Former Smith & Nephew, Alum Rock Road, Washwood Heath, Birmingham, B8 3HX

Outline application for the erection of up to 122 residential units (98 dwellings and 24 flats), access to be considered and all other matters reserved

Applicant: Bovale Ltd
c/o Agent
Agent: Harris Lamb Ltd
75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Recommendation
Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. Outline consent is sought for the erection of up to 122 residential units (98 dwellings and 24 flats), with access to be considered and all other matters reserved.

1.2. The application site is roughly rectangular in shape (3.37 hectares). It was previously occupied by industrial premises, but was cleared a number of years ago and is now vacant. The proposed density would be around 35 dwellings per hectare.

1.3. An indicative layout plan has been provided which shows a main access off Rockville Road and a small cul-de-sac off Alum Rock Road. The access off Rockville Road would enable a ‘figure of 8’ access road to be provided within the development. The proposed dwellings would address the existing / proposed road frontages, forming a number of perimeter blocks.

1.4. It is indicated that the proposed development would comprise; 61 x 4-bed, 21 x 5-bed, 16 x 6-bed dwellings and 24 x 2-bed flats. Indicative house layout plans and strip elevations show a variety of house types including detached, semi-detached and terraced dwellings. The proposed flats would be accommodated within 3 blocks of 6 flats. It is also indicated that the proposed development would comprise 21 x 2-storey dwellings, 46 x 2.5-storey dwellings, 31 x 3-storey dwellings and 24 x 3-storey flats. The 3 storey properties would generally be located on prominent corners to provide gateways features and to help create a sense of place.

1.5. The total number of car parking spaces across the site would be 251 spaces, with each dwelling having at least 2 car parking spaces. Parking provision would therefore be 206% overall.
1.6. In support of the application, the following documents have been provided: Design and Access Statement, Planning Statement, Statement of Community Involvement, Travel Plan, Traffic Noise assessment, Air Quality Assessment, Ecological Appraisal, Flood Risk Assessment, Site Condition & Constraints Plans & Report, Economic Assessment, Financial Appraisal, Cash Flow and Viability Assessment.

1.7. Planning Obligation

1.8. A Viability Assessment provided by the agents has been independently assessed and it has been concluded that any form of S106 financial contribution would place a significant burden on the proposed development which could render the development unviable. Extensive discussions have taken place with the agents and they have offered (by way of a legal agreement) a sum of £200,000. This would be spent on Education Provision (£150,000) and enhancements to Open Space (£50,000) to be spent by Birmingham City Council within the local area.

Indicative Site Layout

Indicative House Types 1

Indicative House Types 2

2. Site & Surroundings

2.1. The application site is located between Alum Rock Road (north), Alderson Road (south), Rockville Road (east) and rear gardens of dwellings fronting Ludlow Road (west). The site is currently vacant and was cleared of industrial premises around 7 years ago. There is a fall in levels across the site from west to east, with a prominent slope towards the centre of the site. There are a number of vehicular access points around the perimeter of the site, with associated dropped kerbs.

2.2. There are a number of site constraints which have influenced the proposed site layout. There is a foul water sewer which runs through the centre of the site and a storm water culvert (Washwood Heath Brook), which runs through the east portion of the site. In addition, there are groundwater abstraction wells which were previously used to extract water and the ground level would be increased by 0.6m across the site to accord with existing street levels.

2.3. Alum Rock Road is an important route through the east of the City. There are bus stops close to the application site and a pedestrian crossing across Alum Rock Road, towards the centre of the site.

2.4. Despite its former industrial use, the site is situated within a predominantly residential context, being bounded on three sides (south, east & west) by 2-storey Victorian terraced properties. In addition, there is a relatively small local mosque which backs onto the western boundary of the site on Ludlow Road. Along the northern boundary, Alum Rock Road comprises of retail / commercial uses, with flats above, interspersed with further residential properties. The site is located outside of the established local centres, with Pelham Neighbourhood Centre being located around 450m to the east and Alum Rock Road District Centre located around 200m to the west.

Location Map
3. Planning History

3.1. 22.12.2010 - 2010/05667/PA - Outline application for the erection of a new two storey primary school with access and scale for determination (appearance, and landscaping and layout are reserved) - Approved subject to conditions.

3.2. 02.03.2011 - 2010/00465/PA - Outline application with all matters reserved for the erection of up to 110 residential dwellings, 3 No business units (Use Class B1), children’s day nursery (Use Class D1) and associated development – Approved subject to conditions.

4. Consultation/PP Responses


4.2. 17 responses received; 13 objections (including 1 letter from Liam Byrne M.P and verbal objections from 3 Ward Councillors) and 4 responses in support of the proposals. In addition, a petition against (132 signatures) submitted by residents of Washwood Heath and presented by Councillor Marian Khan to the meeting of the City Council on 4th November 2014, stating that the proposals are excessive and would place immense pressure on already overwhelmed local resources and amenities including schools.

4.3. Liam Byrne M.P states that there are strong local objections to the proposals and that there should be an assessment of how the site might be alternatively developed for a new school / community use.

4.4. Councillors Ansar Ali Khan, Mariam Khan and Mohammed Idrees have raised concerns regarding the lack of school places within the Ward and that this site would be an ideal location for a new school.

4.5. A Public Question was submitted to the City Council on 3rd February 2015 by a member of the public stating ‘The residents within the vicinity are concerned that the proposed housing development predominantly of four bedroom family homes will place extra pressure on local schools. The residents want any planning consent to be conditional upon the developer designating part of the land to the establishment of a free school or as an extension to an existing school to relieve the increased pressure on schools created by the additional housing.’

4.6. Local occupiers objections summarised as follows:

- The area is already overpopulated causing problems to schools, doctors, medical & community services. Local nurseries, primary and secondary schools are already heavily oversubscribed and it is difficult to get an appointment with GP’s / dentists;
- A local school or local facility such as swimming baths, park / play area would serve the community better;
- Increased traffic congestion;
- The pavement to the main road is too narrow;
- No.14 bus service, which is the only bus service running along the Alum Rock Road, cannot cope as it is;
• Existing dwellings do not have side accessways and garages;
• Car parking is already a major issue and some homes have two cars or more leading to residents parking at some distance to get to their homes;
• The Islamic Centre on Ludlow Road backs onto the site. There already lies a risk with car parking, children and the elderly at prayer and event times. Any future development should consider catering for a rear entrance and land donation for car parking facilities for residents of Ludlow Road and the Islamic Centre;
• The junction of Rockville Rd with Alum Rock Rd is already dangerous. Diverting traffic onto this road will lead to access problems and issues for children, the disabled, and the elderly/infirm;
• The main entrances for what was the old "Smith and Nephew" building was always on Alum Rock Rd (one opposite Foxton Rd and the other further up by the nearby fish and chip shop). Alderson Road was rarely used as a side entrance and had little traffic;
• The main site access should be off Alum Rock Rd as was the case for "Smith and Nephew". There should be no changes to the boundary on Rockville Rd and Alderson Rd as traffic here was minimal when the factory was in use;
• Insufficient green spaces in the area;
• Loss of privacy;
• Detrimental effect on health and well-being;
• Wall to back gardens should stay;
• Lack of details such as design and configuration;
• The house types would be inappropriate and out of character, especially the 3-storey buildings;
• Bungalows for the local population should be considered;
• Lack of adequate consultation process.

4.7. Responses in support summarised as follows:

• The proposal would stop fly tipping, rats and smell;
• This site has been abandoned for many years and houses on the site would be an environmental / visual improvement;
• There is a need for more good quality housing in the area;
• Local businesses would benefit from the site being re-developed;
• It would not make sense to reject this proposal as the site was occupied by a factory when it was first built and replacing the site with houses is a better idea.

4.8. Transportation Development – No objections in principle, subject to conditions. Two new accesses are proposed. The proposed main site access off Rockville Road would be acceptable. Refuse vehicles would be able to practically access and egress the site access. The proposed position of the mews court access off Alum Rock Road would be acceptable in principle. However, no approval should be given to the currently submitted access width and design as the proposed access width and carriageway width (4.8m) for this part of the site are likely to be inadequate. There would be a requirement for S278 highway works to enable formation of the new accesses. Also, the proposed location of the pedestrian / cycle route link onto Alum Rock Road is acceptable in principle, although some highway modifications would be required to Alum Rock Road in order to accommodate an appropriate solution. Conditions recommended - siting/design of means of access, no approval to be given to the design / specification of mews court access, details of pavement boundary, residential travel plan, S278/TRO agreement and a construction management plan condition.
4.9. Centro – No objections in principle. The site is served by the 14 bus service providing frequent services to Birmingham City Centre.

4.10. Leisure Services - In accordance with UDP policy, a Public Open Space and Play Area contribution would be required. Washwood Heath Ward currently has 0.89 hectares of POS and Playing field per 1000 of population which is well below the UDP target of 2 hectares per 1000 of population. The full contribution, if applied, would be: £224,600 (POS contribution) + £90,000 (new junior play area £90,000) = total contribution of £314,600. The contribution would be used for the provision, improvement and maintenance of public open space in the Washwood Heath Ward, e.g. the nearby Ward End Park.

4.11. Severn Trent Water – No objections, subject to a drainage condition. It is advised that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.


4.13. Regulatory Services – No objections in principle, subject to conditions - Site assessment / contamination remediation scheme and noise and vibration assessment conditions.

4.14. City Ecologist – No objection, subject to conditions to secure implementation of the recommended mitigation relating to nesting birds, foxes and invasive plant species and to secure the preparation and delivery of a biodiversity enhancement scheme. The site has been cleared of buildings for a number of years and has been colonised by vegetation, mostly buddleia, willow and birch scrub. Two invasive plant species (Cotoneaster sp. and Japanese rose) were recorded and removal of these species should be undertaken, using good practice measures, as part of the site clearance works.

4.15. Natural England – No objections.

4.16. West Midlands Fire Service – No objections.

4.17. West Midlands Police – No objections in principle. The development to should accord with Secured by Design standards.

5. Policy Context

5.1. NPPF (2012); NPPG (2014); Adopted UDP (2005); Draft Birmingham Development Plan (2013); Places for Living SPG (2001); Affordable Housing SPG (2001); Public Open Space and New Residential Development SPD (2007); Proposals involving the loss of industrial land to alternate uses SPD (2006); Car Parking Guidelines SPD (2012); Bordesley Park AAP – Preferred Options Report (2013); Strategic Housing Land Availability Assessment (2014).

6. Planning Considerations

6.1. Principle

6.2. In March 2011, an outline application, with all matters reserved, was approved by Committee for the erection of up to 110 residential dwellings, together with 3 no.
business units and a children’s day nursery on the application site. Therefore, the principle of re-developing the former Smith and Nephew site principally for residential purposes has already been established. Consent was granted subject to the completion of a Section 106 agreement for the provision of affordable housing and a financial contribution for the provision of public open space and children’s play facilities and for the provision of education facilities within the Washwood Heath and/or Hodge Hill Wards. This application raises similar material planning considerations which are outlined below.

6.3. This application has been subject to extensive pre-application and planning application discussions between officers and the land owner’s agents principally relating to the proposed site layout and need for S106 contributions. Although all matters are reserved, except access, the development must demonstrate that the layout and amount of development proposed is appropriate. Therefore, an indicative layout plan and floor plans / elevations have been submitted in support of the application.

6.4. Policy

6.5. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and paragraph 50 highlights that residential development should reflect local demand and create mixed and balanced communities.

6.6. The UDP confirms the high priority given to meeting housing needs and demands and assumes that a high proportion of the City’s housing requirement will be met within the urban area. The UDP policies also emphasise the importance of the City’s housing policies in contributing to the strategy for urban regeneration and economic revitalisation of the City. Its policies encourage a full range of housing types and sizes and specifically refers to the needs of large family groups (para’s. 5.25-5.35).

6.7. The Strategic Housing Land Availability Assessment (2014) identifies the site as suitable for housing development (ref 510) and although just outside the boundary of the Bordesley Park AAP, the Preferred Options Report does include support for the development of the site for residential and/or education uses.

6.8. Loss of industrial land

6.9. The application site was previously used for industrial purposes. The ‘Loss of Industrial Land to Alternative Uses’ SPD states that there is a presumption in favour of retaining land in employment use where appropriate to ensure an adequate supply is maintained for future job creation and securing inward investment to the City. However, under certain circumstances, a change to an alternative use may be appropriate such as where the site is non-conforming (i.e. within a residential area). Planning and Growth Strategy have raised no objections to the proposals. The site is considered as a poor location for employment development and is constrained by its residential context and poor connections with the strategic highway network. I concur that the use of the site for industrial purposes would be considered as a ‘non-conforming’ use and in principle would be suitable for residential purposes.

6.10. Access
6.11. Outline consent is sought for the erection of up to 122 residential units (98 dwellings and 24 flats), with access to be considered and all other matters reserved. The application site is roughly rectangular in shape and 2 new vehicular accesses are proposed, one small cul-de-sac off Alum Rock Road and a new main access off Rockville Road. Transportation Development has expressed no objections in principle subject to conditions as outlined above. There is some concern expressed that the proposed mews court access would need to be widened from 4.8m to around 5.5m to enable satisfactory access for refuse vehicles. I consider that there is sufficient space within the site to amend the proposals accordingly. Conditions attached as requested. There are currently a number of accesses around the site, on Alum Rock Road, Rockville Road and Alderson Road. These are currently closed, but were previously used for industrial purposes. It is proposed that these existing accesses / footway crossings would be made good and reinstated as footway. The proposed 2 new vehicular accesses would be acceptable in principle, although conditions attached, including no approval is given to the proposed design / specification of Mews Court access currently shown. The application site is located within a highly sustainable location; around 450m from Pelham Neighbourhood Centre to the east and Alum Rock Road District Centre located around 200m to the west, with a bus route service along Alum Rock Road.

6.12. Layout

6.13. The indicative layout plan seeks to demonstrate that the site could accommodate up to 122 residential units (98 dwellings and 24 flats). ‘Places for Living’ supports the creation of safe places, with clear definition between public and private spaces, active frontages, convenient routes, balance the needs of cars and pedestrians and provide schemes which reflect local context.

6.14. All dwellings would front the existing / proposed new roads by providing perimeter blocks. Account has been taken of the existing site constraints, which include a foul water sewer which runs through the centre of the site and a storm water culvert which runs through the east portion of the site. A green pedestrian route would also be provided through the site following the line of the foul water sewer, providing a useful link between Alum Rock Road and Alderson Road. The proposed scheme is considered acceptable. It would achieve a satisfactory density (35 dwellings per hectare) and a coherent overall layout in keeping with its surroundings and in general accordance with numerical guidance contained in ‘Places for Living’.

6.15. My City Design and Landscape Officers have raised no objections in principle to the proposals, which have been substantially amended during the pre-application and application process. There is sufficient space to allow some flexibility in the layout which could be amended further at the reserved matters stage. It is considered that broadly perimeter developments are proposed with overlooking of the street and private space enclosed to the rear of properties. Front gardens are shown to include off-street parking but there is also space for landscaping. Conditions recommended by the Landscape Officer regarding boundary treatment, hard and soft landscaping, levels and materials have been attached.

6.16. Planning Obligations

6.17. As the development proposes more than 15 dwellings the UDP and Affordable Housing SPD seek to achieve 35% affordable housing provision. In addition, there is normally a requirement to provide a contribution towards education provision and on-site open space / children’s play facilities or a financial contribution towards providing / improving existing facilities in the area. In this case, the agents have
provided a financial viability appraisal which has been independently assessed and it has been concluded that it would be unviable to burden the development with full S106 contributions or affordable housing provision.

6.18. Housing Strategy has stated that the suggested mix of housing proposed is welcomed as it includes large family housing and 2 bed apartments. The Strategic Housing Market Assessment highlighted that across the city the need for 2 and 4+ bedroom accommodation is not being met. Large family accommodation would particularly be in demand in this location. It has also been indicated that policy normally requires 35% affordable housing to be secured. However, they acknowledge that there are viability issues with the site which prevent the provision of affordable housing and it is highlighted that in this location there is a reasonable supply of affordable housing nearby including recently built BMHT properties. These include recently built BMHT properties at Raymond Road, Naseby Road and Farndon Road – 46 dwellings and Couchman Road, Clodeshall Road and Parkfield Road – 61 dwellings. These new dwellings are all within 500m of the application site.

6.19. Children, Young People and Families have calculated that a financial contribution of £902,001.44 would be required for education provision and Leisure Services have calculated that £224,600 would be required for POS / children’s play area.

6.20. Previously, under App. No. 2010/00465/PA, a significant S106 package was offered. It was proposed to provide 33 no. affordable housing units (30%) and a financial contribution of £434,350.19 for education provision and £196,140 for public open space / children’s play facilities within the Washwood Heath and/or Hodge Hill Wards. However, this offer was not realistic and it was noted in the Committee report that; ‘with or without the Section 106 obligations, the development as proposed is financially unviable’. At that time, it was ‘the applicant’s intention to secure a valid consent as a first step towards exploring ways of bringing the site forward’.

6.21. Extensive discussions have taken place with the agents in order to seek some form of contribution. The agents have now offered a financial contribution of £200,000. I consider that this is a fair and reasonable offer and the most that could realistically be expected from a viability perspective.

6.22. It is recommended that the S106 offer be shared between Education and Open Space provision on a pro rota basis based on the requested financial contributions. This would equate to £150,000 for Education provision and £50,000 towards open space / children’s play. No specific schemes have been identified, but Leisure Services have stated that the contribution would be used for the provision, improvement and maintenance of public open space in the Washwood Heath Ward, e.g. the nearby Ward End Park. Ward End Park is situated 360m to the north which is considered to be within an acceptable walking distance.

6.23. Noise

6.24. Regulatory Services raise no objection subject to conditions. I concur with this view and note the recommendations of the Noise Assessment submitted in support of the application. Road noise from Alum Rock Road is the principal existing source of noise and a condition to safeguard residential amenity of the occupants of the proposed housing towards the north of the site is recommended. I consider this satisfactory and note that there are many existing residential properties adjacent to this road in the area.
6.25. Drainage / Flood Risk

6.26. No objections have been raised to the development on drainage grounds from Severn Trent Water subject to a suitable drainage condition being imposed as recommended.

6.27. A Flood Risk Assessment has been submitted in support of the application. The assessment concludes that the proposals would not create or exacerbate a flooding problem subject to the implementation of the recommended drainage strategy. The Environment Agency has raised no objections on drainage grounds.


6.29. The City’s Ecologist has expressed no objection, subject to conditions to secure implementation of the recommended mitigation relating to nesting birds, foxes and invasive plant species and to secure the preparation and delivery of a biodiversity enhancement scheme. The site has been colonised by vegetation, including two invasive plant species (Cotoneaster sp. and Japanese rose) and it is recommended that these be removed using good practice measures as part of the site clearance works. Natural England has expressed no objections and Landscaping has also expressed no objections subject to details of hard and soft landscaping and levels. I concur with the above and appropriate conditions recommended.

6.30. Other Issues

6.31. There have been a number of responses received in support and against the proposals; including a petition against (132 signatures) stating that the proposals are excessive and would place immense pressure on already overwhelmed local resources and amenities including schools. There is a desire that alternative uses for the site be considered, such as a local school or swimming baths, park or play area to serve the local community. Councillors Ansar Ali Khan, Mariam Khan and Mohammed Idrees have also raised concerns regarding the lack of school places within the Ward and that this site would be an ideal location for a new school. In addition, a Public Question was submitted to the City Council stressing that local residents are concerned that the proposed housing development would place extra pressure on local schools and that any planning consent should be conditional upon the developer designating part of the land to the establishment of a free school or as an extension to an existing school. Outline consent was granted on 22nd December 2010 (App. No. 2010/05667/PA) for the erection of a new two storey primary school with access and scale for determination, but this but this has not been implemented and has now expired. The application site has always been in private ownership and has a long history of industrial use. The site was cleared in around 2007 and has remained vacant. Outline consent was granted in 2010 for the erection of up to 110 residential dwellings, 3 No business units and a children’s day nursery. Consequently, the principle of developing the majority of the site for houses has already been established. Each application is dealt with on its individual merits and it is considered that these Outline proposals which indicate 122 residential units, which equates to 35 dwellings per hectare, would be acceptable in principle and would comply with policy. In addition, I consider that a suitable planning obligation has been secured for contributions towards education provision and open space / children’s play facilities.

7. Conclusion
7.1. Outline consent is sought for the erection of up to 122 residential units, with access to be considered. The proposed layout would be acceptable in principle and the proposed accesses would have no detrimental impact on adjoining highways. A financial contribution of £200,000 is offered towards improved education and open space provision within the Washwood Heath and/or Hodge Hill Wards. Although this offer is below that normally expected for such a scheme, it is considered the offer is fair and reasonable. Housing Strategy have acknowledge this and have stated that even without a financial contribution the large family accommodation would help to meet the demand for family homes within this part of the city and that there is a reasonable supply of affordable housing nearby. I therefore consider that the proposed development is acceptable and recommend approval subject to the prior completion of a legal agreement.

8. Recommendation

8.1. Approve subject to a Section 106 Legal Agreement.

1. That consideration of application number 2014/06294/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:

   i) A financial contribution of £150,000 (index linked from the date of this committee resolution to the date upon which payment is made) prior to first occupation of the development towards education provision within the Washwood Heath and/or Hodge Hill wards;

   ii) A financial contribution of £50,000 (index linked from the date of this committee resolution to the date upon which payment is made) prior to first occupation of the development towards enhancements to public open space within the Washwood Heath and/or Hodge Hill wards;

   iii) A financial contribution of £7,000 for administration and monitoring to be paid upon completion of the legal agreement.

8.2. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority by 17th April 2015, planning permission be REFUSED for the following reasons:

   i) The proposed development fails to make adequate provision for pupil places generated by the proposed development, in an area encountering significant pressure on existing places. The proposal is therefore contrary to policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.

   ii) The proposed development fails to make adequate provision for public open space in a ward below the Unitary Development Plan’s target provision and is therefore contrary to policies 3.53-3.53B and 3.61 of the Birmingham Unitary Development Plan 2005 and to the provisions of ‘Public Open Space in New Residential Development’ (2007) which has been adopted as a Supplementary Planning Document and the National Planning Policy Framework.

8.3. That the Director of Legal and Democratic Services be authorised to prepare, complete and seal the appropriate planning obligation via a unilateral undertaking or an agreement under section 106 of the Town and Country Planning Act.
8.4. 4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 17th April 2015, favourable consideration be given to this application, subject to the conditions listed below:

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<td>Requires the prior submission of a contaminated land verification report</td>
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<td>Requires the prior submission of a method statement for the removal of invasive weeds</td>
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<td>Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures</td>
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<td>Requires the prior submission of details of bird/bat boxes</td>
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<td>Secures noise and vibration levels for habitable rooms</td>
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<td>Requires the prior submission of hard and/or soft landscape details</td>
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<td>Requires the scheme to be in accordance with the listed approved plans</td>
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<td>Requires the prior submission of details of refuse storage</td>
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<td>Submitted layout plan, floor plans and elevations indicative only</td>
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<td>19</td>
<td>Limits the maximum number of residential units to 122</td>
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<td>Limits the maximum number of storeys to 3</td>
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<td>21</td>
<td>No approval is given to the design / specification of the proposed 'mews court access'</td>
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<td>Removes PD rights for boundary treatments</td>
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<td>Removes PD rights for extensions</td>
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<td>24</td>
<td>Requires the prior approval of the siting/design of the access</td>
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<td>Requires the prior submission of a residential travel plan</td>
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<td>27</td>
<td>Requires the prior submission and completion of works for the S278/TRO Agreement</td>
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<td>Limits the approval to 3 years (outline)</td>
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Case Officer: Tony White
Photo(s)

Figure 1: Alum Rock Road View

Figure 2: Application Site