Reserved Matters application for appearance, landscaping, layout and scale in accordance with Condition No. 2 attached to Outline planning approval 2009/04661/PA for a youth/community facility, grass pitch, public open space and residential use

Applicant: Kier Ventures Limited & Rubery Owen Holdings Ltd
c/o Agent
Agent: Savills
Wytham Court, 11 West Way, Oxford, OX2 0QL

Recommendation
Approve Subject To Conditions

1. Proposal

1.1. Proposal is for reserved matters relating to appearance, landscaping, layout and scale in accordance with condition no. 2 attached to Outline planning approval 2009/04661/PA which comprised 110 dwelling houses, a youth/community facility (YMCA), a sports pitch, an extension to Thimble End Park and a habitat area.

1.2. The land ownership remains the same as existed at the time of the Outline application with Kier Ventures Ltd being the landowners of the western parcel of land and Rubery Owen Holdings owning the eastern parcel of land. A master plan and development principles together with vehicular access from Squires Croft, Signal Hayes Road and Weaver Avenue were approved at the Outline stage.

1.3. Residential - The residential element of the proposal comprises 110 dwelling houses with 36 accessed from Squires Croft, 55 from Weaver Avenue, 15 from Signal Hayes Road and 4 dwellings houses would be individually accessed from Signal Hayes Road. The different parts of the site would have pedestrian linkages and a pedestrian route is also proposed through the habitat area to Terry Drive. The proposed dwelling houses would be of modern design using traditional materials for the external walls and pitched roofs comprising red/brown bricks and roof tiles. The dwelling houses would be generally 2 storey with some having accommodation in the roofspace.

1.4. The proposed residential layout would follow principles established at the Outline Stage. The dwelling houses would comprise detached, semi-detached and small terraced units and be laid out fronting estate roads off Squires Croft, Weaver
Avenue and Signal Hayes Roads together with a number of small cul-de-sac and the 4 dwelling houses directly facing Signal Hayes Road.

1.5. Of the 110 dwelling houses (including 4 apartments), 50 would be on the Kier Ventures site and 60 on the Rubery Owen site with a total of 94 open market dwelling houses and 16 affordable housing units. The affordable housing units would be split into 2 areas, 7 in the south-west corner of the Kier Ventures site and 9 on the Rubery Owen site, directly to the north of the proposed YMCA building.

1.6. The residential mix would comprise;

Open Market – 5, 5 bedroom units, 15, 4 bedroom units, 64, 3 bedroom units and 10, 2 bedroom units.

Affordable Housing (including 4 apartments) – 2, 4 bedroom units, 4, 3 bedroom units and 10, 2 bedroom units.

All bedroom sizes exceed minimum guidelines.

1.7. The 2, 3 and 4 bedroom open market units would have 2 car parking spaces each and the 5 bedroom units would have 4 spaces each. For the affordable housing, the 2 and 3 bedroom units would have 1.5 spaces and the 4 bedroom units would have 2 spaces. Each dwelling house would have its own private amenity area and the apartments would share amenity space. Landscaping within the residential part of the scheme would include small front garden areas for each dwelling with evergreen planting. There would be feature tree planting at points within the site and existing trees retained on site boundaries. The existing hedgerow running through the site would be retained and trimmed as would the existing hedgerow and trees on the Signal Hayes Road frontage.

1.8. **YMCA/Community Building** - The proposed YMCA/community building with a total floorspace of 2234 sq.m would follow the fundamental principles that were established at Outline stage and which have evolved through detailed discussions with the YMCA and Sport England.

1.9. The YMCA/community building would be in the same location, in the southern part of the site, as identified at the Outline stage. Access would be off Weaver Avenue with a total of 70 car parking spaces. The layout and footprint would be similar to the indicative plans submitted with the Outline application with the exception of a minor increase in the footprint of the sports hall which would be accommodated to the rear of the facility adjacent to the sports pitch.

1.10. The building would be of similar massing to that indicated at the Outline stage with a predominantly 2 storey building at the core, flanked by single storey wings. The sports hall would be the highest element at 9 metres. The main entrance would be defined by full height double storey glazing with a mono-pitch entrance canopy finished in bronze effect cladding and there would be a separate entrance to the youth wing.

1.11. The building envelope has been designed with a vertical emphasis to fenestration to balance out the horizontal building with a simple palate of materials including brickwork, blockwork, aluminium cladding and a standing seam roof.

1.12. The building would include a community wing, youth wing, communal area including a café and a sports hall. Accommodation would comprise a foyer/café, 3 community
rooms, kitchens, toilets, relaxation area, multi function room, 20m x 20m sports hall and associated changing facilities at ground floor. First floor accommodation would include office/meeting rooms, treatment/prayer rooms, general offices, dance studio, meeting room, plant room and seating/sports hall viewing area, toilets and staff room. A decked terrace with canopy is proposed at the front of the building adjacent the main entrance.

1.13. Access would be off Weaver Avenue via a new access road and manually operated gates would be sited at the site access point. A further road would give access to the sports pitch and overspill parking area/sports pitch parking which would also be gated. There would be a circular vehicle dropping off point in front of the main entrance to the building.

1.14. Landscaping around the community building would include feature tree planting along the access road and Weaver Avenue. Hedge and shrub planting is proposed within the site including low level planting in parking areas. Shrub planting is proposed along the southern boundary adjoining rear gardens to properties in Weaver Avenue.

1.15. A kick about area is proposed to the rear of the sports hall and to the south of this would be a secure garden split into 3 zones including a kitchen garden, play space and sensory garden. A community garden is also proposed to the front of the building.

1.16. Thimble End Park extension – Located at the southern entrance to the site adjacent Weaver Avenue, this area of open space would be edged with large feature trees with elements of informal tree planting within the site and follows the principles agreed at Outline stage.

1.17. Habitat Area – This is an existing woodland area to the south of Terry Drive on the western boundary of the site. In line with principles agreed at the Outline stage, this area would be enhanced. A central area of scrub would be removed to open up the area and allow its restoration as an orchard and a wildflower grassland would be formed to enhance biodiversity. A mown path would be formed within the habitat area with pedestrian access to the proposed residential development and Terry Road.

1.18. Playing Pitch – To the west of the proposed YMCA/community building and on the southern boundary of the site, the former sports pitch (90m x 45m) would be restored. An access is proposed by providing a link through the existing hedgerow to give access to the overspill parking area to the north of the YMCA/community building.


1.20. The applicants submitted an Environmental Impact Assessment (EIA) Screening Opinion request at pre-application stage. It was concluded that on the basis of information provided with the EIA submitted with the Outline application, updated technical reports that would be submitted with the Reserved Matters application and no significant change in circumstances since the Outline application was submitted, that no formal EIA would be required with the Reserved Matters application.
2. Site & Surroundings

2.1. The application site consists of the former Hardy Spicer Sports Ground (the Kier Site - 2.42ha), a second informal field (the Rubery Owen Site – 3.18ha) and a woodland area proposed to be retained.

2.2. Both sites have existing residential areas to the north and west of them. There is an existing park, Thimble End Park, to the east of the Rubery Owen site. To the south is Sutton Coldfield Rugby Club which consists of a cricket square, rugby pitches, Penns Lane Tennis Club and a main clubhouse in the middle of that site.

2.3. The application site is generally flat and bounded by hedges and there are some boundary trees. The fields are otherwise clear of tree cover.
4.5. Sport England – no objections.

4.6. Severn Trent Water – no objections subject to condition. Advise that there is a public sewer located within the application site.

4.7. West Midlands Police – pleased to note that “Secured by Design” is referred to in the supplemental design and access statement. Subject to planning approval recommend that the proposal is developed to enhanced security standards.

4.8. Natural England – proposal is unlikely to affect any statutorily protected sites or landscapes. The Local Planning Authority should apply Natural England’s “Standing Advice” on protected species. If the site is in or adjacent a local wildlife site or nature reserve, the LPA should ensure it has sufficient information to understand the impact of the proposal on the local site. The application may provide opportunities to enhance biodiversity and the natural environment, bringing benefits to the local community through green space provision and access to contact with nature.


4.10. Councillors, MP, Residents Associations and nearby occupiers notified. Application advertised on site and in the press. 217 letters including letters from Councillors, Bird, Barrie and Roberts have been received objecting to the proposal on the following grounds;

- Do not believe the community facility will be used for the local community. YMCA is a private business and application is based on use by a specific group. Will local residents have to pay to use facility and who will set charges? Facilities intended to serve disabled young people in north Birmingham and will not compensate for impact of 110 houses and loss of open space.
- No car park for visitors to Thimble End Park extension, will cause highway safety problems on Weaver Avenue. Any parking restrictions on Weaver Avenue will be restrictive for residents.
- No clear commitment to provide a bus service to serve the YMCA or Thimble End Park, public transport options are limited and local facilities/shops and are not easily accessible by foot or cycling.
- The issue of the problematic right turn at the end of Weaver Avenue has not been addressed.
- Drainage report is incomplete as it does not look beyond the site and assumes existing sewers will cope, who will maintain surface water storage facilities to prevent excess flows and flooding? Drainage report is incorrect, it states that the sub soils have low permeability and the reliance will be on water soaking away.
- Ground investigation report appended to Drainage report is incomplete but it indicates low ground bearing capacity for new buildings and ‘arsenic’ hotspots which could lead to groundwater contamination. What investigations have been carried out to ensure residents of new houses and those living nearby will not be affected by contamination?
- Physical impact of YMCA on existing and planned houses will be considerable, it is 9m high and will be located near houses in Weaver Avenue.
- YMCA car park will include drop off zones for minibuses and coaches, consistent with users being transported from the whole of north Birmingham.
- Strip of land abutting Weaver Avenue should be densely planted with trees, proposed swale will retain surface water.
- The areas infrastructure cannot cope with any additional traffic, trying to leave the estate in the morning is difficult enough without 220 additional cars.
- This part of Walmley is not adequately served with public transport.
- Huge growth in Walmley’s population over the last 30 years has not been matched with investment in essential services for health and education.
- Proposal would take away valuable open space for residents in the area which is widely used for recreation and which may be needed as an essential ‘green lung’ given the threat to the Green Belt.

4.11. Councillor Guy Roberts objects to the application on the grounds that the development will be out of keeping with the remaining properties in the area, YMCA building will be too big for the site, access and traffic management is insufficient and will adversely affect residents and the Village Green application has not yet been finalised on the site.

4.12. Councillor David Barrie objects to the application on the grounds that the development will lead to a major increase in traffic flows which will increase congestion significantly (the traffic assessment dates back to 2009) and there has clearly been an increase in traffic since then and the plans will also result in the loss of long used amenity land.

4.13. Councillor James Bird objects to the application on the grounds that the applicants have not engaged with residents, Councillors and Residents Association, in particular with regard to the community facility. An exhibition should have taken place for residents to raise their concerns regarding increased traffic and hours of usage. The height of the YMCA building would be too high in relation to nearby properties and be out of keeping with the surrounding area. The YMCA building cannot be delivered without the 110 houses to support its viability. Whilst the principle of a community centre is good, its viability has not been demonstrated.

5. **Policy Context**


6. **Planning Considerations**

**Background**

6.1 Outline planning permission was granted on 9th May 2011 for 110 dwelling houses, a youth/community facility (YMCA), a sports pitch, an extension to Thimble End Park and a habitat area with all matters reserved apart from means of access (to be via Squires Croft, Weaver Avenue and Signal Hayes Road). As part of the outline permission the applicants entered into a Section 106 Legal Agreement requiring the provision of 16 affordable housing units, provision of 0.106ha of public open space, provision of a community facility accessible to local residents, ecological enhancements to the woodland area, an education contribution of £164,000 and a highway improvement contribution of £116,500. This application for the approval of reserved matters does not alter any of the terms set out in the legal agreement.

6.2. The outline planning approval contains a number of conditions which are relevant to the detailed layout, in particular; Condition 4 states that the number of dwellings shall not exceed 110 and Condition 5 states that no more than 36 houses are to exit
onto Squires Croft, no more than 55 dwellings plus the YMCA are to access onto Weaver Avenue, no more than 4 dwellings to face onto Signal Hayes Road and no more than 15 dwellings to access from Signal Hayes Road. Condition 6 requires the development to be implemented in accordance with details submitted with the application, namely the access details, community facility indicative elevations and layout plans and the masterplan. Condition 13 notes that the community facility building shall have a gross internal floor space of approximately 2000sq.m and a maximum of 2250sq.m.

6.3. The reserved matters submission is in accordance with the requirements of the approved master plan, principles agreed at the Outline stage and Conditions 4, 5, 6 and 13 attached to the Outline planning approval.

**Residential**

6.4. The layout of the residential element of the scheme has been developed through consultation with officers, taking into account the above conditions and the contents of the masterplan that was submitted with the outline planning application. The layout shows access points from Squires Croft, Weaver Avenue and Signal Hayes Road as approved at the outline stage and a mix of detached, semi-detached, terraced dwelling houses and apartments predominantly fronting onto estate roads from the above access points. There are a number of small cul-de-sacs accessing off the main estate roads and pedestrian linkages through the site and into Terry Drive through the enhanced habitat area. The proposed layout follows good urban design principles with the majority of dwelling houses containing public facing frontages and private rear gardens which would be in character with the surrounding area and comply with design guidance included in the UDP, Places for Living SPG and Mature Suburbs SPD.

6.5. In terms of the detail of the layout and compliance with guidelines for new residential developments contained in Places for Living SPG. The proposal would comply with guidelines for separation distances to existing dwelling houses and all bedroom sizes are in excess of minimum guidelines. Of the 110 dwellings houses only the garden to plot 15 does not exceed minimum guidelines. It is only marginally under the minimum guideline of 70sq.m (63sq.m) and is compromised in order for the pair of semi-detached properties of which it forms part to act as a focal point at the end of the proposed estate road extending off Squires Croft. I consider this is acceptable and note the site will be well served by public amenity space in nearby Thimble End Park which would be extended as part of this development. I consider the proposed residential accommodation would be of a good standard and the residential layout is acceptable.

6.6. In terms of appearance, the proposed dwelling houses would be of modern design with relatively simple building forms set back behind small front garden areas. Street scenes have been submitted which demonstrate the combinations of detached, semi-detached and small terraced units provide variation and visual interest. The materials proposed are generally red brick with red/brown roof tiling which are characteristic of the area. I consider the appearance of the residential element of the proposal would fit in with the character of the surrounding area and is acceptable.

6.7. The scale of the proposed residential dwelling houses are generally 2 storey, with some having accommodation in the roofspace. This fits in generally with the scale of dwelling houses in the area. The applicants have submitted street scene elevations where new dwelling houses would abut existing dwelling houses in Terry Drive and Signal Hayes Road which demonstrate an acceptable relationship. I consider the
scale of the proposed dwelling houses are acceptable.

6.8. Landscaping within the scheme incorporates the retention of existing trees and boundary hedges together with the use of evergreen species, shrub planting and feature tree planting throughout the scheme. Formal tree planting would be introduced along the frontages of the development to Weaver Avenue and Signal Hayes Road. The majority of the dwelling houses would have small front garden areas including shrub planting and tree planting would concentrate at focal points and along pedestrian routes within the site. No objections are raised to the proposed landscaping with the residential element of the scheme.

6.9. In conclusion, I consider the reserved matters relating to the residential element of the scheme comply with the requirements of the outline planning approval and are in accordance with relevant design policies contained in the UDP, Places for Living SPG, Mature Suburbs SPD, the Draft Birmingham Development Plan, the NPPF and are acceptable.

6.10 Affordable housing was agreed at the outline stage and will be secured through the S106 legal attached to the outline planning approval. 16 units (a mix of intermediate rent and shared ownership) will be provided in groups of 3, 6 and 7 within the residential layout. The grouping of the units is favoured by social housing providers, The mix of units would be the same as agreed at outline stage comprising 2, 3 and 4 bedroom units.

YMCA/Community Building/Playing Pitch

6.11. The proposed YMCA/community building would be located in the south-western part of the site with access off Weaver Avenue as indicated at outline stage and in the masterplan. Specific conditions in the outline planning approval that relate to this element of the proposal include; Condition 5 stipulated that the YMCA/community building be accessed from Weaver Avenue. Condition 13 that the building shall have a maximum gross internal floorspace of 2,250sq.m and shall contain community and youth facilities including a sports/multi-use hall of at least 20x20 metres, changing rooms, toilets, three community rooms, a café, office and the youth facility shall contain a games room, IT suite, toilets and offices. The Section 106 legal agreement requires that the YMCA provides community access to all its facilities to the community in accordance with a Community Access Agreement which shall be agreed and operational prior to the first use of the facility. The legal agreement also requires that work shall commence on the YMCA/community building and playing pitch prior to the commencement of construction of no more than 25% of the approved dwelling houses and shall be completed and transferred to the YMCA prior to the commencement of construction of no more than 50% of the approved dwelling houses. This obligation remains.

6.12. The proposed YMCA/community building has a gross internal floor area of 2,234sq.m which is below the maximum allowed by Condition 13 and it contains the facilities required by the condition. The layout and design differs slightly from indicative plans submitted with the outline application as the detailed design and functionality of the facility has been developed in conjunction with the YMCA and Sport England. A supporting statement submitted by the YMCA confirms their commitment to provide a community facility and to cater for the needs of young people with disabilities. It also states the centre will offer the opportunity for local people to access sports facilities, attend organised leisure activities or to rent rooms for other social activities. This will enable the YMCA to bring in additional revenue to support their disability work and ensure the facility becomes part of the local
6.13. In terms of layout the YMCA/community building would occupy a similar footprint to that indicated at outline stage with the sports hall located to the rear adjacent to the proposed sports pitch. The footprint has altered slightly following discussions with the YMCA and Sport England. Access would be off Weaver Avenue with a gated access to both the parking and overspill parking area adjacent to the sports pitch. There would be a turning area provided in front of the main entrance, community garden areas and external terraces. The sports pitch to the rear of the building would also form part of the community facility. I have no objections to the layout of this element of the proposal and do not envisage any loss of amenity to nearby residents, the nearest residential properties in Weaver Avenue being 35 to 40 metres to the south-east of the proposed YMCA/community building.

6.14. The appearance and scale of the YMCA/community building are largely influenced by the function of the building. It is part single and part two storey with the sports hall which is the highest element of the building located to the rear. It is well designed in a modern style and would contain features such as a double storey glazed entrance with canopy, circular fire escapes and use a range of contrasting materials to provide visual interest. Vertical elements such as fenestration have been introduced to reduce the horizontal massing. The proposed building would maintain the general scale and massing principles established at the outline stage. I consider the appearance is acceptable and the scale, although in parts slightly greater than domestic scale is also acceptable and would not adversely impact on the visual amenities of nearby residents or the area in general.

6.15. The proposed YMCA/community building would be sited in a landscaped setting. Feature trees and hedges would be planted along the entrance from Weaver Avenue to create a sense of arrival and hedge planting within the site would soften the appearance of the building. Community gardens would be planted around the building with the garden to the rear secured and split into 3 zones, comprising a decked terrace, kitchen garden and wet play area for children. There would also be a kick about area to the rear of the sports hall. I consider the extensive landscaping in this element of the proposal is acceptable.

6.16. Further to the west would be the reinstated sports pitch (90x45m) which would be linked to the community facility and would be adopted by the YMCA which would be in accordance with the requirements of the S106 legal agreement. A link to the pitch is proposed to be provided through the existing vegetation from the YMCA ensuring the users can use the facilities.

6.17. In conclusion, I consider the reserved matters relating to the YMCA/community building and playing pitch comply with the requirements of the outline planning approval and are in accordance with relevant design policies in the UDP, Places for All SPG, the Draft Birmingham Development Plan, NPPF and are acceptable.

**Enhanced Wildlife Habitat Area/Thimble End Park Extension**

6.18. The former orchard adjacent to Terry Drive (0.26ha) would be enhanced into a small ecological reserve as required by the outline planning approval. This would involve the removal of undesirable vegetation and planting of wildflower meadow to enhance the biodiversity of the site. Access would be via a path from the proposed development and also link to Terry Drive. The S106 legal agreement requires the enhanced wildlife habitat area to be provided prior to the commencement of the adjacent dwelling houses and offered for adoption to a local trust prior to the
The proposed extension to Thimble End Park (0.106ha) would sit at the southern entrance to the development off Weaver Avenue as required by the outline planning approval. It would include tree planting along its boundary and 4 car parking spaces for visitors. The Section 106 legal agreement requires the park extension to be laid out to an adoptable standard prior to the commencement of the construction of adjacent dwelling houses and offered for adoption prior to the commencement of construction of no more than 75% of the dwelling houses on the site. This obligation remains.

6.20. The layout and landscape of the Enhanced Wildlife Habitat Area and Thimble End Park extension are in accordance with the requirements of the outline planning approval and in accordance with UDP policy, the Draft Birmingham Development Plan and the NPPF.

**Transportation**

6.21. Vehicular access to the site from Squires Croft, Weaver Avenue and Signal Hayes was approved in detail at outline stage with a specified maximum number of dwelling houses to be accessed from each road as described above. To mitigate the impact of the development on the surrounding highway network and transport infrastructure, the Section 106 legal agreement requires a highway improvement contribution of £116,500 to provide; a pedestrian/cycle crossing on Walmley Road, traffic calming on Squires Croft, Traffic Regulation Orders for Weaver Avenue and Signal Hayes Road and traffic monitoring, the commuted sum is to be paid prior to the construction of the first dwelling. This obligation remains.

6.22. As well as the above S106 requirements, conditions were attached to the outline planning approval requiring the submission of a parking management strategy for the YMCA/community building, a residents “Travel Plan” including measures to promote the use of more sustainable transport choices for residents occupying the site and detailed road layouts for each phase of the development. There is also a condition requiring a package of highway measures to be agreed with the Local Planning Authority which includes; improvement to the Weaver Avenue, Thimble End Road junction, improvement to traffic lights on the Walmley Road/Signal Hayes Road, provision of a lay-by with 4 car parking spaces adjacent to the extended Thimble End Park on the new access road, improvements to the junctions at Squires Croft, Signal Hayes Road and Weaver Avenue and the dwelling houses fronting Signal Hayes Road shall have a footway and crossings connecting to Signal Hayes Road. These conditions remain to be discharged.

6.23. The applicants have submitted an update to the original Transport Statement in support of this application. Its conclusions reflect those of the 2009 Transport Statement and include; the additional vehicular traffic will only result in small traffic increases in daily traffic flows, a new priority style junction at the development access at Weaver Avenue and Signal Hayes Road and a road extension of Squires Croft will be appropriate, there will be little discernible change in capacity or performance of the surrounding roads or junctions and with the proposed improvements can be expected to perform as at present, there are no apparent safety problems forecast for the local highway network in the immediate vicinity of the site and there is adequate space within the development site to ensure that car parking provisions within the development will be adequate. The recommendations of the 2009 Transport Statement remain and these were incorporated into the S106
legal agreement and detailed planning conditions attached to the outline planning approval. Transportation Development concur with the above conclusions.

6.24. The detailed layout has been developed in conjunction with advice from Transportation Development in relation to carriageway widths, turning facilities, visibility splays, pedestrian routes and car parking provision for both the dwellings and the YMCA/community building. Car parking for the residential element would be a mix of on plot spaces and parking courts. Generally, 2 bedroom units would have 2 parking spaces, 3 bedroom units would have 2/3 spaces, 4 bedroom units would have 3 spaces and 4 spaces would be provided for 5 bedroom units. For the affordable housing, 1.5 spaces would be provided for the 2 and 3 bedroom units and 2 spaces for the 4 bedroom units. The YMCA/community building would have a total of 72 spaces. Transportation Development raise no objections to the detailed layout or car parking provision.

Trees

6.25. The application site comprises open fields with perimeter hedges containing some trees. The site is adjacent to two areas covered by Tree Preservation Orders at Sutton Coldfield Rugby Club and Miniva Drive, however, neither of these TPO areas is affected by the proposal.

6.26. The applicants have submitted an updated Tree Report in support of the application which show that they propose to retain the hedgerows and majority of Category A and B trees. They also propose to enhance these features with additional planting which would include the use of native species and some larger stature trees including oak and ash together with hedgerow species including hawthorn, hazel, blackthorn and field maple. Additional tree planting is also proposed at strategic points within the residential site and around the perimeter of the YMCA and within the extension to Thimble End Park.

6.27. My Tree Officer has raised no objections to the reserved matters relating to layout and landscaping. Conditions attached to the outline planning approval relating to proposed works to trees and hedgerows and tree protection have been discharged in conjunction with advice from my Tree Officer.

Flood Risk and Drainage

6.28. The Flood Risk Assessment submitted with the outline application established that the site is within Flood Zone 1 (least likely to flood). The Environment Agency raised no objection subject to a sustainable drainage solution and details of levels of buildings being agreed prior to commencement of development. Condition 8 attached to the outline planning approval requires details of levels and Condition 9 requires details of a sustainable drainage scheme to be submitted and approved prior to commencement of development. These conditions have not yet been discharged.

6.29. The applicants have submitted an updated Drainage Assessment in support of this application. It states that the proposed layout indicates areas of hardstandings and roofs of around 53% of the site area (inclusive of the two POS areas and the sports pitch) and by including a range of measures to control/limit run off at source the site can be developed sustainably. It also demonstrates that surface water attenuation can be achieved within the land to limit surface water drainage such that the effects of the development on the existing drainage facilities are mitigated in accordance with criteria in the NPPF. It concludes that there will be no significant
risk of flooding to the development or adverse effect on surrounding properties.

6.30. Comments from the Environment Agency in relation to the updated Drainage Assessment are awaited. Severn Trent Water raise no objections subject to Condition 9 on attached to the outline approval being retained.

Ecology

6.31. The site does not have any formal nature conservation designation but provides a significant area of semi-natural habitat which links Newhall Valley with the Green Belt. At Outline stage, the Ecological Assessment found some evidence that the site is within the wider foraging route of two species of bats with the potential that two trees (proposed for retention) are used as roosts. No reptiles or reptile habitats were found on the site. The Planning Ecologist agreed with the conclusions of the assessment and the mitigation measures and enhancements that were proposed. Although grassland habitats would be lost, most hedgerows would be retained and an enhanced habitat area would be provided.

6.32. Condition 12 requiring the submission of an Ecological Mitigation and Enhancement Strategy and Condition 22 requiring the submission of a Habitat/Nature Conservation Management Plan have been discharged on the advice of the Planning Ecologist.

6.33. An updated Ecological Walkover Appraisal has been submitted in support of this application which confirms that the site’s habitats have not changed significantly since the previous habitat surveys were completed in 2009. The site is still considered to provide a suitable habitat for common reptiles and nesting opportunities for a variety of bird species. No evidence of badgers was found and the poor quality breeding habitat means the site is unlikely to be used by great crested newts. An updated tree inspection for bats confirmed 4 mature oak trees as having good potential to support roosting bats, these trees will be retained under the current proposals, therefore, no further survey work is required.

6.34. The Planning Ecologist confirms that the updated ecological surveys indicate there has been little change since in the site’s ecological characteristics, therefore, the assessment and identification of enhancement measures undertaken in connection with the Outline planning application are still valid. The Planning Ecologist confirms the proposals offer significant opportunities for the enhancement of biodiversity in the area and raises no objections subject to an additional condition to secure the mitigation measures and minor alterations to the Enhanced Habitat area.

Public Participation comments

6.35. The grounds of objection to the proposal are detailed in section 4.10 of this report, the main areas of objection relate to the YMCA, transport, drainage/contamination/loss of public open space, applicants have not engaged with the local community, no additional education/health provision and the Village Green application is still outstanding.

6.36. YMCA – Concerns are raised that it will not be used as a community facility and its scale is inappropriate. In response, it is clear from the statement submitted by the YMCA that the building will be available for use by the community and the applicants are still required to comply with the terms of the Section 106 Legal Agreement which requires a Community Access Agreement to be provided. The scale of the building is in accordance with principles agreed at the outline stage and
would be acceptable in this location.

6.37. Transport – Objections included; there was no parking for Thimble End Park, no public transport improvements, problematic right turn to Weaver Avenue not addressed and the areas transport infrastructure cannot cope with additional cars. In response, the applicants have amended the site layout to include a lay-by with 4 spaces for the Thimble End Park extension. Although no direct public transport improvements were part of the S106 Legal Agreement attached to the outline planning approval, a condition requiring a ‘Green Travel Plan’ for residential occupiers was attached and pedestrian/cycle improvements are proposed in the layout. As part of the condition relating to additional highway measures, improvements to the Weaver Avenue/Thimble End Road are required. Outline planning approval has been granted for 110 dwelling houses and a YMCA/community building and this was fully assessed in the original Transport Statement which demonstrated that subject to mitigation agreed there would be no significant additional impact on the transport infrastructure in the vicinity. The updated Transport Statement indicates no significant change since the granting of the outline planning approval.

6.38. Drainage/Contamination – Objections were raised on the grounds that the updated Drainage Report is inadequate as it does not cover beyond site boundaries and Ground Contamination Report shows arsenic hotspots which could lead to contamination on the area. In response, the updated Drainage Report is a supplement to the original report and does not remove the requirement for a detailed scheme for sustainable drainage to be submitted to discharge Condition 9 attached to the outline planning approval. A full site investigation and scheme of remedial works in relation to ground contamination is required under Condition 17 attached to the outline planning approval.

6.39. Loss of Public Open Space – proposal would result in a loss of public open space used by local residents. In response, the loss of public open space was fully addressed at the outline space with the loss of public open space being compensated by provision of the YMCA/Community Building, sports pitch, extension to Thimble End Park and the Enhanced Habitat Area to be secured through the Section 106 legal agreement.

6.40. No Education/Health provision – increase in Walmley’s population in last 30 years has not been matched by increase in education or health provision. In response, an Education contribution of £164,000 was secured at outline stage through the Section 106 legal agreement. The scheme is not large enough to warrant addition health provision.

6.41. Applicants have not engaged with local residents – complaint has been raised that the applicants did not engage with the local community prior to the submission of the reserved matters application. The applicants have confirmed that they chose not to do further community consultation as they undertook extensive consultation with the local community at the Outline stage and the reserved matters application accords with the master plan and principles previously approved.

6.42. Village Green application has not yet been determined – permission should not be granted prior to the outcome of the Village Green application that affects part of the site. In response, the Director of Legal Services has advised that the pending Village Green application is not a material consideration in the determination of the reserved matters application.
7. Conclusion

7.1. The principle of the development of the site for residential use, a YMCA/community building, a sports pitch, extension to Thimble End Park and an enhanced habitat area has been established by outline planning approval 2009/04661/PA. This application is to satisfy reserved matters relating to scale, layout, appearance and landscaping. I consider the submitted reserved matters are in accordance with the approved master plan and principles agreed and conditioned at the outline stage, in accordance with relevant national (NPPF) and local (UDP, Draft Birmingham Development Plan) planning policy, supplementary planning guidance (Places for Living, Places for All and Mature Suburbs) and are acceptable.

8. Recommendation

8.1. Approve Subject To Conditions.

1 Requires the scheme to be in accordance with the listed approved plans

2 Requires details of ecological enhancement measures

Case Officer: John Davies
Photo(s)

Photo 1 – Site from Signal Hayes Road to Weaver Avenue
Photo 3 – Site from Weaver Avenue and site boundary with Thimble End Park