



Appeal Decision

Hearing Held on 29 July 2021

Site visit made on 2 August 2021

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2021.

Appeal Ref: APP/P4605/W/20/3255763

Wylde Green Public House, Birmingham Road, Sutton New Hall, Sutton Coldfield B72 1DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Brendan Faulkner of Gladman Retirement Living Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/02929/PA, dated 1 April 2019, was refused by notice dated 27 February 2020.
 - The development proposed is for Specialist Accommodation for the Elderly consisting of apartments with care, communal facilities, parking and associated private amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for Specialist Accommodation for the Elderly consisting of apartments with care, communal facilities, parking and associated private amenity space at Wylde Green Public House, Birmingham Road, Sutton New Hall, Sutton Coldfield B72 1DH in accordance with the terms of the application, Ref 2019/02929/PA, dated 1 April 2019, subject to the conditions in the attached Annex.

Procedural Notes

2. The Appellant name and company name on the submitted Planning Appeal Form is different from that on the original planning application form. I have included those relating to the original planning application form in the second bullet point of the above header. The Appellant confirmed at the Hearing that the company name in the header was correct and accepted the inclusion of the original person's name.
3. The description of development in the above header and in paragraph 1 is also taken from the original planning application form. Notwithstanding that, I note that the Council's decision notice and the Planning Appeal Form include a different description which includes specific reference to the erection of 57 no. extra-care apartments (Use Class C2) amongst other things. I have determined the appeal on that basis.
4. Since the appeal was made and prior to the Hearing, the revised National Planning Policy Framework (the Framework) has come into force. The Appellant and Council agree that this does not materially affect the appeal. I too am

satisfied that the revised version has not materially altered the consideration of those issues pertaining to this appeal. For clarity, any references to the Framework within this decision relate to the revised version, including, where applicable, different paragraph references to the previous version.

Main Issues

5. The main issues are:

- i) The effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the length of the building frontage and the length, at the proposed height, of the rear wing; and
- ii) Having regard to the loss of the bowling green on the site, whether or not a financial contribution towards facilities elsewhere locally, through a planning obligation, would be necessary or directly related to the proposed development.

Reasons

Character and appearance

6. The site is currently vacant and in a generally poor state of maintenance, having previously been in use as a public house and bowling green with associated parking. It represents a wide site frontage onto Birmingham Road, albeit that the existing building itself only occupies the central part of that frontage, set back from the road to a similar degree as other nearby properties on that side of the road.
7. The proposed building would be substantially larger than the existing building and would occupy a large part of the site frontage with a continuous front elevation. Although the elevation facing onto Birmingham Road would be much longer than any others relating to existing single properties in the near vicinity, it would also be occupying a significantly wider site frontage compared with those other properties. As such, in this respect, together with the provision of some space either side of the proposed frontage building, its length would appear as being appropriately proportionate to the width of the site and without appearing cramped.
8. Furthermore, many of those existing properties nearby are also positioned, albeit to varying degrees and with varying heights, close to each other thereby setting a context of generally fairly closely related buildings. The proposed building would nevertheless clearly be seen in the streetscene as one continuous frontage. However, its height, although four storeys, would be restricted to that not dissimilar to others in the vicinity, in particular the apartment building immediately to the north of the site. Furthermore, there would be some small degrees of variation in the roof height and, importantly, slightly forward projecting gables, and those features would have the effect of breaking up that frontage. As such it would respect, albeit not to the same degree, the visual breaks provided by the varying designs and heights of those existing properties in the vicinity. The effect of those proposed gable features would be particularly effective in this regard when approaching the site along the road, albeit less so when immediately in front of the site, where the continuous building block would be most apparent.

9. The proposed building would also only be slightly closer to the road than that existing on the site and those properties either side. Its much greater length of frontage compared with the existing public house, together with its generally increased massing, would inevitably make it stand out much more than that existing building. Nevertheless, it would still be set back sufficiently from the road so as to allow intervening frontage landscaping, including tree planting. This would not only be characteristic of many other properties in the vicinity along Birmingham Road, thereby continuing to contribute towards the existing fairly leafy streetscene, but it would also be likely to have the effect of softening the appearance of the proposed building to a degree.
10. Additionally, the proposed materials would complement those relating to other properties in the vicinity and the proposed balconies would add some further degree of articulation and variety to that front elevation whilst not dominating it. The proposed gable features would also complement those of other nearby properties. These factors would therefore contribute towards the creation of an appropriate frontage elevation despite its length.
11. I have had regard to whether the proposed frontage should be broken up more, with gaps in between or at least gaps with linking elements set well back. In this respect I have had regard to examples submitted by the Council of buildings designed in this way in Mere Green and at the Hagley Road Village. Whilst those cases indicate how more distinct gaps on the building frontage can be achieved, they are not located in the same vicinity or immediate context of the appeal site which I have considered on its own merits.
12. As well as the context set by the apartment block immediately to the north of the site, which represents a larger building than other houses in the immediate vicinity, it is also not unusual to see buildings of varying large size amongst other smaller properties within the wider area. These include some examples further along Birmingham Road to the north within fairly close proximity to the site, albeit not of the same design and immediate locational context as the proposed development.
13. The proposed building would extend well back into the site which in itself is not unexpected in the context of the existing buildings on the site doing the same. The nature of the rear wing would be noticeably different to those existing buildings, particularly given its greater height, albeit with the rear section staggered down from four storeys to three and a small element of two storey. However, that rear wing would be centrally positioned between the site's side boundaries, set well away from them. It would also be set away from the rear boundary, albeit not to the same degree. As such, that rear wing would sit comfortably and not appear cramped within the confines of the site, whether seen from public vantage points on roads at the front and rear of the site or from surrounding residential properties.
14. I acknowledge that buildings associated with Birmingham Road properties nearby do not generally extend as far back from the front boundary and at the same height as the proposed development. However, the presence of significant built form extending back from Birmingham Road would not be unexpected in the context of existing adjacent development, particularly to the north, albeit relating to a cul-de-sac.
15. Furthermore, the rear wing would not be prominently visible from public vantage points on Birmingham Road due to the intervening frontage element.

The upper parts of the building generally would be visible to varying degrees from roads to the rear, in particular Arden Drive and Henley Close. However, that would be in the context of the intervening and more immediately visible existing houses relating to those roads and the degree to which the building would be set away from those roads, more so in respect of the frontage element.

16. The proposed rear wing would be more closely visible from those properties backing on to the site at the rear, more so with the removal of an existing mature tree on the southern boundary. As such, the outlook would inevitably change to varying degrees from those properties, a matter that I shall consider further later on along with other living conditions issues. However, whilst some existing trees on the site would be lost, many, together with hedges, around the edges would be retained and supplemented by some new planting, including a replacement tree for that referred to above on the southern boundary. Together with those other mitigating factors referred to above, this would not only maintain a significant amount of the existing verdant character element of the site but would also be likely to soften the appearance of the proposed development to varying degrees as seen from those properties to the west and other adjacent properties.
17. For the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area with particular regard to the length of the building frontage and the length, at the proposed height, of the rear wing. As such, in respect of this issue, it would accord with policy PG3 of the Birmingham Plan 2031: Birmingham Development Plan – Planning for sustainable growth (the BDP) and saved policy 3.14, in particular paragraphs 3.14C&D, of the Birmingham Unitary Development Plan 2005, and the principles set out in the Council's Supplementary Planning Guidance: Places for Living; which together relate to the requirement for all new development to demonstrate a high quality of design. For the same reasons, in respect of this issue, it would also accord with section 12 of the Framework which relates to achieving well-designed places.

Bowling green contribution

18. As referred to above, the bowling green on the site is no longer in use. It is apparent from the submissions that up to the time of its closure, it was an established club. Nevertheless, there are a number of remaining clubs in the wider area that remain operational, and I have not received any substantive evidence to indicate that former members of the site's club have not been able to be accommodated elsewhere without the need for a new replacement facility or improvements to those clubs. It is therefore not clear as to what if any new facilities are required by way of mitigation for the loss of the site's club. In this respect, and having regard to policy TP11 of the BDP, it is also not disputed by the Council in its Community Infrastructure Regulations 2010 (as amended) (CIL Regulations) Statement, that there is sufficient alternative bowling green provision in the local area.
19. The financial contribution concerned would make provision for replacement bowling green facilities within the vicinity of the proposed development and/or improvements to local sport, recreation and community facilities albeit that it was highlighted by the Council that the intention would be to spend it on bowling facilities in the first instance. Nevertheless, I have received no

substantive evidence to indicate that there are insufficient local sport, recreation and community facilities generally, having regard to the effect of the proposed development. It is also not disputed that, following the loss of the bowling green concerned, there still remains a significant surplus of open space locally, having regard to policy TP9 of the BDP which relates to provision for open space, playing fields and allotments.

20. Furthermore, notwithstanding the above, it is also unclear as to whether the proposed level of financial contribution would be sufficient to provide appropriate replacement bowling facilities.
21. I have therefore received insufficient evidence of a need for any mitigation for the loss of the bowling green on the site or that the proposed financial contribution would be necessary or directly related to the proposed development, having regard to the above BDP policies TP9 and TP11, and policy TP27 which relates to creating sustainable neighbourhoods.
22. For the above reasons, I consider there to be no clear justification for the Bowling Green Contribution in respect of the proposed development. It fails to meet the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended), particularly in terms of not being necessary to make the development acceptable in planning terms and not being directly related to the development. I have therefore not taken that planning obligation into consideration and have afforded it no weight in determining the appeal.

Other matters

23. Having regard to the living conditions of surrounding residents, the proposed rear wing would be located behind Nos 20 and 22 Henley Close and partially behind No 18. Due to the gentle slope of the site down towards that western boundary, the development would be at a raised slab level to those houses of Henley Close. However, the rearmost section of the development would be dropped to three and then two storeys, albeit with the added relative height due to the levels differences, and the two storey section would also be narrower than the rest of the rear wing.
24. In terms of outlook from those properties to the west that back onto the site, the proposed development would be clearly visible to varying degrees. However, the proposed staggering down of heights and narrowing of the rear wing towards the western boundary referred to above, and the degree of separation of that wing's two and three storey flank elevations from the western site boundary, would combine to lessen the degree of prominence and prevent it from being an overbearing feature. The westernmost of those elevations would also be visually enhanced to some degree with obscure glazed and 'dummy' windows breaking up its otherwise blank wall. Furthermore, the proposed building would be likely to be softened or screened from view to varying degrees from those properties to the west, more so from ground floor rooms and rear gardens, by the intervening retained boundary hedge and proposed replacement tree, albeit dependent on their maintenance and retention in the longer term. The Council has also indicated that the relationship between the proposed development and those properties to the west would meet its standards relating to building separation distances and I have no substantive basis to find otherwise.

25. There would not be any habitable room windows in those west facing flank elevations of the proposed rear wing, with shower rooms having obscure glazing. Whilst there would be escape stairwell windows, the associated stairwell would be unlikely to be heavily used and, in any case, would relate to the three storey element set back further than the nearer two storey element. Any overlooking of those residential properties to the west from other windows within the side elevations of that rear wing would also only be at an oblique angle and privacy screens are proposed to the side of terraces and balconies associated with proposed north and south facing apartments nearest to the western side of the site. Furthermore, the intervening existing boundary hedge, together with proposed new replacement tree on that boundary, would again be likely to provide some screening, more so to ground floor rooms and rear gardens, albeit again dependent on their maintenance and retention in the longer term. As such there would be unlikely to be such levels of overlooking of the neighbouring properties to the west as to cause a harmful loss of privacy to the residents concerned.
26. The degree of separation between the proposed building and those existing residential properties to the west of the site would also be such as to be unlikely to cause a harmful loss of natural daylight. Furthermore, in terms of sunlight, due to the aspect, any loss would only be likely to be restricted to early morning and therefore again unlikely to be to a harmful extent.
27. In relation to other residential properties surrounding the site, the separation distances and juxtapositions in relation to the proposed building, together with intended new structured buffer planting on the northern and southern boundaries, would be likely to prevent unacceptable harm to the living conditions of those residents also in respect of privacy, outlook and light.
28. Having regard to potential noise and disturbance and odours relating to the proposed development, I have no substantive evidence to indicate that levels would be to a degree that would be unexpected in this residential area or in the context of the previous use of the site as a public house and bowling green, subject to appropriate conditions to secure any necessary mitigation measures. Furthermore, appropriate protection of those living conditions during the construction of the proposed development could be secured by a condition requiring adherence to a Construction Method Statement.
29. As to whether the proposed development is needed in the context of other similar ones in the area, the evidence submitted indicates a need for the proposed type of accommodation, which is not a matter of dispute between the Council and Appellant. I have no substantive basis to consider differently.
30. In terms of traffic related concerns, based on the submitted evidence, I have no substantive reason to consider that the nature and scale of the proposed development would be likely to generate a level of vehicular movements to and from the site that would harmfully affect existing traffic flows. This would be all the more so when considered in the context of the traffic generated by the previous use of the site. The Highway Authority also raises no objections in this respect, whereby the level of traffic generated by the proposed development would be unlikely to be of such significance as to result in a severe impact on surrounding highways, as is the case with the suitability of the proposed vehicular access in terms of highway safety. This would be subject to appropriate conditions and planning obligations to secure related highway

works and safety measures including provision for a financial contribution towards road signage in the form of the speed limit feedback for drivers. I have no substantive basis to consider otherwise.

31. Additionally, the proposals would include a level of on-site parking provision reflecting evidence submitted by the Appellant relating to experience of other similar schemes. Furthermore, the Council is satisfied that the level of provision would meet its parking standards set out within its Car Parking Guidelines Supplementary Planning Document, and would have adequate on-site provision for service vehicles. I have no substantive basis to consider differently or that there would be a likelihood of unsafe parking within surrounding streets. That would be subject to provision within the planning obligations for a financial contribution towards the preparation, consultation and if appropriate, making of a Traffic Regulation Order (TRO) to regulate or prohibit waiting on Birmingham Road in the vicinity of the proposed development should that be deemed necessary. That would follow a review of the parking demand on the site, which the Council states would be undertaken two years after occupation.
32. The development would also be located in a sustainable location with good access to buses due to bus stops located adjacent to the site. Conditions could also secure provision for a travel plan to promote the use of alternative modes of transport to the private car; and to secure provision for cycle parking. Furthermore, the submission and implementation of a parking management strategy could be secured by a condition. Additionally, in terms of concerns over residents' safety in crossing the road to the bus stop opposite, the proposals, through provisions in the planning obligations, would include a financial contribution towards a pedestrian crossing.
33. I have also received no substantive evidence to indicate that pressures on existing utilities would be harmfully exacerbated as a result of the proposed development, subject to an appropriate condition to secure adequate site drainage. Furthermore, I have no substantive evidence to indicate that future occupiers of the proposed development would be likely to cause unacceptable additional pressure on local services such as doctor's surgeries.

Planning obligations and conditions

34. A Planning Obligation has been submitted in the form of a Unilateral Undertaking (UU) making provision for the following, along with the bowling green contribution which I have dealt with above:
 - Occupancy restriction to persons aged 55 years or older and in need of care, as defined in the UU, who have completed a written assessment to identify their care and support needs and entered into a lease. This would be necessary to secure the nature of use of the proposed development to that intended, including for reasons of highway safety having regard to likely parking demand.
 - Appropriate highways related financial contributions towards: (i) the installation of a pedestrian crossing point on Birmingham Road in the vicinity of the proposed development; (ii) the installation in the vicinity of the proposed development on Birmingham Road of a 30mph driver feedback sign; (iii) the preparation, consultation and if appropriate, making of a TRO, for the reasons referred to above. These would be in

accordance with policies TP27 and TP39 of the BDP and would be in the interests of highway safety and providing safe walking environments.

- Appropriate financial contribution towards the Council's costs incurred in connection with monitoring of the performance of the UU obligations.
35. The Council has submitted a statement of compliance of the planning obligations with Regulation 122 of the CIL Regulations. Based on that evidence and the submissions generally, including relevant development plan policies, I am satisfied that the above provisions, other than in relation to the bowling green contribution, would meet the tests set out in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations.
36. The Council has also submitted 29 suggested conditions were I minded to allow the appeal. These follow the submission of an amended schedule where some of the originally suggested conditions have been combined. These are generally agreed by the Appellant who has also confirmed agreement to the imposition of the pre-commencement conditions concerned. I have considered the suggested conditions in the light of advice in the National Planning Practice Guidance and have, in the interests of clarity and precision, amended some of the wording. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes.
37. For certainty, a condition requiring the development to be carried out in accordance with the approved plans would be necessary (1) as would the standard time condition for commencement of the development (2).
38. In the interests of the living conditions of future occupiers of the proposed development conditions would be necessary to secure: the submission of a contamination site assessment and, if necessary, a remediation scheme together with its implementation (3), and associated verification report (4); submission and implementation of details of extraction and odour control measures, also in the interests of the living conditions of surrounding residents and, in relation to external works, the character and appearance of the site and surrounding area (11); a noise insulation scheme for the relevant proposed apartments in respect of their relationship to Birmingham Road (12); and noise level limits for plant and machinery, again also in the interests of the living conditions of surrounding residents (13).
39. In the interests of protecting the living conditions of surrounding residents, conditions would also be necessary to secure the following: submission of and adherence to a Construction Method Statement (17); the installation of the proposed balcony/terrace privacy screens in accordance with details to be approved (27); and the elements of obscure glazing proposed for the west elevation (28).
40. So as to provide adequate drainage of the site and to prevent the exacerbation of any flood risk, a condition would be necessary to secure the submission and implementation of details of foul and surface water drainage measures (5).
41. In order to safeguard the nature conservation value of the site, conditions would be necessary to secure the submission and implementation of: an Ecological Enhancement Strategy (6); and a lighting strategy for biodiversity (10).

42. In the interests of the character and appearance of the site and surrounding area, conditions would be necessary to secure the submission and implementation of: tree protection measures (7); hard and soft landscaping details (8); boundary treatment details, also in the interests of the living conditions of surrounding residents (9); samples of materials proposed to be used in the construction of the external surfaces of the development (14); architectural details (15); details of facilities for the storage of refuse on the site, also in the interests of protecting the living conditions of neighbouring residents (25); details of the external finish, scale and massing of the proposed sub-station (26).
43. In the interests of highway safety, conditions would be necessary to secure the submission and implementation of a parking management strategy (16); the implementation of the approved parking area (18); a package of highway measures relating to the creation of the proposed vehicular access and stopping up of the existing one (20); and appropriate pedestrian and vehicular visibility splays at the proposed vehicular site access (23 & 24 respectively).
44. In order to encourage the use of sustainable travel options, as an alternative to the private car, conditions would be necessary to secure the provision of cycle storage on the site (19); and the implementation of a residential Travel Plan, also in the interests of highway safety (22). Furthermore, in order to make provision for the use of electric vehicles, a condition would be necessary to secure the provision of an appropriate number of electric vehicle charging points (21). Also in the interests of environmental sustainability, a condition would be necessary to secure the installation of the proposed photovoltaic panels in accordance with details to be approved (29).

Conclusion

45. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Gaskell	Planning manager, Gladman Retirement Living
Kenny Brown	Managing Director, Townscape Solutions
John Sneddon	Managing Director, Tetlow King Planning
Piers Riley-Smith	Barrister, Kings Chambers
Andy Green	Development Manager, Gladman Retirement Living
Matthew Rowe	Architectural Manager, Gladman Retirement Living
Alex Jones	Graduate Planner, Gladman Retirement Living

FOR THE LOCAL PLANNING AUTHORITY:

Peter Barton	Area Planning Manager
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INTERESTED PERSONS:

Josie McKeown	Local resident
Amy Millichope	Local resident
Pat Brown	Local resident
Patricia Line	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Copy of policy TP47 (Developer Contributions) of the BDP.
2. The views of the Appellant and Council on the impact of the new Framework 2021 on the Appeal.

DOCUMENT SUBMITTED BETWEEN HEARING AND SITE VISIT

1. Amended suggested conditions schedule submitted by the Council.

DOCUMENTS SUBMITTED SINCE THE HEARING:

1. Certified copy of Planning Obligation by Unilateral Undertaking.
2. Certified copy of Gladman Retirement Living Limited Power of Attorney dated 17 March 2021.

ANNEX – Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 00006-P1-101, 00006-P1-103 Rev D, 00006-P1-111 Rev C, 00006-P1-121 Rev C, 00006-P1-122 Rev D, 00006-P1-131 Rev D, 00006-P1-133 Rev D, 00006-P1-141 Rev C and P19004-001B.
2. The development hereby permitted shall begin not later than 3 years from the date of this decision.
3. No development shall take place until the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment, which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
 - 3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.
4. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action if identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. The development hereby permitted shall not commence (excluding demolition) until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a Sustainable Drainage Assessment (including drainage plans, detailed design, hydrological and hydro-geological assessment) using appropriate sustainable drainage principles and a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions). The foul and surface water drainage measures shall be implemented in accordance with the approved details before the development is first brought into use and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan.
6. An Ecological Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The strategy shall include full details of the number, design, location, and post development monitoring arrangements of bat and bird boxes, as well as habitats which will be of value to wildlife, such as: native seed/fruit bearing species; nectar-rich species to attract bees, butterflies and moths; species which attract night flying insects which will be of value to foraging bats, for example, evening primrose, honeysuckle and white jasmine. The strategy shall also include an implementation timetable for the measures concerned, and shall be implemented in accordance with that timetable and the approved details.
7. No development, including demolition, shall take place until a site specific arboricultural method statement (AMS) and a tree protection plan (TPP), in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012 and any subsequent edition), has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include:
 - All tree work shall be carried out in accordance with British Standard BS3998 'Recommendations for Tree Work' (2010 and any subsequent edition).
 - Details of the proposed hard standing/access road/driveway located under the canopy of any tree to be retained and how this will be constructed to a no-dig specification and take place above existing ground levels.
 - Details of how trees shown on the approved plans and TPP to be retained will be protected during construction activity, including that:
 - no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the plans and particulars as referenced above;
 - if that fencing is broken or removed during the course of carrying out the development it shall be immediately repaired or replaced to the satisfaction of the Local Planning Authority;
 - the fencing shall be maintained in position to the satisfaction of the Local Planning Authority until all equipment, machinery and surplus materials have been moved from the site;

- within any area fenced in accordance with this condition nothing shall be stored, placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing or use of other contamination materials or substances shall take place, nor shall any fires be lit without the prior written consent of the Local Planning Authority;
- no equipment, machinery or structure shall be attached to or supported by a retained tree; and
- that within 1 metre of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land there shall be no concrete mixing, storage of oil, cement, bitumen or chemicals; no trenches or pipe runs for services or drains; and no alteration of surfaces or ground levels during construction.

The development shall be undertaken and maintained in accordance with the approved details.

8. Details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers/densities and details of the proposed planting implementation programme. All hard and soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
9. Details of the proposed boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building hereby permitted and shall be retained thereafter.
10. Prior to first occupation of the development, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.
11. Details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and operation. The equipment concerned shall be implemented in accordance with the approved details and thereafter maintained as such.
12. Prior to the first occupation of the apartments, a scheme of noise insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details to ensure that all windows, any other glazed areas and external doors to habitable rooms to the Birmingham Road elevation shall provide a weighted sound reduction index ($R_w + C_{tr}$) of at least 38dB. Any ventilation on this elevation to habitable rooms shall be provided by means of acoustic vents achieving weighted element normalised level difference ($D_{n,e,w} + C_{tr}$) of at least 44dB.
13. The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LA90 at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting B54142 with or without modification.
14. Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be implemented in accordance with the approved details.
15. Notwithstanding the details shown in drawing No. 00006-P1-132 Rev C, the following architectural details shall be submitted to and approved in writing by the Local Planning Authority prior to commencing construction of the building to which they relate:
- Windows: Overall design and materials, headers, sills, glazing bar and frame dimensions and arrangement, materials, reveal depth.
 - External doors: Overall design and materials, fan light, reveal depth, canopy, porch.

- Building facades & roof: Materials, decorative features, eaves treatment, chimneys, details of any attached vents, flues and utility equipment.
- Rainwater goods: Design, materials, location.

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

16. The development hereby permitted shall not be occupied until a parking management strategy has been submitted to and approved in writing by the Local Planning Authority. The management strategy shall include management of disabled bays and operation and parking of the minibus on site. The car park shall thereafter only be operated in accordance with that approved strategy.

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

- the parking of vehicles of site operatives and visitors
- location of loading and unloading of plant and materials
- the erection and maintenance of hoarding
- hours of demolition/construction/delivery
- measures to control noise, dust and vibration

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

18. The development hereby approved shall not be first occupied until vehicle parking has been constructed, surfaced and marked out in accordance with the approved details, and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.

19. Prior to the first occupation of the development, secure, and where appropriate, covered external storage for cycles shall be implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such provision shall thereafter be maintained in accordance with the approved details.

20. The development shall not be occupied until a package of highway measures has been submitted to and approved in writing by the Local Planning Authority and the approved measures have been substantially completed. The package of measures, to Birmingham City Council specification, shall include: construction of the new bell-mouth (including associated pedestrian dropped kerbs, tactile paving etc.); reinstatement of redundant footway crossing(s) with full height kerbs; any work relating to any street furniture (telephone/street lighting columns etc.)/statutory undertakers' apparatus; any work related to lighting (including any lighting assessment/redesign) etc.

21. Prior to occupation of the development, no fewer than 10% of the car parking spaces shall be provided with electric vehicle charging points, which shall thereafter be retained as such.

22. No dwelling shall be occupied on site until a residents' Travel Plan has been submitted to and approved in writing by the Local Planning Authority, which includes measures to actively promote the use of more sustainable transport choices for residents occupying the site. This travel plan should be uploaded and maintained through the "STARSfor" portal that Birmingham City Council is a member of - www.starsfor.org. It shall include incentives to be offered to each household upon occupation of each dwelling to encourage the use of modes of travel other than the car and information regarding public transport timetables, cycle maps, the location of local facilities such as schools, shops, education and healthcare services and walking information. The approved travel plan shall be implemented in accordance with the approved details. The development shall be operated in strict accordance with the approved travel plan.
23. A pedestrian visibility splay of 3.3 metres by 3.3 metres by 0.6 metres shall be incorporated at the vehicular access point before that access point is first used and thereafter maintained as such.
24. The development shall not be occupied before the vehicular visibility splays, as shown on Drawing No. P19004-001B have been provided. Those splays shall thereafter be kept free of obstacles.
25. Prior to first occupation of the development, facilities for the storage of refuse, the approved location of which is shown on Drawing No. 00006-P1-141 Rev C, shall be provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall thereafter be maintained as such.
26. Prior to first occupation of the development, the sub-station, the approved location of which is shown on Drawing No. 00006-P1-141 Rev C, shall be provided in accordance with details of its external finish, scale and massing which shall first have been submitted to and approved in writing by the Local Planning Authority. The sub-station shall thereafter be maintained as such.
27. Prior to first occupation of the development, the privacy screens to the balconies/terraces as shown on the North, South and West Elevations of Drawing No 00006-P1-131 Rev D, shall be installed in accordance with full details of those screens, including their scale, position, materials, appearance, and obscure glazing, which shall first have been submitted to and approved in writing by the Local Planning Authority. Once installed, the screens shall thereafter be retained as such.
28. Prior to first occupation of the development, the windows shown to be obscure glazing on the West Elevation of Drawing No. 00006-P1-131 Rev D shall be fitted with obscure glazing which shall have an obscurity rating of not less than 4 in the Pilkington Glass Range (or an equivalent obscurity rating) and the windows concerned shall thereafter be retained as such.
29. Prior to first occupation of the development, the solar photovoltaic panels to be installed upon the roof of the building hereby approved shall be installed in accordance with full details of the panels which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a. the type, model, commissioning and operational details, predicted energy generation;
- b. plan showing location, orientation, scale, position, total number of panels, mounting details, appearance;
- c. a maintenance schedule for the panels and associated abatement technology and arrangements for monitoring their performance.

Once installed, the panels concerned shall thereafter be maintained as such.