BIRMINGHAM CITY COUNCIL

REPORT OF DIRECTOR OF PLANNING AND REGENRATION

PLANNING COMMITTEE 6th February 2014

DRAFT LOCAL DEVELOPMENT ORDER

TYSELEY ENVIRONMENTAL ENTERPRISE DISTRICT LOCAL DEVELOPMENT ORDER, BIRMINGHAM

Subject and Brief Summary of Proposal

This report seeks to advise your Committee of the proposed Local Development Order (LDO) for the Environmental Enterprise District in Tyseley.

This report contains the proposed draft LDO and accompanying Statement of Reasons. The order is intended to remove the requirement for planning permission within a prescribed area of the Tyseley Environmental Enterprise District for changes of use to, and demolition followed by operational development, relating to use classes B1(b), B1(c), B2, B8, and for Environmental Technology and Energy Recovery uses deemed to be Sui Generis, under the Town and Country Planning (Use Classes) Order 1987 (as amended), subject to conditions and limitations.

For the purposes of the draft LDO environmental technologies and energy recovery uses are defined as uses that harness biomass fuels[1] or other waste streams to produce renewable energy, and/or useful bi-products, that will, in the opinion of the Local Planning Authority, help to conserve the natural environment and resources.

Recommendations

That the contents of this report are noted and that the draft LDO is approved for consultation processes.

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[1] Biomass is biological material derived from living, or recently living organisms. In the context of biomass for energy this is often used to mean plant based material, but biomass can equally apply to both animal and vegetable derived material.

1. Introduction

1.1 Developed largely between the wars, the Tyseley Industrial Area, covering over 100 hectares in total, was once one of the City's major manufacturing areas. It experienced a spiral of decline in the 1970s/80s and whilst there has been some recent redevelopment, the area is in need of continued investment. Tyseley's location served by long established transport routes including the A45 and A41, the Grand Union Canal, the River Cole and the Birmingham to London (Marylebone) Railway Line has continued to prove attractive to inward migrating businesses including companies such as Veolia, Grayson Thermal Systems, SCH, Europackaging and Thysesen Krupp Aerospace. Overall some 5,000 people are employed in Tyseley.

1.2 The area is identified for Industrial Regeneration within the Adopted Unitary Development Plan (2005). The Draft Birmingham Development Plan continues to identify Tyseley as a traditional employment area whilst also identifying the need for investment in the physical environment and in particular in under utilised sites and premises. As well as being recognised as an important industrial location in the city, the area is synonymous with the Tyseley Energy Recovery Facility, which currently handles 350,000 tonnes of Birmingham municipal waste each year. Also located in the area are two council depots at Redfern Road and Kings Road.

1.3 Recent research has highlighted significant latent opportunities within the traditional employment sectors, and importantly within the new growth sectors of environmental technology. It is estimated that the scope for redevelopment could create in excess of 100,000sqm of new floorspace, providing for a further 1,500 jobs. Most notably the research drew out the potential in Tyseley to create an environmental enterprise district. As a result of this research, the Tyseley Environmental Enterprise District (TEED) was identified within both the Prospectus for the Economic Zones; Investing in Birmingham and the draft Birmingham Development Plan as a principle location in Birmingham for CO2 reduction as part of a low carbon, low waste economy through encouraging recycling, energy production and renewables including manufacturing and supply chain development.

1.4 One mechanism for enabling the delivery of industrial regeneration, with a particular focus on environmental technologies and energy recovery uses, is through the adoption of a Local Development Order (LDO) covering part of the TEED area. The aim of the LDO is to help to provide the conditions to stimulate new economic development through reducing costs and providing certainty for potential developers and businesses though a simplified planning process.

1.5 An LDO identifies development that will automatically be granted planning permission subject to conditions, without the need to submit a planning application and wait for approval. If the proposed development meets with the requirements of the LDO, development can start straight away, subject to compliance with the 'Notification of Development' process and the conditions attached to the LDO.

1.6 Proposed development that does not meet the requirements of the LDO will need to apply for planning permission. Development that does not meet the LDO requirements may still be suitable for developments but will need to

undergo formal assessment though the planning application process.

2. Site and Surroundings

2.1. The proposed LDO area would cover the TEED area albeit with various buffer zones excluding certain areas. This area, bounded by the River Cole, Coventry Road, Waterloo Road and the Birmingham-London Euston railway is predominantly an old industrial area interspersed with pockets of residential development. The Grand Union Canal bisects the area.

2.2. The area is home to Tyseley Energy Recovery Facility (a key part of the city's energy recovery and waste infrastructure), which is located off the Small Heath Highway (A45). There are also two council depots at Redfern Road and Kings Road located within the area.

2.3. Tyseley train station is located within the proposed LDO area. There are also good bus links to the site from the City Centre and to Birmingham Airport along the A45.

3. Justification for creating an LDO at the Tyseley Environmental Enterprise District

3.1 The proposed LDO will allow the City to exploit the growth in resource recovery and low carbon technologies and will operate alongside the European Regional Development Fund (ERDF) funded Tyseley Property Assistance Programmes www.birmingham.gov.uk/tpap. The aim is to create new high quality business park environments at Tyseley Wharf and Energy Way, and improve the range and quality of property available to business. Work with academic institutions and local businesses to foster environmental technologies, energy recovery, symbiosis and the opportunities for green energy solutions supports Tyseley as a principal location for the low carbon economy in Birmingham.

3.2 Plan 1 in Appendix E shows the proposed boundary for the LDO including sub-areas and exclusion zones.

4. Identified constraints

4.1 For reference the constraints are shown on plan 2, appendix E.

Flood Risk

4.2 The western/north western boundary of the proposed LDO area is located within the high risk Flood Zone 3, which represents a 1 in 100 or greater annual probability of river flooding, and medium risk Flood Zone 2, which represents a between 1 in 100 and 1 in 1,000 annual probability of river flooding. The remainder of the proposed LDO area is located within Flood Zone 1, which represents a less than 1 in 1,000 annual probability of river flooding.

4.3 In line with NPPF's Technical Guide the proposed B1, B2 and B8 uses and the sui generis environmental technologies and energy recovery uses are classified as being Less Vulnerable to the effects of flooding, and as such

would be appropriate to be located within Flood Zones 2 or 3a although would need to be supported by a Flood Risk Assessment. They would also be considered appropriate in Flood Zone 1 but would only need to be supported by a Flood Risk Assessment where the site was 1 hectare or greater.

4.4 Flood risk for less vulnerable developments, such as B1, B2 and B8 uses and the sui generis environmental technologies and energy recovery uses, in Flood Zones 2 and 3a and for non-residential extensions with a footprint of less than 250sqm are normally managed through planning applications via the Environment Agency's online Flood Risk Standing Advice. This provides Local Authorities with generic advice for lower risk proposals. In this case there is a pro-forma online that the applicant fills in to demonstrate that flood resiliency and resistancy has been incorporated into the proposed design, and the planning authority review and check this without the need of bespoke Environment Agency advice. It would be appropriate to incorporate aspects of this process into the limitations and 'Notification of Development under the LDO' process for development within Flood Zone 2 and 3a. There would also be a general requirement for a flood emergency plan for any new units proposed within Flood Zone 2 or 3a. Flood Zone 3b (function floodplain) would be excluded from the LDO area.

4.5 The Environment Agency advises that they would need to be consulted on flood defence requirements for all development within 20m of the top of a bank of a main river.

4.6 The National Planning Policy Framework advises that the Sequential and Exception Test are used to steer the most vulnerable development to flooding to areas with the lowest probability of flooding. A Level 1 Strategic Flood Risk Assessment has been carried out and has been used to inform on the probability of flooding in the LDO area. Industrial uses are considered as 'less vulnerable' and appropriate in flood zones 1, 2 and 3a, consequently the Exception Test is not applicable. Thresholds for development in different sub-areas of the LDO are detailed in appendix A and have been developed with regard to the Flood Risk, with a restricted amount of operational development and changes of use only permitted in flood zones 2 and 3a.

Contamination

4.7 There are extensive areas of made ground and potentially contaminated land within the proposed LDO area. Operational development in areas overlying made ground will need a site assessment and, if required, a remediation scheme to deal with the risks associated with contamination of the site for the intended use. Operational development on land that has historically been used for industrial purposes would also require a site investigation as it is likely to be contaminated. Although the need for remedial works to protect human health or the environment might be limited, depending on the nature of the development, it cannot be ruled out without the appropriate assessment.

Hazardous Installation

4.8 There is a hazardous installation within the proposed LDO area, which is the Flogas Tyseley liquid petroleum gas cylinder store. It is located within the Truck Stop Business Park and is subject to middle and outer consultation zones; there is no inner consultation zone for this installation. The middle consultation zone extends 40m from the installation and the outer consultation zone extends from 40 to 100m from the installation. The Health and Safety Executive advises that B1(b), B1(c), B2, B8 and Sui Generis

environmental technologies and energy recovery uses are compatible with the middle/outer consultation zones around this hazardous installation and would not recommend the refusal of any such development.

Nature Conservation

4.9 The proposed LDO area contains a number of man-made structures and natural features that have ecological potential such as trees, vacant buildings, the River Cole, the Grand Union Canal and the railway line. A Site of Importance for Nature Conservation (SINC) has been identified around the River Cole to the west of the proposed LDO area and a Site of Local Importance for Nature Conservation (SLINC) has been identified along the Grand Union Canal. Wildlife Corridors have also been identified along the railway line, the River Cole and the Grand Union Canals. The LDO must ensure that adverse ecological impacts are avoided or adequately mitigated, and that all statutory requirements, particularly in relation to bats (as European Protected Species) would be met.

Railway Line

4.10 The Birmingham to London (Marylebone) Railway Line runs across the southern most part of the proposed LDO area. Network Rail advise that they are a statutory consultee for planning applications where development is likely to affect Network Rail land and the operational railway. Their areas of concern relate to the potential increase of bridge strike risks, increased demand for rail transport, securing contributions for rail improvements. The LDO must ensure that there are no adverse impacts to Network Rail land and operational railway.

Canal

4.11 The Grand Union Canal bisects the proposed LDO area. The Canals and Rivers Trust advise that they are a statutory consultee for planning applications where development is likely to affect any inland waterway and identifies a 150m buffer from the canal where they should be consulted. They are concerned about any development which involves any digging of foundations; the building of anything large which could impose a loading on the side of the waterway; any development which could create a breach in the waterway for example by increasing surface water discharges; and any major change of land use. The LDO would need to ensure that it maintained the structural integrity of the Grand Union Canal and to protect and safeguard the natural environment, landscape character and built heritage of waterways as well as to encourage public access to and recreation use of the canal.

Aerodrome Safety

4.12 The proposed Tyseley LDO area lies within the safeguarded area established for Birmingham Airport and is subject to height limitations to ensure compliance by Birmingham Airport with Civil Aviation Authority requirements. Birmingham Airport therefore advises that any development up to, but not exceeding 152m Above Ordnance Datum (AOD) is deemed acceptable in height terms. Any development above that will need to be assessed by Birmingham Airport to ensure compliance with Civil Aviation Authority obstacle limitation requirements.

4.13 In addition because the Tyseley LDO lies within 13km of Birmingham Airport it is a requirement that developments do not increase the birdstrike risk. Birmingham Airport therefore advises that development should not include

features that will attract significant bird activity, such as food waste or certain plant species.

Historic Environment

4.14 There are 2 Grade II Listed Buildings located within the proposed LDO area known as Hay Hall on Redfern Road and St Cyprians Church on the Fordrough, a Grade B locally listed building known as the Redhill Tavern Public House, fronting Coventry Road and 7 archaeological sites known as Hay Mills 1 & 2, the tannery, Medley's Mill, St Cyprians Church, Hay Hall and Brickhouse Site. The LDO must protect these heritage assets, and the settings of the statutory listed buildings.

Residential Occupiers

4.15 There are pockets of residential properties within the proposed LDO fronting Speedwell Road, George Road, Redhill Road, Francis Road, Kings Road, Wharf Road, Dorothy Road, Wharfdale Road, Blythswood Road and Stockfield Road. Residential houses are considered under the NPPF as noise sensitive occupiers. This LDO must consider how to ensure appropriate noise levels at these noise sensitive locations.

Highway Improvements Lines

4.16 There are 2 highway improvement lines within the proposed LDO area at Tyseley Hall Road/Rail Bridge and Stockfield Road. The LDO must have regard to this, as any development within these areas would need to be removed upon implementation of the highway improvement lines.

5. Proposed Exclusion Zones

5.1 In response to the constraints identified in section 4 of this report, it is recommended that 5 separate areas within the wider LDO area are created and several other areas are excluded altogether. The sub areas and exclusion zones are shown on the plan 1 appendix E.

5.2 The exclusion zones are listed below along with the reasons they have been excluded:

- The areas defined as Site of Importance for Nature Conservation, Site of Local Importance for Nature Conservation and Wildlife Corridors, in order to safeguard the nature conservation value of the site;
- The areas that are operational railway and Network Rail land, to safeguard the operation of the railway and access to the railway for maintenance purposes;
- Residential areas, in order to safeguard residential amenity and protect the existing housing stock;
- The Grand Union Canal in order to protect and safeguard the natural environment, landscape character and built heritage of waterways as well as to encourage public access to and recreation use of the canal
- The curtilage of the Grade II Listed Buildings (Hay Hall and St Cyprians Church) and Grade B Locally Listed Building (Redhill Tavern Public House) in order to protect existing heritage assets. In addition, a buffer zone of 50m around the 2 statutory listed buildings (areas 5a and 5b) will be created where only changes of use are permitted in order to protect the setting of the listed buildings;

- The highway improvement lines to ensure that they can be implemented at the appropriate time;
- Flood Zone 3b – The functional flood plain; where no development is considered appropriate.

5.3 Area 1 comprises of the existing industrial/commercial land which falls within flood zone 1 and outside the proposed 150m buffer south of the Coventry Road (explained at paragraph 5.4). It is proposed that changes of use, larger extensions and erection of new buildings, subject to the limitations set out in appendix A, will be permitted in this area, as this is considered the least sensitive location in relation to the constraints highlighted in section 4.

5.3 Area 2 comprises of the existing industrial/commercial land which falls within Flood Zones 2 and 3. It is proposed that changes of use and extensions up to 250sqm will be permitted. Under the general limitations of this Order no development within 20m of the banks of the River Cole is permitted. This will ensure that flood risk can be assessed against the standing advice rather than requiring submission of full Flood Risk Assessment and formal consultation with the Environment Agency.

5.4 Area 3 comprises of the existing industrial/commercial land which is within 150m of the Coventry Road and within Flood Zone 1. It is therefore proposed that changes of use and extensions up to 250sqm will be permitted within this area in the interests of safeguarding visual amenity in close proximity to the Coventry Road, which is a main arterial route into the City.

5.5 Area 4 comprises of the existing industrial/commercial land which is within 150m of the Grand Union Canal and in Flood Zone 1. It is proposed that changes of use, larger extensions and erection of new buildings will be permitted in this area, subject to the limitations set out in appendix A. However, for development within this area, the applicant must also obtain and submit a written agreement from the Canals and Rivers Trust that the proposed development is acceptable in terms of its impact on the Grand Union Canal.

5.6 Areas 5a and 5b are 50m buffer zones around the curtilage of the 2 listed buildings, which comprises of existing industrial and commercial land. The area around St Cyprians Church is located within Flood Zones 2 and 3 (Area 5a), and the area around Hay Hall is located in Flood Zone 1 (Area 5b). In area 5a and b only changes of use are permitted under this Order to protect the setting of the listed buildings.

5.7 There are 7 archaeological sites known as Hay Mills 1 & 2, the tannery, Medley's Mill, St Cyprians Church, Hay Hall and Brickhouse Site. These sites are indicated with brown hatched markings on plan 1 appendix E. Any operational development i.e. erection of new buildings or extensions within these hatched area requires the applicant to provide, in addition to any other information required by table 1 appendix B, a programme of archaeological work, including excavation, post-excavation analysis and publication of a report, which would need to be agreed by the Local Planning Authority.

6 Lifetime of the LDO and monitoring

6.1. It is proposed that the LDO is operational for 3 years, during which time it will be monitored to assess any new development and employment that has been created through the LDO. The LDO would need to be modified during its lifetime to take into account any changes in circumstances.

7. Summary of Description of Development to be permitted in the LDO

7.1 The LDO would permit changes of use to classes B1(b) Research and Development of products or process, B1 (c) Light Industry, B2 General Industrial uses and Sui Generis – environmental technologies and energy recovery uses, as well as demolition followed by operational development associated with such uses. The full draft order is appended to the report in AppendixA.

Proposed Occupiers

7.2 The Tyseley Environmental Enterprise District is a key regeneration opportunity within a highly accessible location. It provides an opportunity for industrial regeneration and to exploit the environmental technologies and energy recovery sector, particularly resource recovery and energy production, through promoting the creation of new environmental business parks at Tyseley Wharf and Energy Way, fostering environmental technologies/energy recovery symbiosis through work with academic institutions and exploiting opportunities from the Energy Recovery Facility.

8. Statement of Reasons:

Description

8.1. This Local Development Order grants planning permission conditionally and with limitations. This reflects the need to comply with legislative requirements, protect the amenity of existing uses and ensure that new development occurs as sustainably as possible. Failure to comply with a condition or limitation attached to the LDO will be enforceable by the Local planning Authority.

Statement of the policies which the LDO would implement

8.2. This proposed LDO is in accordance with the adopted Unitary Development Plan (2005), the draft Birmingham Development Plan as well as the Prospectus for the Economic Zones; Investing in Birmingham which identifies the proposed LDO area for industrial regeneration and environmental technologies and energy recovery.

Pre Development requirements:

8.3. It will be expected that prior to the commencement of any development, the requirements of the 'Notification of Development under the LDO' process, set out in Table 1 appendix B, shall be complied with. This will enable the council to consider compliance with the parameters and conditions set out in the LDO, and to monitor its success.

8.4. Although an LDO can be made without conditions, it will be necessary to impose conditions to this proposed LDO to ensure that it is capable of delivering the objectives for which it is made. These conditions should set out

clearly what development is, and is not, allowed. Conditions can also specify that development is in accordance with other supplementary planning documents.

8.5. The constraints of the proposed LDO area are identified within section 3 of this report. It is important that these constraints are addressed in any proposed development on this site. Table 2 Appendix C entitled Development Requirements outlines the conditions that all development must adhere to, if they are to be developed though the LDO. The requirements within the table have considered the constraints surrounding the site.

9. Enforcement

9.1. The standard enforcement practices would apply to development brought forward via an LDO in the same way as it would for development in relation to current national permitted development rights or a normal planning application. The National Planning Policy Framework advises that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

10. Equalities

10.1 An equalities assessment has been carried out to help the Council (1) make sure the Local Development Order does what it is intended to do and for everybody. This will help the Council meet the requirements of the equality duties and identify active steps required to promote equality. The assessment involves systematically assessing the effects of the Local Development Order on people in respect of age, gender, economic and racial equality. (2) This includes looking for opportunities to promote equality that have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated, (3) if any negative or adverse impacts amount to unlawful discrimination, they must be removed. The equalities assessment is attached at Appendix G and concludes that there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Appendix A

Draft LDO for Tyseley Environmental Enterprise District

Within the areas 1 to 4 defined by Plan 1 (Appendix E) – planning permission is hereby granted for changes of use to, and demolition followed by operational development, relating to use classes B1(b), B1(c), B2, B8, and for environmental technology and/or energy recovery uses deemed to be Sui Generis, under the Town and Country Planning (Use Classes) Order 1987 (as amended) subject to the general limitations set out below and compliance with the requirements of the 'Notification of Development under the LDO' process set out in table 1 appendix B and subject to the conditions stipulated in Appendix C.

Note - For the purposes of the LDO, environmental technologies and energy recovery uses are defined as, uses that harness biomass fuels or other waste streams to produce renewable energy, and/or useful bi-products, that will in the opinion of the Local Planning Authority help to conserve the natural environment and resources.

Permitted Development – General Limitations

The development permitted by this Order is subject to the following general limitations (this information is also set out within a table in appendix F):

a) Change of use of existing buildings to use classes B1(b), B1(c), B2 or B8 uses, or for environmental technology and/or energy recovery uses deemed to be Sui Generis, shall be permitted in areas 1, 2, 3, 4, 5a and 5b to a unrestricted maximum gross external floorspace.

b) Erection of new buildings for use within classes B1(b), B1(c), B2 or B8, or for environmental technology and/or energy recovery uses deemed to be Sui Generis, shall be permitted in areas 1 and 4 providing they do not exceed 152m Above Ordnance Datum (AOD) or 15m in height whichever is the lower, and providing the gross external floorspace of the new building is not greater than 5000sqm. The erection of new buildings in areas 2, 3, 5a and 5b are not permitted.

c) The installation of stack(s) to be used in association with B1(b), B1(c), B2 or B8, or for environmental technology and/or energy recovery uses deemed to be Sui Generis, shall be permitted in areas 1, 2 and 4 providing they not exceed 152m Above Ordnance Datum (AOD) but are not permitted in areas 3, 5a or 5b.

d) Enlargement of existing buildings in use under classes B1(b), B1(c), B2 or B8 uses, or for environmental technology and/or energy recovery uses deemed to be Sui Generis, shall be permitted, providing they do not exceed the height of the highest part of the existing building and in areas 1 and 4 providing the gross external floorspace of the extension is not greater than 5000sqm and in areas 2 and 3 providing the gross external floorspace of the extension is not greater than 250sqm. The enlargement of existing buildings is not permitted in areas 5a and 5b.

Development not permitted under this Order

1. Where the proposal is Schedule 1 EIA development.

2. Any development that after following the 'Notification of Development under the LDO' process set out in table 1 appendix B, the Local Planning Authority has advised the developer in a screening opinion pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 that the development proposed requires an environmental impact assessment.

3. The display of any advertisement.

4. Any development which fails to comply with the requirements of, or does not supply all of the information required by, the 'Notification of Development under the LDO' process, which is set out in table 1 appendix B.

5. Any development that after following the 'Notification of Development under the LDO' process set out in table 1 appendix B, the Local Planning Authority has advised the developer is not permitted by this Order.

6. Any development that after following the 'Notification of Development under the LDO' process set out in table 1 appendix B, the Local Planning Authority advises the developer that the proposed development include effects that cannot be adequately mitigated by the conditions listed in table 2 appendix C.

7. Any development within any of the 'exclusion zones' shown on plan 1 in appendix E.

8. Wind turbines other than those already permitted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

9. Development affecting a Listed Building.

10. Development that would use or store hazardous substances as defined by the Planning (Hazardous Substances) (England) Regulations as amended.

11. Any development within 20m of the top of a bank of the River Cole.

Appendix B

Developers are required to provide the information set out in the table below to the Local Planning Authority for approval prior to the commencement of development. The Local Planning Authority will then confirm within 28 days whether the proposal is permitted development under this Order. If the proposal is considered to be permitted development under the provisions of this Order development can commence in accordance with the agreed details and subject to the conditions. However, if the details are considered unacceptable, the proposals would not be permitted under the provisions of this Order, and a planning application will be required.

Table 1

'Notification of Development under the LDO' process		
	Information Required	**Reason**
1	**Notification of Development under the LDO Form:** A completed Notification of Development under the LDO Form, included in appendix D, shall be completed and submitted to the Local Planning Authority.	In order to determine whether the proposed development is permitted under the provisions this Order.
2	**An EIA Screening Opinion request:** For sites of 0.5ha and greater, a request for an Environmental Impact Assessment Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any subsequent amended legislation) shall be submitted to the Local Planning Authority for assessment. The request must be supported by the other information detailed in this table. The Local Planning Authority will provide the applicant with a formal Screening Opinion within 28 days of the submission of the information listed in this table. Additionally, the Local Planning Authority may provide the application with a Screening Opinion if they anticipate any significant environmental impacts, regardless of the size of the site.	In order to determine whether the proposed development requires an EIA.
3	**Proposal Details:** Full details including location plan, site plan and proposed plans and elevations shall be submitted	In order to determine whether the proposed development is permitted under the provisions this

	to the Local Planning Authority. The plans shall specifically show the following details: - Landscaping details to include quantities, densities, species and planting schedule; - External lighting to include LUX levels at nearest first floor habitable windows if needed; - Car parking layout; - Cycle store details including location and design of store; - Details of new/existing accesses including sightlines; - Sustainable drainage details to deal with surface and foul water; - Details of site access to include, siting, method of constriction, and pedestrian and vehicle visibility splays; - Details of	Order and to safeguard visual amenity and the amenities of the surrounding residential occupiers in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
4	**Noise:** A Noise Impact Assessment shall be submitted to the Local Planning Authority outlining the potential sources of noise generation, and how these may have a negative effect on local amenity. The assessment shall also outline how the developer intends to overcome these issues, to accord with the noise conditions in table 2 appendix C. For uses where plant and/or machinery, including extraction equipment, is required, plans shall be submitted to the Local Planning Authority showing details of the location, design and appearance of any external flue and technical specification of the proposed plant. The technical specifications shall include:- • A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc) • The noise levels generated by the fan in decibels (dB) at a specified distance (i.e. 1.0m / 3,0m / etc) • Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed.	To ensure the proposed development does not have an adverse impact on residential amenity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
5	**Contamination:** A site assessment and, if required, a remediation	To ensure that risks from land contamination to the future users of the land

	scheme to deal with the risks associated with contamination of the site for the intended use shall be submitted in respect of: • Operational development in areas overlying made ground to determine if there is contamination of the site and associated mitigation measures are required. • Operational development on land that has historically been used for industrial purposes as it is likely to be contaminated. I note that all of the land within areas 1, 2, 3, 4, 5a and 5b shown on plan 1 appendix E would fall within either of these categories and would therefore require the submission of a site investigation. The assessment shall include: 1) A preliminary risk assessment, which has identified: o all previous uses o potential contaminants associated with those uses o a conceptual model of the site indicating sources, pathways and receptors o 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.	and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
6	**Air Quality:** An Air Quality Assessment shall be submitted to the Local Planning Authority for applications that require a Transport Assessment and significantly alter the traffic composition in an area (i.e. bus stations, HGV Parks etc) include proposals for new car parking (>300 spaces) or coach / lorry parks.	In the interests of air quality in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

	(NOTE: As the National Waste Management Plan remains unpublished, PPS10 – Planning for Sustainable Waste Management is still relevant. Guidance contained within PPG 10 – Planning for Sustainable Waste Management advises that it should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority).	
7	**Highway Safety:** A Transport Statement or Assessment, to include Travel Plan, in accordance with 'Guidance on Transport Assessments' (DfT/CLG, 2007) shall be submitted to the Local Planning Authority for any development where the gross external floorspace in total exceeds the following thresholds (including changes of use): - B1 (a) (b) or (c) - >1,500sqm; - B2 - >2,500sqm; - B8 - >3,000sqm; - Sui Generis (Environmental Technology Uses) - >1,000sqm. Where the Local Planning Authority confirms that development is permitted under this order, and is satisfied with the recommendations of the Transportation Statement/Assessment, the development shall only be implemented in accordance with any agreed mitigation measures. The Transportation Statement or Assessment shall also include the following details: • Affiliation to Travelwise (if more than 50 employees); • Construction management plan; • Details of a package of highway works that fall within s278 such as bellmouth agreements, relocation of street furniture, traffic regulation orders etc.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.38 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
8	**Ecological Surveys:** A bat survey shall be submitted to the Local Planning Authority prior to the demolition of any building or structure, which shall, if required, include details of mitigation. Additionally, an Extended Phase 1 Habitat Survey, to include details of any required mitigation, compensation and enhancement measures, shall be submitted to the Local Planning Authority for	In order to safeguard any protected species present on the site in accordance with Paragraphs 3.37-3.40 of the Birmingham UDP 2005, the National Planning Policy Framework, the Nature Conservation Strategy for Birmingham SPG, the Conservation of Habitats and Species Regulations

	any operational development within 100m of the following: • Wildlife Corridors along the Grand Union Canal, River Cole and Birmingham to London (Marylebone) Railway Line; • A Site of Importance for Nature Conservation (SINC); • A Site of Local Importance for Nature Conservation (SLINC).	2010, and the Wildlife and Countryside Act (As amended) 1981. .
9	**Flood Risk and Drainage:** A Flood Risk Assessment (FRA), including mitigation measures, shall be submitted to the Local Planning Authority for any development within Area 2 or 5a, shown on plan 1 in appendix E. However, for changes of use to B1, B2 and B8 uses and the sui generis environmental technologies and energy recovery uses and for non-residential extensions with a footprint of less than 250sqm within this area, the applicant will be required to follow the Environment Agencies online Flood Risk Standing Advice and complete and submit the online pro-forma to the Local Planning Authority to demonstrate that flood resiliency and resistancy has been incorporated into the proposed design. In Areas 1, 3, 4 and 5b shown on plan 1 in appendix E, any developments with a site area of 1ha or more will need to be supported by a FRA.	To reduce the risk of flooding to the proposed development and future occupants in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
10	**Archaeological Matters:** For operational development falling within any of the brown hatched areas, as shown on plan 1 appendix E, a programme of archaeological work, including details of excavation, post-excavation analysis and publication of a report is required, to be submitted to the Local Planning Authority. If appropriate excavation details cannot be agreed, then the development would not be permitted under this Order.	In order to safeguard the sites of known archaeological significance and to ensure that the archaeological remains are observed and recorded during development in accordance with Paragraphs 3.31 and 8.36 of the Birmingham UDP 2005, the National Planning Policy Framework and the Archaeology Strategy SPG.
11	**Hazardous Installation** For any development falling within the middle or outer zone of the hazardous installation identified	In order to secure the satisfactory development of the application site in accordance with

	on Plan 2 Appendix E, the Local Planning Authority would enter the proposal details into the Health and Safety Executive on-line software support tool - the PADHI+ system (Planning Advice for Developments near Hazardous Installations). This is a codified version of the HSE's land use planning methodology available for Local Planning Authorities to use. If a problem was identified at this stage, the enquiry would be deemed not to be permitted under the Local Development Order.	Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
12	**Tree Survey:** For any development that affects or removes trees or hedges on, or adjacent to, the proposed site should be accompanied by a full Tree Survey in accordance with 'BS5837: Trees in relation to design, demolition and construction – Recommendations'.	
13	**Other Matters:** The applicant must first obtain written approval from the Canals and Rivers Trust for all development falling within area 4, shown on plan 1 in appendix E and this written approval from the Canals and Rivers Trust shall be submitted to the Local Planning Authority as part of the 'Notification of Development Under the LDO' process. Failure to provide written approval from the Canals and Rivers Trust will mean that the development cannot be considered permitted under this Order and will require the submission of a planning application. The applicant must also obtain written approval from Network Rail for any development falling within the area hatched green on plan 1 in appendix E. This written approval from Network Rail shall then be submitted to the Local Planning Authourity as part of the 'Notification of Development Under the LDO' process. Failure to provide written approval from the Network Rail will mean that the development cannot be considered permitted under this Order and will require the submission of a planning application.	In order to secure the satisfactory development of the application site and to protect the Grand Union Canal in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework. In order to secure the satisfactory development of the application site and to protect the operational railway in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Appendix C

General LDO Conditions:

This LDO grants planning permission (as detailed) only. It remains necessary for all LDO permitted development to comply with relevant licences, permits and controls required under other legislation.

The LDO is subject to conditions which are detailed in Table 2 Appendix C. For development to be permitted under LDO the development must strictly comply with these conditions.

Table 2

General conditions	Reasons
Energy Efficiency	
All buildings must be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings as a minimum.	To ensure new development is energy efficient.
Noise	
The rating levels for cumulative noise from all activities, including plant and machinery, shall not exceed 5dB(A) below the existing LA90 background levels and 10dB(A) below the existing LAeq at any noise sensitive premises adjacent to the development as assessed in accordance with British Standard 4142 (1997) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.
Before the industrial plant and machinery is used on the premises it shall be mounted in a way that will minimise the transmission of noise and vibration, in accordance with a B6472 and EPU Planning Consultation Guidance Note 1 (Noise and Vibration) and NPPF compliant scheme to be submitted to and approved in writing by the Local Planning Authority before the development hereby approved takes place.	In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Contamination

Prior to the occupation of any part of the site, 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, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.	In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework

Storage

Loading/unloading of vehicles shall only take place within the buildings hereby approved.	In order to define this permission, in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.38 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework
No equipment, raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the buildings or storage areas approved by the Local Planning Authority in writing.	In order to define this permission in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Transportation

All redundant footway crossings shall be restored to Birmingham City Council specification before the use commences.	In the interests of highway safety in accordance with Paragraphs 6.38 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.
No building shall be occupied until the parking area has been laid out and surfaced in accordance with the details agreed as part of the 'Notification of Development Under the LDO Process'. These areas shall not be used for other than their designated purpose.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39

	of the Birmingham UDP 2005 and the National Planning Policy Framework.
The building(s)/site/premises/dwellings(s) shall not be occupied until a means of vehicular/pedestrian and/or cyclists access has been constructed in accordance with the details agreed as part of the 'Notification of Development Under the LDO Process'.	In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Design

The erection of new buildings or extensions are not permitted within 10m of the curtilage of existing residential properties.	In the interests of visual amenity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.
The erection of all new buildings or extensions shall be in accordance with the guidance contained within Places for All, adopted as Supplementary Planning Guidance.	In the interests of visual amenity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Other Matters

Vehicles transporting waste to and from the site shall be sheeted at all times, apart when during loading and unloading within the building.	In order to secure the satisfactory development of the application site and in the interests of aerodrome safety in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Places for All SPG and the National Planning Policy Framework.
Soft landscape works and building design shall take account of CAA Advice Note 3 'Potential Bird Hazards from Amenity Landscaping	To ensure a high quality of external

and Building Design', and minimise the use of plant species highlighted in Chapter 3, Page 5, Paragraph 4.4.3 of CAP772 'Bird strike Risk Management for Aerodromes'.	environment and in the interests of aerodrome safety in accordance with Paragraphs 3.8, 3.10, 3.14 and 3.16A of the Birmingham UDP 2005, Places for All SPG and the National Planning Policy Framework.
The development shall only be implemented in accordance with all mitigation measures approved by the Local Development Order pursuant of the 'Notification of Development under the LDO' process set out in table 1 appendix B, as set out in the following assessments: • Transportation Assessment; • Noise Assessment; • Site Assessment and Remediation; • Flood Risk Assessment; • Archaeological Assessment; • Ecological Assessments/Phase I Habitat Assessments.	In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10, 3.14, 3.16A, 6.38 and 6.39 of the Birmingham UDP 2005, Places for All SPG and the National Planning Policy Framework.
The development hereby permitted shall be begun before the expiration of 3 years from the date of written confirmation that the development conforms with the provisions of the Local Development Order.	In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

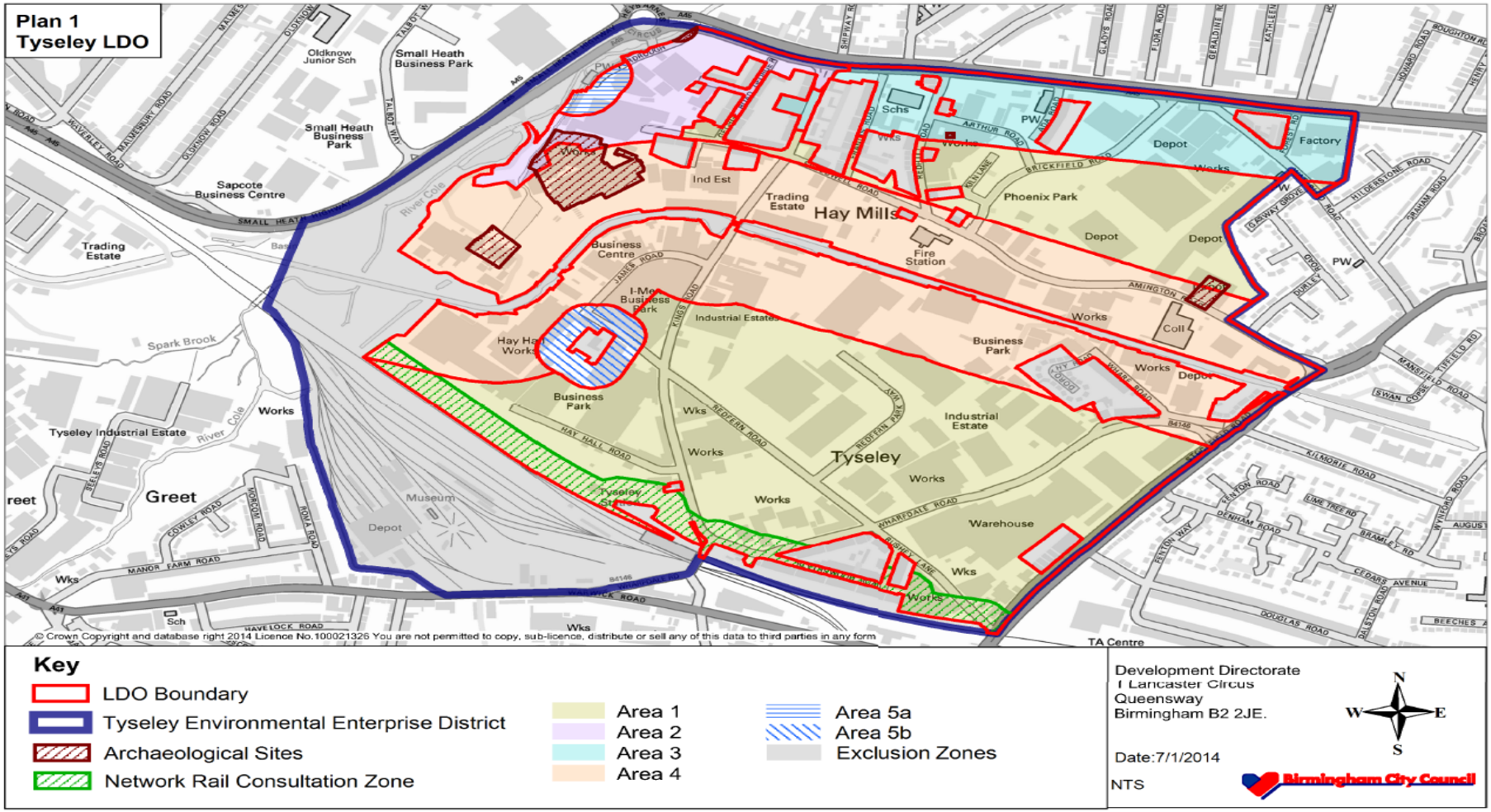
Appendix D

Notification of LDO Development Form:

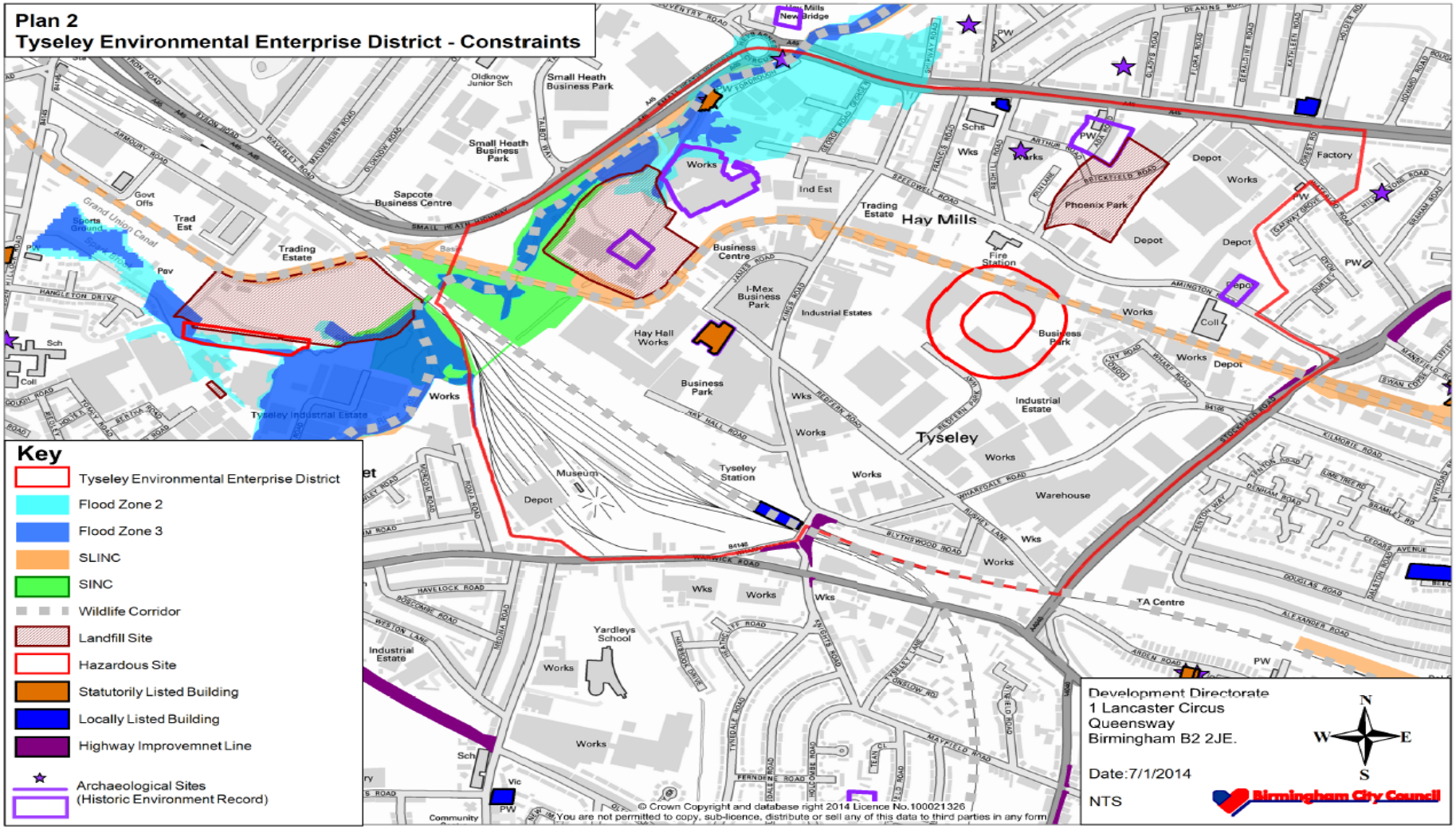
1. Application Name(s):	
2. Agent Name (if applicable):	
3. Description of Proposal, including description of any industrial activities and processes involved:	
4. Site Address:	
5. Materials to include manufacturers brochure or website link (only required where new build or extensions are proposed, or where new car park or boundary treatment is proposed alongside a change of use):	Roof – Windows – Walls – Car park – Boundary treatment (including height) –
6. Vehicle Parking (existing and proposed):	Cars – Light goods/public carrier vehicles – Motorcycles – Disability spaces – Cycle spaces – Other –
7. Description of Existing Use of the site? If vacant please specify and indicate the last known use:	
8. Floor space proposed:	
9. Existing and Proposed Numbers of Employees:	
10. Operating Hours, if 24 hours please specify which activities are 24 hours and whether they occur internally or externally:	
11. Delivery Hours:	
12. Site area:	
13. Floor area:	
14. Number of storeys:	
15. Is any hazardous waste involved? If so, please list	
16. Please specify any existing buildings that are to be demolished, include details of the method of demolition and the size of the building to be demolished	

Appendix E

Plan 1 - Proposed LDO Area



Plan 2 - Map of Constraints



Appendix F

Table of General Limitations:

	a) Change of use of existing buildings to use classes B1(b), B1(c), B2 or B8 uses, or for environmental technology and/or energy recovery uses deemed to be Sui Generis.	**b) Erection of new buildings for use within classes B1(b), B1(c), B2 or B8, or for Environmental Technology and/or Energy Recovery uses deemed to be Sui Generis.**	**c) The installation of stack(s) to be used in association with B1(b), B1(c), B2 or B8, or for Environmental Technology and/or Energy Recovery uses deemed to be Sui Generis.**	**d) Enlargement of existing buildings in use under classes B1(b), B1(c), B2 or B8 uses, or for Environmental Technology and/or Energy Recovery uses deemed to be Sui Generis**
Area 1	Is permitted to an unrestricted maximum floorspace	Is permitted providing they do not exceed 152m Above Ordnance Datum (AOD) or 15m in height (whichever is lower) and providing the gross external floorspace of the new building is not greater than 5000sqm.	Is permitted providing they do not exceed 152m Above Ordnance Datum (AOD)	Is permitted providing they do not exceed the height of the highest part of the existing building and providing the gross external floorspace of the extension is not greater than 5000sqm
Area 2	Is permitted to an unrestricted maximum floorspace	Not permitted	Is permitted providing they do not exceed 152m Above Ordnance Datum (AOD)	Is permitted providing they do not exceed the height of the highest part of the existing building and providing the gross external floorspace of the extension is not greater than 250sqm.
Area 3	Is permitted to an unrestricted maximum floorspace	Not permitted	Not permitted	Is permitted providing they do not exceed the height of the highest part of the existing building and providing the gross external floorspace of the extension is not greater than 250sqm.
Area 4	Is permitted to an unrestricted	Is permitted providing they do	Is permitted providing they	Is permitted providing they

	maximum floorspace	not exceed 152m Above Ordnance Datum (AOD) or 15m in height (whichever is lower) and providing the gross external floorspace of the new building is not greater than 5000sqm	do not exceed 152m Above Ordnance Datum (AOD)	do not exceed the height of the highest part of the existing building and providing the gross external floorspace of the extension does not exceed 5000sqm
Area 5a & 5b	Is permitted to an unrestricted maximum floorspace	Not permitted	Not permitted	Not permitted

Appendix G

Tyseley Local Development Order (LDO) – Equalities Analysis

Background – Tyseley
Tyseley is located within the South Yardley Ward and the population trends, as per the 2011 census data are as follows:

- 30,786 residents;
- Average (mean) age of residents is 33.5%, compared to Birmingham's average age of 35.3%;
- 30% of residents are aged between 24-44, 27% are aged between 0-15 and 20% are aged between 45-64;
- 55% of residents are white (British, Irish and Other);
- 3% of residents are mixed/multiple ethnicity;
- 34% of residents are Asian (including Indian, Pakistani, Bangladeshi or Other);
- 6% of residents are Black African (African, Caribbean or Other);
- 3% are within Other Ethnic Groups.

Within the South Yardley Ward there are 19,184 residents aged between 16-64 and 13,421 (70%) of these residents are economically active. The key figures are:

- 58% of residents are in either full or part time employment;
- 9% are classed as unemployed;
- This is compared to an unemployment rate of 8% for Birmingham as a whole and 5% for England;
- 2% of the unemployed residents have never worked;
- 3% are classed as long term unemployed.

Tyseley Industrial Area / Economic Zone Development
The Tyseley Industrial Area covers over 230 businesses and around 100 hectares of traditional industrial and employment land. As well as being recognised as an important industrial location it has been identified as needing investment in the physical environment - particularly in under utilised sites and premises.

The Prospectus for the Economic Zones; Investing in Birmingham and the draft Birmingham Development Plan Tyseley Environment Enterprise District (TEED) have identified Tyseley as a principal location in Birmingham for CO2 reduction as part of a low carbon, low waste economy through encouraging recycling, energy production and renewables including manufacturing and supply chain development.

Local Development Order (LDO)
The aim of the LDO is to help to provide the conditions to stimulate new economic development through reducing costs and providing certainty for potential developers and businesses though a simplified planning process.

The development permitted by the LDO will be subject to general limitations, set out in Appendix A, and safeguarding conditions, set out in Appendix C, which seek to protect the amenities of the existing residential occupiers affected by development within the LDO area. Furthermore, the local and wider population will benefit from new job opportunities created by any development permitted by the LDO.

Consultation Methodology
All residents will be given an opportunity to comment on the LDO:

* A hard copy of the LDO will be sent to all local residents
* LDO will also available to view on the BCC website / Be Heard consultation platform;
* Comments can e returned by post, email, Be Heard or by phone

All representations will be recorded and taken into account when considering potential modifications to the draft LDO. Thereafter the modified draft LDO and statement of reasons shall be forwarded to the Secretary of State for adoption.

Monitoring
It is proposed that the LDO is operational for 3 years, during which time it will be monitored to assess any new development and employment that has been created through the LDO.

The LDO can be modified during its lifetime to take into account changing circumstances including impacts on local residents.

Conclusion
The LDO, which will increase investment via permitted development rights, represents one of the measures employed by the City Council that will support development of the Tyseley Environment Enterprise District. It is anticipated that this Economic Zone will ultimately provide in excess of 100,000sqm of new floorspace as well as 1,500 jobs.

The Tyselely LDO will support equality of opportunity in an area of relatively high unemployment by encouraging development and creating the conditions for private sector job creation.

From the initial analysis it is felt that the LDO will not disproportionately affect one protected group over another and will contribute to equality of opportunity by providing the conditions for development and further employment. This assumption will be tested through the consultation process which will ensure that all members of the local community have opportunity to respond to the LDO proposals and will be assessed through ongoing monitoring of the LDO.

Appendix H

List of Useful Documents:

- National Planning Policy Framework (2012);
- Adopted Unitary Development Plan (2005);
- The Draft Birmingham Development Plan;
- Prospectus for the Economic Zones; Investing in Birmingham;
- Places for All – SPG;
- Car Parking Guidelines – SPD;
- Guidance on Transport Assessment (DfT/CLG, 2007);
- PPS 10 – Planning for Sustainable Waste Management;
- www.environment-agency.gov.uk/research/planning/33098.aspx
- www.birmingham.gov.uk/tpap

List of Useful Contacts:

- Planning – t: 0121 675 3760 e: planningandregenerationenquiries@birmingham.gov.uk
- Regeneration – t: 0121 303 3692 / 464 9861 e: planningandregenerationenquiries@birmingham.gov.uk
- Transportation – t: 0121 303 4806 e: planningandregenerationenquiries@birmingham.gov.uk
- Regulatory Services – t: 0121 303 9954 / 9957 e: planningandregenerationenquiries@birmingham.gov.uk
- Ecologist – t: 0121 303 2185 e: planningandregenerationenquiries@birmingham.gov.uk
- Tree Officer – t: 0121 303 4172 e: planningandregenerationenquiries@birmingham.gov.uk
- Building Consultancy – t: 0121 675 7006
- Environment Agency – t: 03708 506 506 e: utplanning@environment-agency.gov.uk
- Canals and Rivers Trust – t: 01827 252067 e: katherine.burnett@canalrivertrust.org.uk
- Birmingham Airport – t: 0121 767 7073 e: andrew.Davies@birminghamairport.co.uk

- Health and Safety Executive – t: 0114 291 2357 e: John.Moran@hse.gsi.gov.uk

- Network Rail – e: TownPlanning.LNW@networkrail.co.uk or AssetProtectionLNWSouth@netwokrail.co.uk