the SUE in the early phases of that wider development.
- 12.12 Fifthly, the layout for the SUE as expressed in the Parameter Plan shows a community hub at its northern end.
- 12.13 Compliance with Policy H6 requires the Board to make a planning judgement. It is considered reasonable, when all of these factors are taken into account, that there is sufficient confidence to conclude that there is compliance.
- 12.14 Turning to the “design” matter it is noteworthy that one of the SUE Parameter Plans deals with “Building Heights”. The block directly opposite the application site on the other side of the Lindridge Road is shown as being “typically 2 to 2.5 storey development with the occasional three storey building.” This would reflect the proposal on the application site. The officers' report to the City Council, when it considered the SUE application referred to that proposal having a range of densities between 25 and 60 houses per hectare. Moreover, it says that the “site would include substantial areas of family housing at an average density of 35 to 40 dph.” The application site has a density of 40dph. There is no guidance in the SUE Parameters Plan on the final appearance or design of the housing in each of the phased blocks of development and thus each block will take on its own particular style. The main reasons for the design of the layout on the application site have been explained in para 10.19 above. The land on the other side of the Road and included in the development block here also has the same falling levels from east to west. It can be anticipated that this will have similar implications on the development of that block. In respect of the actual appearance of the houses, then it is considered that these would not be

unreasonably out of place given the eventual development of the whole of the wider setting.

12.15 The design and appearance of the application site may well end up being “different” to some development blocks on the SUE development, but these too can be expected to have a wide variety of design. It is considered that when all matters are taken together as a whole, there is insufficient weight to support the City Council’s objection leading to a refusal reason.

13. Conclusion

13.1 This is an allocated residential site and thus there is no planning objection in principle here. The Local Plan policy governing its development outlines a number of conditions to be satisfied prior to any planning permission being granted. The main thrust of these, is to recognise that the site does not stand alone as a self-contained development because it has to have regard to the very much larger Langley development in Birmingham. It is considered that the proposal does enable both vehicular and green connectivity with that wider development such that there is integration. It would not prejudice the outcome of that wider development as set out in its approved plan because it is a small self-contained site on the edge of that larger site. It is acknowledged that the design and appearance of the proposal is site-specific, but that alone will not materially affect the design parameters set out in the approval for the wider Langley development.

13.2 This report considers that on balance the proposals do accord with these conditions and the Board is asked to make its own planning judgement against Policy H6

13.3 The Section 106 issues are still to be resolved, particularly in respect of the Education contributions.

Recommendation

A) That the Board is minded to GRANT planning permission subject to:

i) the completion of a Section 106 Agreement based on the content of Section 6 of this report, including the provision of 40% of the dwellings to be approved being affordable and delivered on site and resolution on the education contributions

ii) the conditions as set out below, and

iii) satisfactory conditions being agreed of drainage matters.

B) That should there be no agreement on the education contributions referred to, the matter is referred back to the Board for resolution.

Standard Conditions

1. Standard three-year condition

2. Standard plan numbers condition – plan numbers:

The Location plan Rev A received on 4/1/23

Plan numbers 22115 400B, 401B, 402B, 403A, 450, 4000A, 4001A, 4002A, TR001 and 100S278A all received on 8/2/23

Plan number A1031 received on 16/3/23

Plan numbers A103101J, 03G, 04G, 05E, 06E, 07E and 08E all received on 7/6/23

Plan numbers 2055013J, 02A, 03, 04, 05A, 06A and 07A all received on 13/6/23

The Archaeological Written Scheme of Investigation prepared by Oxford Archaeology dated December 2022

Pre-Commencement Conditions

3. No development shall commence on site, until an Archaeological Mitigation Strategy has first been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the development and should be informed by the evaluation undertaken in accordance with the Written Scheme of Investigation as approved under Condition 2 above. That evaluation, the post-excavation analysis, publication of the results and archive deposition shall all be undertaken in accordance with that approved Scheme.

REASON

In order to inform and protect the archaeological interest of the site.

4. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

a) the phasing of the development

b) the means of preventing mud, debris, and waste being deposited on the public highway

c) the means of suppressing dust

d) an HGV routing plan

e) details of the location of site compounds, workers car parking areas and any other storage compounds, including their migration through the phases

f) details of the hours of construction – bearing in mind the presence of local schools

g) details of the hours of deliveries – bearing in mind the presence of local schools

h) details of on-site security

i) Details of all contacts both on and off-site for the purposes of resolving complaints

The development shall proceed in accordance with the approved Plan at all times.

REASON

In order to protect the environmental amenities of the area and in the interests of highway safety.

5. No development shall commence on site until a Landscape and Ecology Management Plan (“LEMP”) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

a) A description and evaluation of the features to be managed

b) Ecological trends and constraints on site that might influence management

c) aims, objectives and targets of the management regime

d) Descriptions of the management operations for achieving the aims and objectives

e) prescriptions for management actions

f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period)

g) details of the monitoring needed to measure the effectiveness of management

h) details for each element of the monitoring programme

i) details of the persons or organisation(s) responsible for implementation and monitoring

j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve required aims, objectives and targets

k) reporting procedures for year 1, 2, 5, 10, 20 and 30 with Bio-diversity net gain reconciliation calculations at each stage.

The LEMP shall also include details of:

l) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery

m) how contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above, are not being met so that the development still delivers the fully functioning bio-diversity objectives of the originally approved scheme.

REASON

In order to enhance and deliver bio-diversity gain and ecology benefit.

6. No development shall commence on site until an Environmental Noise Assessment and Noise Mitigation Scheme has first been submitted to and approved in writing by the Local Planning Authority.

The Assessment shall include the impact of transportation noise from a combination of sources, including but not limited to the A38, the M6 and Lindridge Road. It shall include noise monitoring during typical worst-case conditions – i.e. typical traffic flows under downwind propagation conditions that are likely to have the greatest adverse effect on future occupiers.

The Mitigation Scheme should include a sound insulation and ventilation scheme which includes the specification and acoustic data sheets for glazed areas of the development and details of an acoustic ventilation scheme, if it is necessary due to the closure of windows to mitigate noise.

The scheme shall be designed to achieve the following internal noise levels:

i) 35dB LAeq 16hr in bedrooms and living rooms between the hours of 0700 and 2300

ii) 30dB LAeq 8 hr in bedrooms between 2300 and 0700 hours and

iii) 45dB LAmaxf shall not normally be exceeded more than ten times per night within bedrooms between 2300 and 0700 hours.

It shall also include a process of good acoustic design and be designed to achieve:

iv) Not more than 55dB LAeq 16hr for garden areas

The mitigation, sound insulation and ventilation scheme shall be carried out in accordance with the approved details.

REASON

In the interests of the residential amenity of occupiers and public health so as to accord with the NPPF; The Noise Policy Statement for England 2010 and Policy 29(9) of the North Warwickshire Local Plan 2021.

7. No development shall commence on site until a preliminary assessment for contaminated land has been undertaken and submitted to the Local Planning Authority. If that assessment identifies potential contamination, a further detailed investigation shall be carried out and details of remediation measures proposed to remove that contamination shall be submitted to the Local Planning Authority. Development may then only proceed on site in full accordance with any such measures as may be approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution and in protecting public health

8. In the event that contamination is found at any time when carrying out the development, that was not previously identified under condition 7, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared. Development may then only proceed in accordance with any such remedial measures as may be approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution and in protecting public health

9. Where remediation measures have been carried out in pursuance of conditions 7 and 8, a post remediation verification report shall be submitted in writing to the Local Planning Authority containing evidence to show compliance on site with those measures.

REASON

In the interests of reducing the risk of pollution and in protecting public health

Pre-Occupation Conditions

10. There shall be no occupation of any dwelling hereby approved until the whole of the main estate access onto Lindridge Road as shown on the approved plan 103101J, the footway crossing to Springfield Road as shown on plan number 22115/4000B, and the whole of the highway works in Lindridge Road as shown on plan numbers 22115/ 401B, 402B, 403A, 450, 4000A, 4001A, 4002A, TR001 and 100S278A have all been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

11. There shall be no more than 149 dwellings occupied on the site until the 5 metre wide emergency link onto Lindridge Road as shown on the approved plan 103101J has been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

12. No individual house shall be occupied until the road/private drive and footway access from it to the approved estate access onto Lindridge Road, together with its car parking spaces and manoeuvring areas have all been substantially completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

13. No individual house shall be occupied until the visibility splays from the vehicular access to that house passing through the limits of the site, adjacent properties fronting the highway and the highway have been provided in accordance with the approved plans. These splays shall remain unobstructed at all times.

REASON

In the interests of highway safety

14.. There shall be no occupation of any dwelling hereby approved until the Local Planning Authority has verified in writing that the Mitigation Scheme as approved under Condition 6 above (including the sound insulation and ventilation scheme) has been fully implemented and is fully operational.

REASON

In the interests of the residential amenity of occupiers and public health so as to accord with the NPPF, The Noise Policy Statement for England 2010 and Policy 29(9) of the North Warwickshire Local Plan 2021.

15. There shall be no occupation of any dwelling hereby approved until the Verification Report required by Condition 9 above has been approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution and in protecting public health

16. There shall be no occupation of each dwelling hereby approved, until it has been provided with its allotted car parking spaces as shown the approved plan; is able to access infrastructure for an Electric Vehicle charging point, has been provided with sufficient space to accommodate three 250 litre waste bins as well as for secure cycle storage.

REASON

In the interests of promoting sustainable development.

17. None of the dwellings hereby approved shall be occupied until the Local Planning Authority has:

a) approved in writing, a scheme for the provision of adequate water supplies and fire hydrants for fire-fighting purposes at the site which shall first have been submitted to the Authority, and also

b) approved in writing that the approved scheme has been satisfactorily implemented in full on the site.

REASON

In the interests of public safety

Other Conditions

18 All junction visibility splays within the site shall be provided with visibility splays passing through the limits of the site fronting the highway measuring 2.4 by 25 metres to the near edge of the carriageway. These shall remain unobstructed at all times.

REASON

In the interests of highway safety

Notes:

a) The Local Planning Authority has met the requirements of the NPPF in this case through working with the applicant with a series of amended plans in order to overcome a number of technical matters arising from consultation responses such that positive outcome can be achieved.

b) The development requires works to be carried out in the public highway. The applicant must enter into an Agreement with the relevant Highway Authority under Section 278 of the Highways Act 1980. It should be noted that any drawings that may be approved under such an Agreement should not be construed as being approved under the Planning Acts. The applicant should ensure that the appropriate planning consent is in place prior to implementing Section 278 Works

c) The development will require an Agreement with the relevant Highway Authority under Section 38 of the Highways Act 1990. The approval of plans within this planning notice does NOT constitute an approval under Section 38. Attention is drawn to the Warwickshire Guide 2022 and the Warwickshire County Road Construction Strategy 2022 in respect of this matter.

d) In respect of Condition 17, attention is drawn to the National Guidance Document on the Provision for Fire Fighting published by the Local Government Association and Water UK.

e) The Environmental Noise Assessment under Condition 6 shall be undertaken by a competent person having regard to BS7445:2003. Where appropriate this may need to consider the impact of vibration. The external and internal noise levels referred to in the condition 6 are derived from BS8233:2014; WHO Guidelines for Community Noise 1999, WHO Night Noise Guidelines for Europe 2009 and PPG: Planning and Noise – New Residential Development 2017.

f) Verification that the approved sound insulation and ventilation scheme required under Condition 6 has been implemented shall include:

- The specification and acoustic datasheets for glazed areas of the development,
- The specification of the ventilation scheme including whether passive or mechanically assisted, and confirmation regarding the incorporation of cooling to mitigate overheating that prevents window opening

- Photographs of the products with glazing and ventilation units in situ prior to any identifying labels being removed.
- Photographs, drawings and where applicable, product data sheets of any mitigation measures –e.g., garages or car ports or fences used as acoustic screens

g) Attention is drawn to Sections 149, 151, 163 and 278 of the Highways Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.

1.4 Langley Sustainable Urban Extension

Langley Sustainable Urban Extension (SUE) is allocated in the Birmingham Development Plan (Policy GA5) and will make a significant contribution to meeting the needs of the growing population of the City.

The proposed site sits on the boundary of Birmingham but lies within North Warwickshire's allocation boundary as a small bolt-on parcel. This application has been revised, with the red line now including highway improvement works along Lindridge Road, which is within Birmingham City Council's administrative area. The application has therefore been submitted to Birmingham City Council now to.

Covering 274ha, Langley SUE is located in the north of the City adjacent to existing established residential areas, with New Hall Valley Country Park in close proximity and farmland to the east out toward the M6 toll road. The area is well connected, with access to the strategic road network on the A38 and M42, and public transport to key destinations and local train stations.

As the proposed site would form a bolt-on to the Langley North Neighbourhood the following concepts will be followed:

Design & Layout

- Design needs to take appropriate account of the undulating landform in this area.

- Strategic green corridors as key character features alongside the A38 (with noise attenuation buffer) and forming the northern section of Fox Hollies Boulevard.
- Medium density housing, with higher density towards the Principal Movement Networks (PMN) and the Community Hub receding towards strategic green spaces.
- As a new settlement edge, street hierarchy needs to connect the area to the City network, including the PMN, with good access to the Langley Centre, Community Hub and public transport stops.
- Gateways into the development from the A38 as part of the PMN.
- Walking, cycling and green infrastructure links to proposed residential development to the north of Lindridge Road (in North Warwickshire) should be explored.

Existing Features

- Ox Leys Road.
- Langley Hall (listed building) and nearby heritage assets.
- Hedgerows and trees to be retained.

Connectivity

The connectivity plan below shows the Principal Movement Network and the proposed site edged in red.

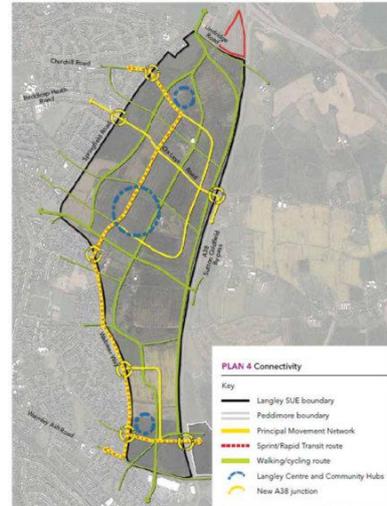


Figure 1: Langley SUE Connectivity Plan

APPENDIX D



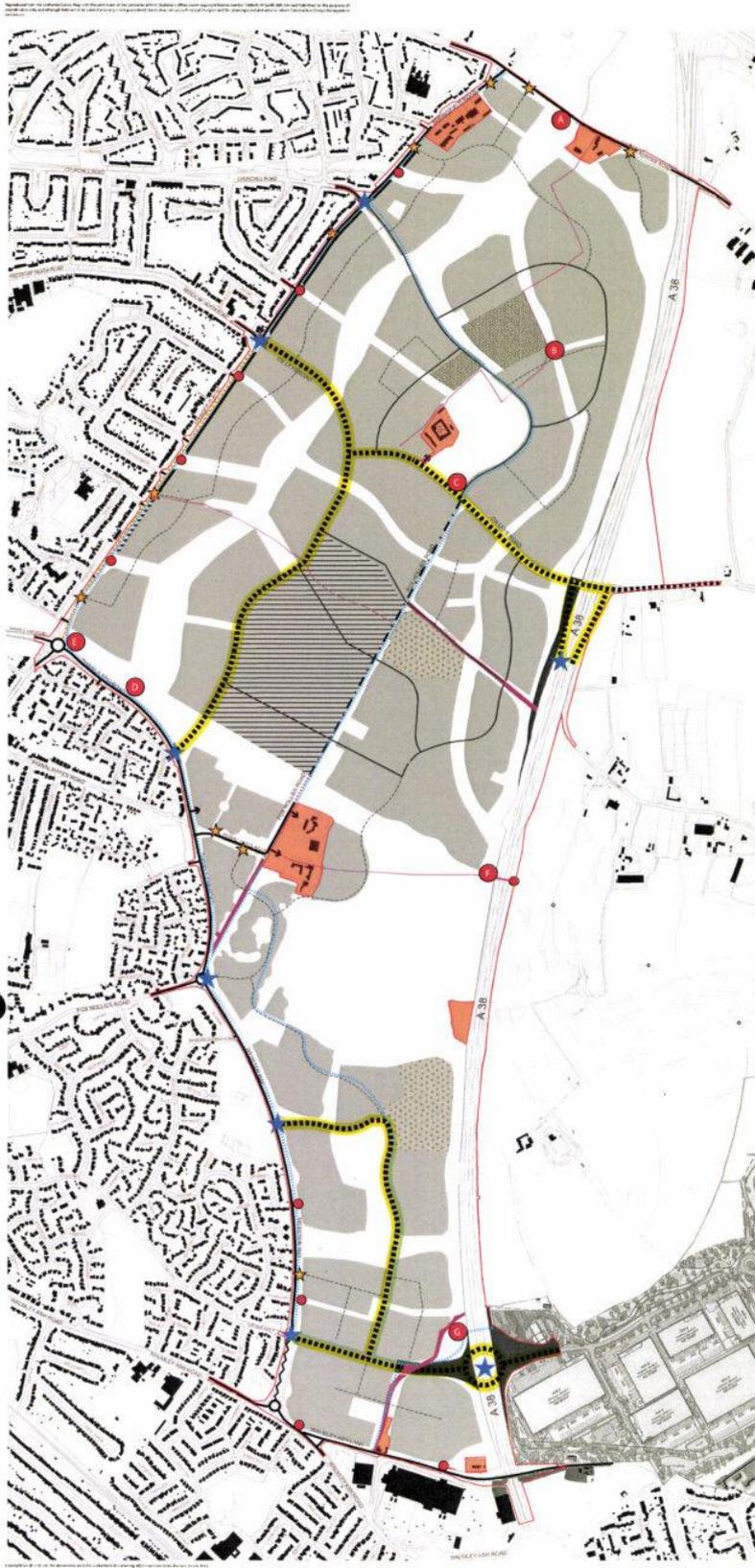
- | REV | DATE | BY |
|----------------------|----------|----|
| C. Approved by Legal | 24/03/19 | AP |
| C. Approved by Legal | 24/03/19 | AP |
| C. Approved by Legal | 24/03/19 | AP |
| C. Approved by Legal | 24/03/19 | AP |
| C. Approved by Legal | 24/03/19 | AP |
| C. Approved by Legal | 24/03/19 | AP |
- LEGEND**
- Application Boundary (202.79 Ha / 748.21 Ac)
 - Existing Uses Excluded from Application (5.64 Ha / 13.94 Ac)
 - Development (Includes Incidental Green Space and Access Infrastructure)
 - Mixed Use Hub including Public Realm Spaces
 - Community Hub
 - Strategic Highway Junction Zones
 - Strategic Green Infrastructure (Includes Existing Heritage Features, Existing and Proposed Landscape and Ecology Features, Watercourses, Strategic SuDc Features, Acoustic Mitigation Features, Formal Sports Pitches, Children's Play, Ancillary Structures Associated with Use Provision and Maintenance)
 - Open Space Hubs (Includes Existing Heritage Features, Existing and Proposed Landscape and Ecology Features, Strategic SuDc Features, Formal Sports Pitches, Children's Play, Ancillary Structures Associated with Use Provision and Maintenance)
 - Landscape Zone to Accommodate Acoustic Mitigation Features (Maximum width of acoustic features 20m, details to be confirmed at Reserved Matters stage)
 - Indicative Highway Movement Routes Crossing Strategic Open Space, Public Realm and Landscape Features
 - Watercourse Corridor (Design subject to Reserved Matters Infrastructure Application stage)
 - Ecology Buffers (10 - 15m Width) around Existing Retained Woodland and Meadow Features
 - Indicative Location for Sports Pavilion Building and Associated Car Parking
 - Approx Position for Primary Sub-Station and Pumping Station
- Note:**
- All features and alignments are subject to a lateral tolerance of +/- 10m, unless stated otherwise.
 - Green Infrastructure and Open Space areas may also accommodate strategic services and utilities apparatus - location to be established at Reserved Matters Infrastructure Application stages




Project Name: Langley SUE Sutton Coldfield
Drawing No: PARAMETER PLAN - Green Infrastructure

13/10/2018 Day: 14/01/19 Rev: 0
 Date: 14/02/2019 Scale: 1:5000 Drawn by: B.G. Checked by: A.B.

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REV	DATE	NOTES
1	20/02/2019	APP
2	20/02/2019	APP
3	20/02/2019	APP
4	20/02/2019	APP
5	20/02/2019	APP
6	20/02/2019	APP
7	20/02/2019	APP
8	20/02/2019	APP
9	20/02/2019	APP
10	20/02/2019	APP

- LEGEND**
- Application Boundary (302.79 Ha / 748.21 Acre)
 - Existing Uses Excluded from Application (5.84 Ha / 13.94 Acre)
 - Residential Development - C3 Use (Includes Incidental Open Spaces and Access Infrastructure)
 - Mixed Use Hub
 - Community Hub
 - Strategic Highway Junctions
 - Existing Highways and Access to Existing Dwellings
 - Primary Site Access Positions
 - Indicative Main Highway Movement Corridors
 - Existing For Hollies Road Bus Only Link
 - Existing For Hollies Road Aligned to Accommodate Dedicated Pedestrian / Cycle Route and Vehicles
 - Indicative Longed Movement Network (Exact positions to be agreed at Reserved Matters stage)
 - Indicative Local Movement Network with Junctions Connecting with Existing Roads (Exact positions to be agreed at Reserved Matters stage)
 - Potential To Redirect Existing Through Traffic Flows and Enhance Street Design
 - Direct Frontage Access to Proposed Development
 - Local Site Access Positions
 - Potential Highway Improvement Works
 - Existing Definitive Public Right of Way - Routes Subject to Review at Reserved Matters / Infrastructure Application stage
 - Approximate Position of Strategic Footway / Cycleway Route
 - Approximate Position of Local Pedestrian Access
- Strategic Footpath Links to be Formed Between Points:
- Langley Walk: A, B, C
 - Langley Brook Park: A, B
 - East to West Link: A, B
 - Eastern Landscape Corridor: A, B, C

Note:
 All movement route alignments are subject to a lateral tolerance of +/- 30m unless stated otherwise.




Project Name: Langley SUE Sufon Coldfield
 Drawing Title: PARAMETER PLAN - Access & Movement
 Job No: 34205 Day: 14/01/19 Rev: 0
 Date: 18/02/2019 Scale: 1:5000 @ 1 Drawn by: B.B. Checked by: A.B.

URBAN DESIGN STUDIO
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Indicative Phasing Strategy Years 5 - 10



Indicative Phasing Strategy Years 0 - 5



INFRASTRUCTURE

- Established Under Construction
- New Under Construction
- Complete
- Established Construction Haul Route
- Foul Pumping Station
- Temporary Structure for Education/Community

DEVELOPMENT PARCEL

- Development Parcel Complete
- New Development Parcel + Anticipated Dwelling Number Under Construction
- New Local Access Junction Formed

Indicative Phasing Strategy Years 15+



Indicative Phasing Strategy Years 10 - 15



VIEW 1



AERIAL



VIEW 2



VIEW 3



VIEW 4



VIEW 5



VIEW 6



Taylor Wimpey

Taylor Wimpey – Applicant



Geoff Perry Associates – Consultant

Prepared by: Geoff Perry Associates
Architectural Planning, Building Regulations & Survey
Department
The Shrubbery, 28 Erdington Road,
Aldridge, Walsall, West Midlands, W59 8UH
01922 744 900 | enquires@geoffperryassoc.co.uk

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Your ref: PAP/2022/0371



Communities

Infrastructure and Sustainable Communities
PO Box 43
Shire Hall
Warwick
CV34 4SX

Tel: (01926) 738802

grahampalmer@warwickshire.gov.uk
www.warwickshire.gov.uk

Jeff Brown
Planning Department
North Warwickshire Borough Council
Council House
South Street
Atherstone
Warwickshire
CV9 1DE

FAO Jeff Brown

7th October 2022

Dear Jeff,

PROPOSAL: Proposed development of 178 dwellings, including access, drainage and associated infrastructure
LOCATION: Land North East Of Brockhurst Form Lindridge Road, Sutton New Hall, Birmingham
APPLICANT: RCA Regeneration Ltd
APPLICATION NO: PAP/2022/0371

Having considered the above planning application I would like to make you aware of the following requests for S106 Developer Contributions assuming all proposed dwellings are within Warwickshire:

Education

The County Council has a statutory responsibility under the Education Act 1996 to provide a school place to all of its school-age resident children. This responsibility still remains despite the recent direction of government policy towards giving schools more autonomy. As a result, all schools, including Academies and Free Schools, are considered equally in the County Council's planning of school places.

A contribution towards increased education facilities is sought when the predicted impact of a new housing development creates a shortfall in provision. This is assessed by looking at current capacity and forecast demand using birth data from the health authorities, the school census and data on parental preferences and housing numbers. Where the additional pupil numbers brought to the area may be partly accommodated, the level of contribution requested would be adjusted accordingly. The additional demand, net of any capacity that might be available, informs the request for contributions.

The current estimated contribution request for Education is **£538,432**. The level of contribution is currently estimated on an assumption 178 dwellings are relevant to be considered for education contributions, i.e. they have at least two bedrooms and have no age restrictions on residents. The contribution will be used towards education provision as follows:

- Additional Secondary provision required as a result of the development

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- Additional Primary and Secondary SEND provision required as a result of the development

Please see the attached Education Planning Statement for further detail.

Public Rights of Way

The County Council seeks a financial contribution to support the ongoing maintenance and improvements of public rights of way within a 1.5 mile radius of the site. The rights of way to be considered are M1 M3 M5-M9 M463 T1 T2 T4-T14 T17.

The requested calculation is based on the length of public rights of way within a one and half mile radius of the site and is calculated at **£4,259,21**.

A breakdown of the calculation is attached to this letter for information.

Sustainable Travel Promotion

The County Council is keen to promote sustainable travel and requests that either the developer contributes £10 per dwelling towards the cost of the provision of such information, or that they provide it under a planning condition as part of their new dwelling welcome information. Based on 178 dwellings the request will be **£1,780**.

Road Safety

A contribution of £50 per dwelling is requested to support road safety initiatives within the community associated within the development. Road safety initiatives include road safety education for schools and training/education for other vulnerable road users within the area. Based on 178 dwellings the contribution requested will be **£8,900**.

Monitoring and Administration

The County Council requires a monitoring fee for the monitoring and administration of County Council obligations, due upon signing of the agreement. Based on 178 dwellings the calculation is as follows:

£1,000 + (5 hours x £40 Officer time x Number of triggers)

A separate response will be submitted by the County Council in its capacity as Highways Authority and this will include requests for Highways mitigation as well as requirements to support the provision of off-site cycle infrastructure and public transport requirements.

I hope this request provides sufficient information to enable you to consider the planning application but please let me know if you require anything further.

Yours sincerely

Graham Palmer

Graham Palmer
Infrastructure Strategy and Commissioning Lead

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Rights of Way Contribution Request

Application reference: PAP/2022/0371

Site name: Land North East of Brockhurst Farm, Sutton

List of Path Numbers of Public Rights of Way within a 1.5 radius of the development site:

M1 M3 M5-M9 M463 T1 T2 T4-T14 T17

Public Rights of Way Contribution Request Calculation
Land North East of Brockhurst Farm, Sutton PAP/2022/0371

Km of RoW within catchment area:	18
Average stiles per km (based on BVPI)	1
Estimated stiles in catchment area:	18
Average gates per km (based on BVPI):	1.77
Estimated gates in catchment area:	31.86
Average percentage of gates needing improvement (based on BVPI):	7.20%
Estimated number of gates needing improvement:	2.29392
Estimated total gate installations:	20.29392
Average cost per gate:	£290.00
Estimated cost of gate installations:	£5,885.24
Average percentage of substandard surface (based on BVPI):	30%
Estimated km needing resurfacing:	5.4
Average cost per km of resurfacing:	£54,400.00
Estimated cost of resurfacing:	£293,760.00
Estimated total cost of improvements:	£299,645.24
Residents per ward in catchment:	
Curdworth	1932
Sutton	14703
Sutton (north)	13518
	0
	0
Total residents within catchment:	30153
Cost per resident:	£9.94

Contribution based on average occupancy formula:

Number of housing units per type:	
A - 1 bed flat/house	23
B - 2 bed flat	0
C - 2 bed house	44
D - 3 bed	53
E - 4+ bed	58
Multipliers for each type (average estimate occupants):	
A	1
B	1.2
C	2
D	2.6
E	3.1
Contribution for each housing type:	
A	£228.56
B	£0.00
C	£874.50
D	£1,369.39
E	£1,786.76
Estimated total contribution:	£4,259.21

Your ref: PAP/2022/0371 Educ
My ref: JN



Communities

Strategic Growth and Infrastructure
PO Box 43
Shire Hall
Warwick
CV34 4SX

Tel: (01926) 418646

Janetneale@warwickshire.gov.uk
www.warwickshire.gov.uk

Jeff Brown
Planning Department
North Warwickshire Borough Council
Council House
South Street
Atherstone
Warwickshire
CV9 1DE

24th May 2023

Dear Jeff,

PROPOSAL: Proposed development of 178 dwellings, including access, drainage and associated infrastructure

LOCATION: Land North East Of Brockhurst Form Lindridge Road, Sutton New Hall, Birmingham.

Further to recent discussions, and in response to the submission of a S106 Education Contribution request from Birmingham City Council, I thought it would be helpful for me to give further detail around our request for Education Contributions.

An Education Authority has a statutory responsibility under the Education Act 1996 to provide a school place to all of its school-age resident children who require one.

The development site at Lindridge Road is perhaps slightly complicated with the access to the site falling within Birmingham City Councils administrative area and the development itself falling within that of North Warwickshire Borough Council. However, the fact that the housing falls within North Warwickshire means that the home Local Authority in respect of Education is Warwickshire County Council and not Birmingham City Council.

Within Warwickshire we will seek contributions towards increased or enhanced education facilities when the predicted impact of a new housing development creates a need. This is assessed by looking at current capacity and forecast demand using birth data from the health authorities, the school census and data on parental preferences and housing numbers. Where the additional pupil numbers brought to the area may be partly accommodated, the level of contribution requested would be adjusted accordingly. The additional demand, net of any capacity that might be available, informs the request for contributions.

The application site falls within the Coleshill School Place Planning area both at primary and secondary school age.

Pupil forecasts based on the assumption that all new dwellings are relevant for education purposes, i.e. have two or more bedrooms and are not specifically aimed at older residents, and the current North Warwickshire pupil yield is shown below. However we will be happy to reassess this if necessary once final housing mix is known.

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- 7 additional preschool / early years pupils
- 34 additional primary pupils
- 24 additional secondary pupils
- 5 additional post 16 pupils
- 1 additional primary age pupil with SEND
- 1 additional secondary/post 16 age pupil with SEND.

Warwickshire County Council updates the pupil place sufficiency date annually. The most recent information was published in November 2022.

The data show that at Primary School age, the total number of places available across the schools within the planning area was 1489 which represents a Published Admission Number (PAN) of 217. It is the PAN which suggests the maximum number of school places available at the point of admission, usually Reception for Infant and Primary Schools but also Year 3 for Junior Schools.

The table below shows the level of surplus places available against the pupil forecasts across the whole primary age range and specifically at Reception.

Academic Year	22/23	23/24	24/25	25/26	26/27
Surplus Reception Places	23	32	45	30	30
Total Surplus Places	74	103	146	162	176

In view of the significant level of surplus places available within the Coleshill Primary Planning area, the County Council do not feel it would be appropriate to seek a financial contribution to support the provision of additional schools places.

The same type of data is available at Secondary School age and again the data published in November 2022 is summarised in the table below. This is based on a PAN of 225 and a total number of places available as 1295.

Academic Year	22/23	23/24	24/25	25/26	26/27
Surplus Year 7 Places	0	0	0	6	10
Total Surplus Places	15	53	45	53	62

The table above clearly shows that there is a shortage of places at Coleshill School and so the County Council will be seeking a financial contribution to support the provision of additional teaching facilities.

As with all new development where numbers warrant it, the County Council will be seeking funds to support the provision of places for children with SEND. The funds might be used to support adaptation to an existing school or to fund new places. The actual use will be determined according to the identified pupil need.

The education contribution request will remain as shown in the letter submitted by my colleague Graham Palmer in October, 2022, i.e. £465,670 for primary education and £72,762 for SEND

Although I believe Warwickshire is able to show a sufficient supply of primary school places, ease of access is an issue. The nearest school is Curdworth Primary but there is no safe walking route

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to the school and so the County Council will be seeking a contribution towards the provision of home to school transport to enable pupils to access school safely.

The Home to School transport has assumed that we would need to provide a new standalone provision, with an escort in view of the children's age, and have estimated the cost to be in the region of £50,000 per school year. We ask for a contribution towards 7 years which results in a total contribution request for £350,000 for primary home to school transport costs.

There are existing bus services which call at Coleshill School although it looks as though there would need to be a diversion to one of the existing services to meet the needs for the pupils at the application site. We would estimate that this could cost in the region of £20,000 per annum and ask for a financial contribution of in respect of 5 years, i.e. a total of £100,000 secondary home to school transport contribution.

It must be noted that parental preference plays an important part in the provision of home to school places and that given the location, parents might look for places within the Birmingham City administrative area. Local Authorities are under an obligation to comply with the wishes of a parent in expressing a preference for a particular school, unless it would prejudice the provision of education or efficient use of resources, Therefore parents have a right to express a preference for the school they want their child to attend, but do not have a right for their child to attend that particular school.

I hope this information helps clarify the position re education contributions but if you need anything further please let me know.

Yours sincerely

Janet Neale

Janet Neale
Infrastructure Planning Lead

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BIRMINGHAM CITY COUNCIL
**Section 106 Education Contribution Request to North
 Warwickshire Borough Council (ref: PAP/2022/0371)**
**Land at Lindridge Road, Sutton Coldfield, Birmingham
 9th May 2023**
Education Contribution Summary

In the event that the development of 155 dwellings (dwellings with more than one bedroom), including access, drainage and associated infrastructure at Lindridge Road, Sutton Coldfield, Birmingham is approved, Birmingham City Council (BCC) would expect to secure contributions¹ towards education provision as follows:

Provision Stage	No. of Children Generated	Contribution Required Towards	Contribution Amount
Early Years / Pre-School	7	None	£0
Primary School	49	Expansion of existing schools	£890,737.40
Secondary	28		£499,712.48
Total Contribution			£1,390,449.88

Please refer to Appendix 1

1. Introduction and Context

- 1.1.1. This request sets out the reasons for BCC seeking a financial contribution towards additional education provision within Sutton Coldfield.
- 1.1.2. Appendix 2 outlines BCC'S statutory education duties, the current school place planning context in Birmingham, and the key assumptions taken into account when assessing the requirement for additional school places as a result of the proposed development.
- 1.1.3. This guidance is not intended to be used to determine the specific location of education facilities to be improved but will define the area within which contributions will be invested.
- 1.1.4. The level of surplus places in the area local to any proposed development is assessed by the Pupil Place Planning Team at the time of application, in order to ascertain the level of additional education infrastructure required. A contribution will be requested if the level of surplus places in primary schools within 2 miles and/or in secondary schools within 3 miles of the proposed

¹ National benchmarking rebuild/extension figures, however 2007/08 multipliers used for Early Years provision as no further data available.

development is less than 10% based on current pupil numbers and forecasts. Less than 5% surplus would warrant a 100% contribution.

2. Requirements for Lindridge Road, Sutton Coldfield

2.1 Early Year / Pre-School

- 2.1.1. By calculation, BCC would anticipate that 155 dwellings at Lindridge Road, Sutton Coldfield would create a demand for 7 children aged 0 to 4 who are likely to require Funded Early Years / Pre-School provision. Funded Early Years / Pre-School places include all 3 to 4 years old children and those eligible for funded 2 years old places.
- 2.1.2. There is currently an undersupply of 153 Part Time Equivalent (PTE) places for the Sutton Reddicap Ward, but an oversupply in the surrounding wards as follows: 671 PTE childcare places for the 0 to 4 years old age group for the Sutton Walmley & Minworth Ward, 426 PTE places for the Sutton Trinity Ward and 385 PTE places for the Sutton Roughly Ward.
- 2.1.3. Based on the current childcare sufficiency places available local childcare providers have the capacity to absorb any increased demand from the proposed development.

2.2 Primary

- 2.2.1 By calculation, BCC would anticipate that 155 dwellings at Lindridge Road, Sutton Coldfield would create a demand for 492 primary age children who would require a place at a local primary school.
- 2.2.2 Primary age includes children across the 4 to 11 age range, across Reception to Year 6, it is assumed for the purpose of the calculation that there would be an even split across all 7-year groups.
- 2.2.3 There are currently 6 primary schools within a two-mile distance of this site, as indicated by the map attached. These schools are part of planning area 5 (with the exception of Deanery CE in neighbouring P6), with information as follows:

Academic Year	Total Capacity R-Y6	Total No. of Children Forecast R-Y6	Available Capacity (5% target)
2022/23	2235	2224	0.5%
2023/24	2280	2207	3.2%
2024/25	2265	2209	2.5%
2025/26	2250	2162	3.9%
2026/27	2235	2157	3.5%

Table 1: Current forecast for primary planning area P5 (October 2022 update)

² Pupil yield based on dwellings with two or more bedrooms.

2.2.4 As Table 1 illustrates, primary schools in the area are forecast to have a minimal surplus capacity. We therefore request the full education contribution.

2.3 Secondary

2.3.1 By calculation, BCC would anticipate that 155 dwellings at Lindridge Road, Sutton Coldfield would create a demand for 28³ primary age children who would require a place at a local primary school.

2.3.2 Secondary age includes children across the 11 to 16 age range, across Year 7 to Year 11, it is assumed for the purpose of the calculation that there would be an even split across all five-year groups.

2.3.3 There are currently 4 secondary schools within a three-mile distance of this site, as indicated by the map attached. These schools are part of planning area 1, with information as follows:

Academic Year	Total Capacity Y7-11	Total No. of Children Forecast Y7-11	Available Capacity (5% target)
2022/23	8518	8417	1%
2023/24	8606	8583	0%
2024/25	8543	8685	-2%
2025/26	8490	8875	-5%
2026/27	8442	8987	-6%

Table 2: Current forecast for secondary planning area S1 (July 2022)

2.3.4 As Table 2 illustrates, secondary schools in the area are forecast to exceed capacity for 2024 entry, resulting in pupils potentially being displaced to other planning areas. An ongoing expansion programme is underway to meet demand including new free schools to meet demand from neighbouring Langley SUE development. The peak of forecasts is not expected until 2028/29 in this area.

2.3.5 Given approximately 72% of pupils attending school in Sutton Coldfield transfer to sixth form provision in Sutton Coldfield, we estimate sixth form pupils to be generated from this development. We will consider the availability of places within existing schools.

³ Pupil yield based on dwellings with two or more bedrooms.

APPENDIX 1 – Capital Contribution for New School Places

The per pupil contribution to support the expansion of existing schools to provide additional places in Birmingham for the period 2022-23 is as follows:

Pre-school/Early Years:	£3,335 per place
Primary:	£18,832 per place
Secondary:	£18,625 per place

These are the per pupil amounts that BCC will require as developer contributions towards the cost of providing new places in an existing school.

APPENDIX 2 – Education Sufficiency Duties**1. Education Sufficiency Duty**

- 1.1. As the Local Authority for Birmingham, BCC has a statutory responsibility under the Education Act 1996 to provide a school place to all of its school-age resident children and to also provide places in nursery provision.
- 1.2. In order to use resources in the most efficient and cost-effective way, the balance between the supply and demand of school places must be monitored. Any imbalances should also be addressed to ensure the most cost-effective sufficiency of provision.
- 1.3. BCC takes the view that the extent to at any one time up to 5% surplus places should be available across the city to cater for pupil mobility, for diversity and flexibility in the system and for parental preference.
- 1.4. Education plays an important role in the regeneration of local communities. The enhancement of education facilities in areas of regeneration is expected to be supported by developer contributions in addition to other resources.
- 1.5. Schools are at the heart of local communities and the improvement of education facilities will help ensure that all communities have access to high quality local learning environments.
- 1.6. The annual School Capacity submission to the Department for Education, submitted in July 2022, presented the current and projected pressures on school places as a result of a changes in birth rates and increased cohort growth as a result of movement into the city within the academic year. Real pressure is being experienced across a number of year groups, especially in the secondary sector.
- 1.7. All housing developments that have reached Outline or Detailed Planning Permission or are under Construction are included within annual school place projections. It is clear that new housing developments will impact on the provision of school places, and it is essential that these are factored in when new developments arise.
- 1.8. At a more local level, there are some significant differences to the general patterns of growth across the city. An overall decrease in pupil numbers does not affect all schools equally: some will remain full whilst others will have a disproportionate reduction in numbers.
- 1.9. This responsibility still remains despite the recent direction of government policy towards giving schools more autonomy. As a result, all schools, including Academies and Free Schools, are considered equal in BCC's planning of school places. The consequences of the Local Authority not meeting this duty are serious and would involve considerable financial costs as explained below:
 - Parents can exercise their right to complain to the Local Authority.
 - Where it is considered that the City Council is in breach of its legal duty to secure sufficient school places, affected persons (e.g., parents) could pursue Judicial Review proceedings in the High Court. Apart from the cost implications of the Court ordering the Authority to comply with their statutory duty under section 14 of the Education Act 1996 to provide sufficient school places, the Authority would normally have to pay the

- legal costs of the parents as well as its own legal costs.
- Parents can appeal to Independent Admission Appeal Panels if the admissions authority refuses a child admission to a school. If the shortage of places leads to Independent Appeal Panels upholding more appeals, this could lead to already oversubscribed schools having to admit even more pupils. If Panels uphold infant class size appeals, the admission authority will normally be required to take measures for the following term to ensure that the class falls within the infant class size limit, for example, by providing a new teacher or a new classroom. The potential cost implications could be significant.
- 1.10. Even when a place can be found, if it is not close enough to home - i.e. within a 2 mile walk for primary-age pupils and within a 3 mile walk for secondary age pupils - the Local Authority is liable for the cost of transporting the child to and from school each day for the length of time they are at the school.

2. General School Place Planning Context

- 2.1 Birmingham's school age population has been changing significantly over the past few years as a result of demographic change and government policy.
- 2.2 In the primary sector, pupil numbers have been increasing and a citywide expansion programme to provide Additional Primary Places has been underway since 2010. Following a recent decline in birth rates, some areas of the city are seeing surplus places leading to the need for the removal of places to secure school viability.
- 2.3 In the secondary sector, the Additional Secondary Places expansion programme has been underway since 2014 and the total number of pupils is forecast to reach its peak (September 2023) following the transfer of larger cohorts from the primary sector, however some areas are expected to see ongoing high demand for the next 5 years. The current capacity in the vast majority of secondary schools will be absorbed.
- 2.4 The number of pupils accessing post-16 provision will be influenced by the demographic changes outlined above. However, a further consideration is the legislation around Raising the Participation Age, which requires all 17- and 18-year-olds to continue in education or training. With this in mind Post-16 provision includes Sixth forms, Further Education Colleges and Post- 16 SEND provision.
- 2.5 All 3- and 4-year-olds are entitled to up to 570 hours of free early education per year. This is often taken as 15 hours per week over 38 weeks of the year. Some 2-year-olds are also entitled to this offer if parents are receiving some form of Government support. From September 2017, the Government increased entitlement for 3 to 4 years from 15 to 30 hours per week for working parents. Under the Childcare Act 2006, the LA has a statutory duty to secure sufficient childcare and free Early Years provision for eligible young children. Therefore, further investment and growth will be needed to absorb the impact of any new housing. Capital investment will be considered in a number of different

types of provider including private and voluntary nurseries (whether located on a school site or not), primary schools with nursery provision, and maintained nursery schools. All providers must have a track record with Ofsted and are required to enter a legal agreement ensuring any funds are utilised as agreed and that funds can be clawed back by the local authority if the provision is removed or discontinued after a certain period of time.

- 2.6 In line with BCC's SEND Strategy (due for publication 2023), there will continue to be a need to increase the level of SEND provision in the city, with additional places at special schools via expansion, new special free schools and the development of resourced bases within mainstream schools. The recent demographic changes have also affected Special School numbers, which have increased significantly over the last decade. There is significant pressure on special schools with increasing numbers of complex pupils.

3. Requirements for Contributions

To inform the preparation of this guidance, BCC's School Organisation Team collated relevant information relating to the policies adopted by a number of Local Authorities within the UK.

- 3.1 All new residential developments will have an impact on existing educational facilities in Birmingham in terms of the pressure on school places. However, this impact varies across the range of residential developments, and this is reflected in the detail below.
- 3.2 In terms of qualifying developments, for practical reasons, it is appropriate to set a minimum threshold for contributions. BCC currently takes the view that the appropriate threshold should be set at 20 dwellings.
- 3.3 In cases where the size of the development is so large that a new school might be required to accommodate the pupils brought to the area by the development, BCC will consider whether it is appropriate to request that the developer provide a new school site and building within the development.
- 3.4 The scale of the contribution requested will be appropriate to the size and type of development. No contribution will be sought for dwellings with only one bedroom.
- 3.5 All residential development proposals will be assessed in terms of the pupil yield anticipated for each of the key Education sectors to cover the provision of statutory education between ages of 2 – 18.
- 3.6 Forecasting of special school place requirements is particularly challenging due to changing patterns of demand across the population of young people with complex needs. It is however estimated that approximately 2.4% of the population will require special needs education and this carries need for a higher investment.
- 3.7 The scale of the contribution will be the same in all parts of the city, although the amount payable will be based on the availability of places.

- 3.8 The scale of the contributions in this document is based on the cost of providing a school place developed by the Department for Education (DfE) with an adjustment for regional factors.
- 3.9 The methodology used for the calculation of contributions reflects the number of children for whom access to education facilities may be required as a result of the development and is adjusted to take account of the size and type of dwellings involved and the associated impact on pupil yield.
- 3.10 Where a proposal includes the demolition of dwellings, no account will be taken of these in the calculation of a contribution unless it can be demonstrated that displaced pupils will free up places in the local area. In general, such properties have been vacant for some time before demolition and school places have been found for any displaced children.
- 3.11 In the case of large-scale regeneration schemes, the impact of associated clearance programmes will be considered.
- 3.12 Construction costs change over time and will be revised as soon as possible following the release of updated cost information by the DfE.
- 3.13 Information about pupil numbers will be updated termly following the School Census data collection and pupil numbers forecasting exercise, in December (October census), March (January census) and July (May census).
- 3.14 The contributions required by this policy are independent of any other contribution towards the provision of other local facilities.

4. How Contributions will be used

- 4.1 All contributions will be used to augment education provision locally, but the specific use of contributions may vary from area to area in order to take account of local needs, investment priorities and other planned improvements.
- 4.2 All contributions will be used in the nursery, primary and secondary sector (mainstream and Special), as assessed.
- 4.3 BCC will spend contributions as soon as reasonably practicable after receipt and remaining budgets will be reported on as part of annual School Capacity returns to the DfE.
- 4.4 Where a contribution is sought, the element relating to nursery, primary and secondary sectors will be specified. Contributions will be invested to improve the facilities at schools in the relevant sector within a specified distance from the development. This will be within two miles up until the age of 7 and three miles thereafter (Education and Inspection Act 1996).
- 4.5 Funding may be 'pooled' in order to secure the maximum possible benefit from investment and cost efficiencies for education projects. 'Pooled' funding will apply to developer contributions and also other funding streams as appropriate. Although this may result in some delay before contributions are invested, it will secure more significant improvements to education facilities than would otherwise have been possible.

- 4.6 Government policy regarding planning obligations requires that contributions be fairly and reasonably related in scale and kind to the proposed development. To ensure that this occurs, records will be kept providing a clear audit trail between developments, contributions and investment.

Key Place Planning Assumptions

Due to the importance of providing sufficient school places, the local authority is required to plan strategically as far in advance as possible. The existence of capacity at a particular point in time does not mean that it will still be available for the duration of the planning period. For example, where there is an increasing birth rate, schools will fill from the youngest year groups up and through the school. Any current capacity in older year groups will clearly be required to accommodate pupils from younger year groups as they progress through the school. It would therefore be unreasonable to assume that any current capacity in older year groups could be used to mitigate the impact of a housing development.

The LA has a statutory duty to meet parental preference wherever possible under Section 86(2) of the School Standards and Framework Act (1998). There is complex pattern of movement to schools across the city's planning areas, as oversubscription criteria is deployed to support families to have priority access to schools through sibling, LAC and proximity to school site.

If places are available at a school at the time of an application to that school, then the admission authority for the school may not refuse to offer a place regardless of where the children live. Once those children have been admitted, they may not be removed from the school.

Families moving to a new development may find that places have been taken by children from further afield. There is no mechanism available (or desirable) to move children attending a school but living outside of the area back to their local school. It is therefore important to consider the sufficiency of provision within a reasonable area rather than a single school unless there are no reasonable alternatives.

5. Monitoring and Review

Birmingham City Council will monitor the implementation of this policy and regularly review the need to revise it.

A contribution towards increased education facilities is sought when the predicted impact of a new housing development creates a shortfall in provision.

This is assessed by looking at current capacity and forecast demand using birth data from the health authorities, the school census and data on parental

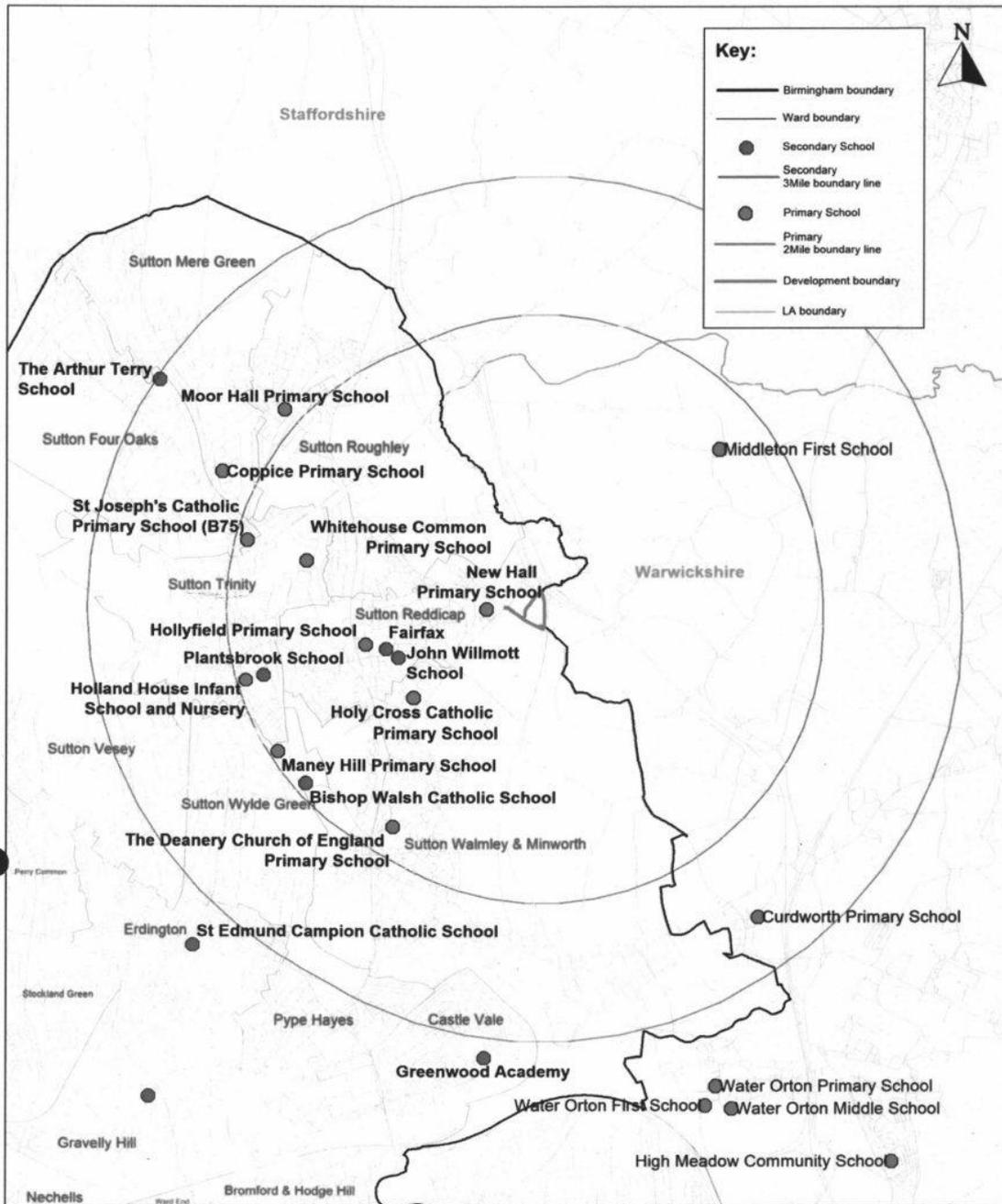
preference and housing numbers. Where the additional pupil numbers brought to the area may be partly accommodated, the level of contribution required would be adjusted accordingly. The additional demand, net of any capacity that might be available, informs the requirement for contributions.

The target for Birmingham is for the supply of places to exceed demand by within 5% with as even a spread across the city as possible. This allows for flexibility in the system to meet parental preference, enable in-year transfers and help families moving to an area find a place for each of their children at the same school. Maintaining this level of surplus will also be considered when looking at current capacity and the impact of housing development in an area.

**Mainstream Secondary within 3 miles
and Primary Schools within 2 miles
of Lindridge Road development**



**Birmingham
City Council**



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Agenda Item No 6

Planning and Development Board

10 July 2023

**Report of the
Head of Development Control**

**Tree Preservation Order
81 Austrey Road, Warton**

1 Summary

- 1.1 A Tree Preservation Order has been placed on a large London Plane Tree located on Warton Lane, Austrey. It came into force on 11 April 2023 and lasts six months (11 October 2023). This report seeks to make the Order permanent.

Recommendation to the Board

That the Board confirms the making of a Tree Preservation Order for the protection of a London Plane located at 81 Austrey Road, Warton.

2 Background

- 2.1 An emergency Tree Preservation Order was placed on the tree following consultation with Ward members, the Chair of the Planning and Development Board and the Planning Opposition spokesperson. Following this a report was presented to members on 22 May 2023 confirming this approach. The Order is at Appendix A.

3 Representations

- 3.1 Representations from neighbours and Polesworth Parish Council were invited in writing by 12 May 2023.
- 3.2 No representations were received as part of the process and thus the Board is recommended to confirm the Order.

4 Report Implications

4.1 Financial and Value for Money Implications

- 4.1.1 There are no implications in making this Order, but if confirmed, then there may be implications, in that compensation may be payable, if Consent is refused for works to a protected tree.

4.2 **Legal and Human Rights Implications**

- 4.2.1 The Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all relevant facts at the date of the meeting, the Order may be confirmed. Once made, the owners of the land would have a legal responsibility to maintain the tree and protect it from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to the tree, save for urgent works to prevent an immediate risk of serious harm.

4.3 **Environment and Sustainability Implications**

- 4.3.1 The tree to be protected exhibits value for both the present and the future public amenities of the area, given its appearance and prominence in the street scene.

The Contact Officer for this report is Andrew Collinson (719228)



Town and Country Planning Act 1990

North Warwickshire Borough Council

(Land at 81 Austrey Road, Warton)

Tree Preservation Order, 2023

The North Warwickshire Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the North Warwickshire Borough Council (Land at 81 Austrey Road, Warton) Tree Preservation Order, 2023.

Interpretation

2.—(1) In this Order “the authority” means the North Warwickshire Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this *11th* day of *April*, 2023

The Common Seal of the North Warwickshire Borough Council was affixed to this deed in the presence of -

AD
.....
The Designated Officer

Signed on behalf of the North Warwickshire Borough Council

C.H. TOBIN HEAD OF LEGAL SERVICES



CONFIRMATION OF ORDER

This Order was confirmed by the North Warwickshire Borough Council without modification on the day of

OR

This Order was confirmed by the North Warwickshire Borough Council, subject to the modifications indicated by , on the day of

.....
The Designated Officer

Signed on behalf of the North Warwickshire Borough Council

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by North Warwickshire Borough Council on the day of

.....
The Designated Officer

Signed on behalf of the North Warwickshire Borough Council

VARIATION OF ORDER

This Order was varied by the North Warwickshire Borough Council on the day of by a variation order under the reference number a copy of which is attached

.....
The Designated Officer

Signed on behalf of the North Warwickshire Borough Council

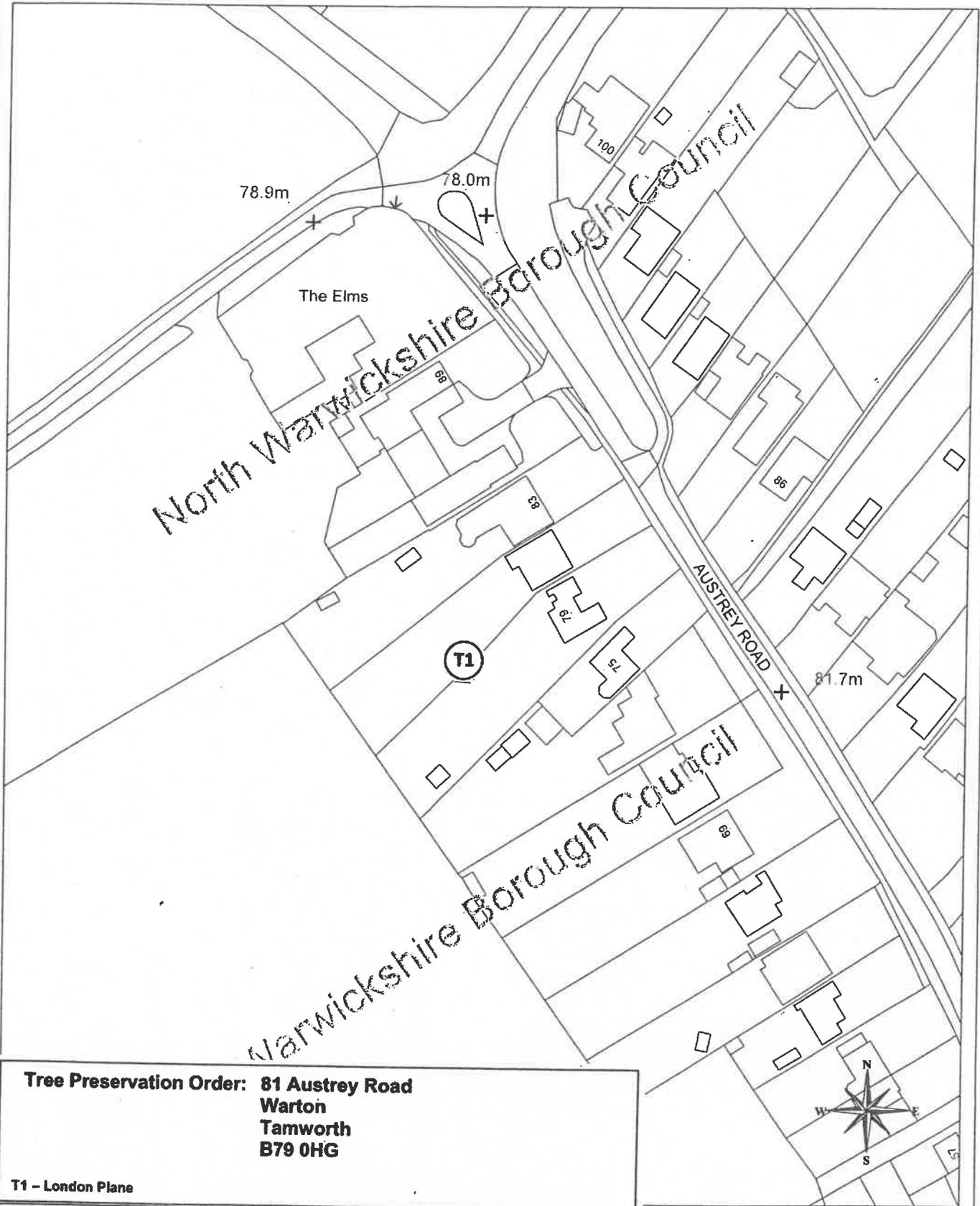
REVOCAION OF ORDER

This Order was revoked by the North Warwickshire Borough Council on the day of

.....
The Designated Officer

Signed on behalf of the North Warwickshire Borough Council

Schedule 1, Specification of trees



**Tree Preservation Order: 81 Austrey Road
Warton
Tamworth
B79 0HG**

T1 - London Plane

Scale: 1:1250	Date: 03.04.23	File No: 713.0607	Drawn By: J.S.
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Ordnance Survey 100017910



North Warwickshire Borough Council
Office of The Chief Executive

The Council House
South Street
Atherstone
Warwickshire CV9 1DE

Telephone (01827) 715341



Development Control

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	London Plane (<i>Platanus x hispanica</i>)	On grassland on land known as 81 Austrèy Road, adjacent to the boundary of 79 Austrèy Road.

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Agenda Item No 7

Planning and Development Board

10 July 2023

**Report of the
Head of Development Control**

**Tree Preservation Order
Land East of Chase Cottage,
Purley Chase**

1 Summary

- 1.1 The report notifies the Board of action taken by the Head of Legal Services in respect of the making of a Group Tree Preservation Order for trees at this address.

Recommendation to the Board

That the Board notes the making of an Emergency Tree Preservation Order in respect of a group of trees on land east of Purley Chase Cottage, Purely Chase as identified in this report and considers any other action which may be necessary at this time.

2 Background

- 2.1 This land lies between the Purley Chase Cottage and Coachman's Cottage on the north-west side of Purley Chase Lane just to the west of the Purley Chase Centre. The area has few buildings, but backs onto an area of Ancient Woodland.
- 2.2 Officers were notified by contractors that they had been asked to fell trees by the prospective owner of the land. The trees were thus considered to be under threat. As a consequence, and because of the setting of the site and the area of Ancient Woodland, the County Forester was asked to assess the health and condition of the trees with a view to the making of an Order. The response is at Appendix A. This concludes that an Order would be appropriate.
- ...
- 2.3 In light of this and the situation as explained above, consultation took place with the Chairman, the Opposition Planning Spokesperson together with the two local Members. It was agreed that an Order should be made, and the Head of Legal Services used his delegated powers to do so. The Order has now been served.
- ...
- 2.4 A plan illustrating the extent of the Order and the species involved is at Appendix B and there are photographs at Appendix C.

3 Observations

- 3.1 As Members are aware, an Order can be made in the interests of amenity. Here this group of trees is prominent, being visible from the Lane and they are part of a much larger woodland setting which characterises this part of the Borough. The professional arboricultural view is that the trees are in good condition and have good longevity. It is considered that had the case been reported to the Board, that an Order would have been made.
- 3.2 Now that it has been made, the consultation process has commenced and Members will be able to review any comments at a later meeting when a report is brought to the Board to consider making the Order permanent.

4 Report Implications

4.1 Financial and Value for Money Implications

- 4.1.1 There are no implications in making the Order, but if confirmed, then there may be implications, in that compensation may be payable if Consent is refused for a future application for permission to undertake works to a protected tree.

4.2 Legal and Human Rights Implications

- 4.2.1 The Town and Country Planning Act 1990 states that a Tree Preservation Order may only be made when it is expedient to do so in the interests of amenity. Once an Order has been made. The owners of the land and those with an interest in it will have the opportunity to make representations to the Council before the Order is confirmed.

4.3 Environment and Sustainability Implications

- 4.3.1 The trees to be protected exhibit amenity value for both present and future amenities of the area given their setting and visibility.

The Contact Officer for this report is Jeff Brown (719310).



Town and Country Planning Act 1990

North Warwickshire Borough Council

(Land East of Chase Cottage, Purley Chase Lane, Mancetter)

Tree Preservation Order, 2023

The North Warwickshire Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the North Warwickshire Borough Council (Land East of Chase Cottage, Purley Chase Lane, Mancetter) Tree Preservation Order, 2023.

Interpretation

2.—(1) In this Order “the authority” means the North Warwickshire Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22nd day of June 2023

The Common Seal of the North Warwickshire Borough Council was affixed to this deed in the presence of -

AR C.H. TOWN HEAD OF LEARN SERVICES
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council



CONFIRMATION OF ORDER

This Order was confirmed by the North Warwickshire Borough Council without modification on the _____ day of _____
OR

This Order was confirmed by the North Warwickshire Borough Council, subject to the modifications indicated by _____, on the _____ day of _____

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by North Warwickshire Borough Council on the _____ day of _____

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

VARIATION OF ORDER

This Order was varied by the North Warwickshire Borough Council on the _____ day of _____ by a variation order under the reference number _____ a copy of which is attached

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

REVOCATION OF ORDER

This Order was revoked by the North Warwickshire Borough Council on the _____ day of _____

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

Schedule 1, Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

NONE

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
-------------------------	---	------------------

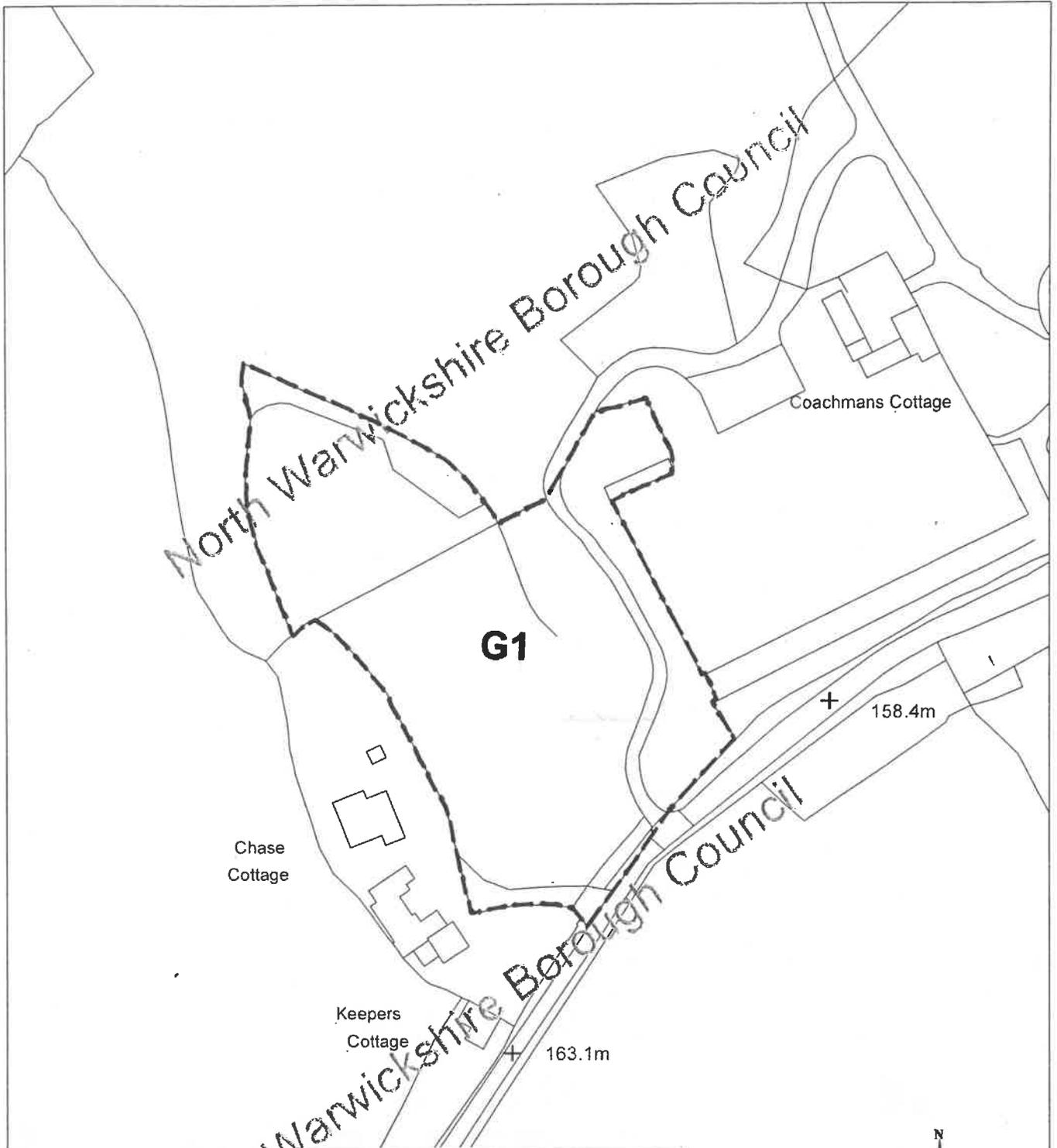
G1	Consisting of: Horse Chestnut, Sweet Chestnut, Sycamore, Silver Maple, Lime, Ash, English Oak, London Plane and Willow	Land East of Chase Cottage, Purley Chase Lane, Mancetter as set out on the Plan
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

NONE



**Tree Preservation Order: Land East of Chase Cottage
Purley Chase Lane
Mancetter**

G1 – Group consisting of Horse Chestnut, Sweet Chestnut, Sycamore, Silver Maple, Lime, Ash, English Oak, London Plane and Willow

Scale: 1:1250	Date: 22.06.23	File No: 713.050/8	Drawn By: J.S.
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Ordnance Survey 100017910



**North Warwickshire Borough Council
Office of The Chief Executive**

The Council House
South Street
Atherstone
Warwickshire CV9 1DE

Telephone (01827) 715341



Development Control

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 21/06/2023 Surveyor: Matthew Alford

Tree details

TPO Ref (if applicable):

Tree/Group No: 2K8A Species: Refer to Arbortrack report

Owner (if known):

Location: Purley Chase Lane. Mancetter

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**Part 1: Amenity assessment****a) Condition & suitability for TPO**

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

3

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

5

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

2

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

4

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

3

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

17

Decision:

TPO- Yes



Tree Inventory Report

Warwickshire County Council

21 June 2023

Report created by Matthew Alford



Unique ID: 2K8A

Appendix C

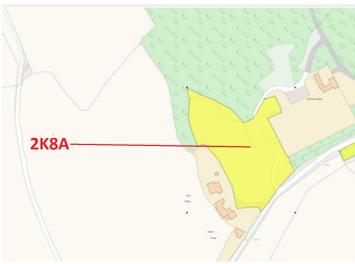
Private

Mixed Broadleaf sp.

W3W: storyline.majority.buzzards

Overview Photos





Inventory		Appendix C
Surveyor		
Trunk Type	Group	
Age	Early mature	
Condition	Reasonable	
Proximity	As per map	
Street	Purley Chase Lane	
Area	North Warwickshire Borough	
Sub Area	Mancetter	
Stem Diameter		
Spread		
Height		
Category	Group	
Committee	Private	
Site	Grass	

Species	
Count	1
Vegetation Type	Broadleaf
Species	Mixed Broadleaf sp.

Maintenance

Comment	
Surveyor	Matthew Alford
Comment Date	21-Jun-2023
Comment	Horse Chestnut, Sweet Chestnut, Sycamore, Silver Maple, Lime, Ash, English Oak, London Plane, Willow