

DECISION DOCUMENT

APPLICATION NUMBER: 2021/02972/PA

TOWN AND COUNTRY PLANNING ACT 1990

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Section 73 application to vary conditions 3, 17, 19, 20, 21, 22, 34 and 35 attached to planning permission 2019/00108/PA to relocate Peddimore Brook vehicular crossing, re-align northern boundary of Development Zone 1A, incorporate minor changes to the internal spine road and structural landscaping (including paths), reposition pumping station, reduce plateau levels of Development Zones 1A, 1B and 2, rationalise quantum of maximum floorspace and increase maximum building heights at Development Zone 1A and variation of conditions 5, 7, 8, 9, 14, 24, 25 and 37 to reflect approved non-material amendments and agreed discharge conditions details pursuant to 2019/00108/PA.

at

Peddimore, Land north of Minworth, east of A38 and west of Wiggins Hill Road, Sutton Coldfield, Birmingham, B76

Conditions that affect this development or use

Full Planning Permission:

-
- 1 Implement within 3 years (Full).
The parts of the development for which full planning permission is hereby permitted shall be begun before the 2nd September 2022.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

 - 2 Requirement to enter into a legal agreement.
No works permitted in full by this planning permission shall be carried out under this planning permission (save for preparatory works of surveying, testing, sampling, soil tests, pegging out, tree protection, archaeological investigation, construction of temporary boundary fencing hoardings, works of demolition, works of remediation and decontamination in accordance with the relevant planning conditions and including any necessary service diversions and the erection of contractors compounds) unless and until all estates and interests that need to be bound to ensure satisfactory enforcement of the obligations contained in the planning agreement associated with this planning permission (and any subsequent modifications to it from time to time) have been bound or made subject to the planning obligations within the planning agreement associated with this planning permission (and any subsequent modifications to it from time to time) and other provisions relating thereto to the reasonable satisfaction (as confirmed in writing) of the LPA.
Reason: To secure the obligations within the planning agreement which is required to ensure the development complies with the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 3 Requires the scheme to be in accordance with the listed approved plans. The development hereby approved shall be implemented in general accordance with the details submitted with the application and shown on the following drawings: Site Location Plan 17046_P0001 rev G, Parameters Plan for Outline Elements 17046_P0002 rev T, Detailed Infrastructure Plan 17046_P0004 rev T, Sitewide Fencing Plan 17046_P0008 rev F, Gatehouse Layout & External Finishes 17046_P1001 rev H, Gatehouse Elevations 17046_P1002 rev E, Gatehouse HGV & Car Tracking 17046_P1003 rev C, Gatehouse Plan 17046_P1004 rev A, Primary Substation General Arrangement 17046_P5000 rev A, Foul Water Pumping Station Plan & Elevations 17046_P5001 rev C, Street Lighting Substation 17046_P5002 rev B, Onsite Highway Engineering Layouts PED-BWB-DGN-OH01-DR-C-0100 rev P6, OH02-DR-C-0101 rev P3, OH03-DR-C-0102 rev P5, OH04-DR-C-0103 rev P3, OH05-DR-C-104 rev P4, XX-DR-C-0112 rev P3, XX-DR-C-0113 rev P3, XX-DR-C-0114 rev P3, XX-DR-C-0650 rev P1, XX-DR-C-0130 rev P5, Outline Development Platform for Amenity Area Brook Corridor General Arrange & Section PED-BWB-DGN-XX-DR-C-0139 rev P3, Indicative Plateau Levels and Earthworks zone 1A/1B PED-BWB-HGT-XX-DR-D-602 rev P9, Indicative Plateau Levels and Earthworks Zone 2 PED-BWB-HGT-XX-DR-D-604 rev P13, Earthworks Cross Section PED-BWB-HGT-XX-DR-D-610 rev P6, Strategy for Public Rights of Way and Permissive Paths PED-BWB-GEN -XX-TR-DR-007 rev P16, Green and Blue Infrastructure Landscape Strategy Plan 17-098-05 rev S, Blue Infrastructure Landscape Strategy 17-098-10 rev G, Detailed Infrastructure Planting Proposals 17-098-12 rev T, 13 rev Q, 14 rev I, 15 rev I, 16 rev I, 17 rev G, 18 rev K, 19 rev K, 20 rev L, 21 rev F, Tree Protect Plans 17-098-024 rev F, 025 rev F, Landscape Cross Section: Northern Boundary & Hub Zone Boundary 17-098-026 rev K, Indicative Watercourse Pedestrian Footbridge Crossing Detail PED-BWB-DGN-XX-DR-C-0136 rev P1, Footpath Construction Details 17-098-028 rev B and Plant Schedule 17-098-035 rev B ('the approved plans'). Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 4 Limit construction and earthwork hours to 07:00 to 19:00 Mon to Fri and 08:00 to 13:00 Sat, except highway works.
With the exception of works pursuant to any Section 278 Agreement and works to the north of the spine road and west of Peddimore Brook, the construction works, including earthworks, shall be limited to the following hours: 07:00 to 19:00 Monday to Friday; 08:00 to 13:00 on Saturday; and no working on Sundays or Bank Holidays. Works within the area north of the spine road and west of Peddimore Brook shall be limited to the following hours: 8am to 6pm Monday to Friday and 8am to 1pm Saturday and no work on Sundays or Bank Holidays.
Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 5 Archaeology written scheme of investigation.
The development hereby approved shall be carried out in accordance with the approved Written Scheme of Investigation (Version 3) (September 2019), Archaeological Evaluation (Version 1) (February 2020), Written Scheme of Investigation (Version 3) (November 2020) and Archaeological Evaluation Report MK195/19 (10 Feb 2020) as agreed under 2019/08178/PA, 2020/07575/PA and 2021/05260/PA. The programme of post-excavation assessment, reporting, dissemination of the results and deposition of the archaeological archive shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the approved WSIs.
Reason: To ensure that accidental damage is not caused to a site of archaeological interest from the development hereby approved in accordance with Policy TP12 of the Birmingham Development Plan 2017 and saved Paragraph 8.36 of the Birmingham UDP 2005, the National Planning Policy Framework and the Archaeology Strategy SPG.

- 6 Employment minimum of 60 person weeks per £1m for new entrants.
A minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site will be provided for New Entrants whose main residence is in the Local Impact Area identified from Birmingham City Council's Employment Team or an alternative source agreed by the Council provided always that each New Entrant is suitably qualified for the relevant role. The opportunity can be as an 'apprentice', 'graduate', 'new entrant (job start)', or 'work placement'. The following can be counted as a New Entrant:
- A person that is leaving, or in an educational establishment (e.g. school, college or university) or a training provider; or
 - An unemployed adult seeking employment that includes on-site training and assessment and/or offsite training; or
 - A person who's current employment is at risk of termination, or redundancy, including New Entrants employed by another contractor or supplier to the Council whose contract of employment or apprenticeship agreement is being terminated and who is therefore seeking another position to complete their training period.
- Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP26 Local Employment of the Birmingham Development Plan 2031 and the National Planning Policy Framework.
-
- 7 Requires stopping up order for Peddimore Lane and provision of access.
Following the stopping-up of Peddimore Lane and until the A38 roundabout and internal spine road are operational to the extent required by the Local Highway Authority a right of access shall be maintained for the properties accessed from Peddimore Lane to the north of the application site.
Reason: In order to deliver the Peddimore Growth Area in the Birmingham Development Plan (Policy GA6) and the development hereby permitted it is necessary to stop-up this section of Peddimore Lane as it extends across proposed structural landscaping and it extends across a Development Zone where plateaus will be created during construction.
-
- 8 Requires stopping up of Wishaw Lane.
Wishaw Lane must have been stopped up prior to any works that affect Wishaw Lane being carried out.
Reason: In order to deliver the Peddimore Growth Area in the Birmingham Development Plan (Policy GA6) and the development hereby permitted it is necessary to stop-up this section of Wishaw Lane as it extends across proposed structural landscaping and it extends across Development Zones where plateaus will be created during construction.
-
- 9 Requires PROW stopping up.
PROW 2086 must have been stopped up prior to any works that affect PROW 2086 being carried out.
Reason: In order to deliver the Peddimore Growth Area in the Birmingham Development Plan (Policy GA6) and the development hereby permitted it is necessary to stop-up of PROW ID 2086 as it connects to Wishaw Lane which also needs to be stopped-up, the PROW extends across areas of structural landscaping and the PROW extends across Development Zones where plateaus will be created during construction.
-
- 10 A38 access to be provided prior to any above ground work on site.
The A38 access hereby approved shall be operational to the extent required by the Local Highway Authority prior to any above ground works commencing on the site to the east of the A38. The access shall be substantially completed in accordance with the Section 278 Agreement prior to the first occupation of any building, except for the main site gatehouse.
Reason: In the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 11 A38 access and bridge to be provided prior to occupation.
Prior to the first occupation of the development hereby permitted, the A38 access including the pedestrian and cycle bridge hereby approved shall be constructed in general accordance with the following drawings: PED-BWB-HDG-01-DR-C-0504-P1, PED-BWB-HDG-01-DR-C-0505-P1, PED-BWB-HGN-01-DR-C-0101-P4 and PED-BWB-HGN-01-DR-C-0111-P1 (or as amended by Road Safety Audit or Section 278 Agreement).
Reason: In the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 12 Bunds and strategic landscaping to be commenced within the first planting season following commencement and completed within the first planting season following first occupation.
The bunds and strategic landscaping hereby approved shall be commenced in accordance with the approved landscaping details and within the first planting season following commencement of the development and shall be completed during the first planting season following first occupation.
Reason: In order to secure a satisfactory development in accordance with Policies PG3 and G6 of the BDP and the National Planning Policy Framework.
-
- 13 Work to be carried out in accordance with ecology surveys and reports.
The development hereby permitted shall be implemented in accordance with the mitigation and recommendations contained within the Construction Environmental Management Plan (January 2019) (CEMP), Construction Ecological Management Plan Middlemarch Environmental (December 2018) ref. RT-MME-128681-02 Rev A (CEcMP) the Framework Ecological Mitigation Strategy Middlemarch Environmental (19th December 2018) ref. RT-MME-128681-01 Rev A (FEMS), the Preliminary Bat Roost Feature Inspection Survey report (Middlemarch Environmental, 19th February 2019; ref. RT-MME-127707-09) and the Dusk Emergence and Dawn Re-entry Bat Surveys report (Middlemarch Environmental, 1st July 2019; ref. RT-MME-130710-02-Rev A).
Reason: In the interest of the protection of the wildlife value of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
-
- 14 Requires bird/bat boxes.
The development hereby approved shall be carried out in accordance with the number, design, location and post-development monitoring arrangements of bird nesting boxes / bat boxes / bricks / tubes as illustrated in plan C128681-Bat&BirdBoxes (Rev 0) as agreed by 2019/09735/PA. The bird/ bat boxes shall be installed in accordance with the approved details and thereafter maintained.
Reason: To enhance the nature conservation interest of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
Reason: To enhance the nature conservation interest of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 15 Requirements within pre-defined tree protection areas
The protection of any existing tree to be retained in accordance with the approved plans and particulars (17-098-024 and 17-098-025 tree protection plan East and West) shall be achieved as follows: a) no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars as referenced above which shall have been previously submitted to and approved by the Local Planning Authority in writing; b) if that fencing is broken or removed during the course of carrying out the development it shall be immediately repaired or replaced to the satisfaction of the Local Planning Authority; c) the fencing shall be maintained in position to the satisfaction of the Local Planning Authority until all equipment, machinery and surplus materials have been moved from the site; d) within any area fenced in accordance with this condition nothing shall be stored placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing or use of other contamination materials or substances shall take place, nor shall any fires be lit without the prior written consent of the authority; and e) no equipment, machinery or structure shall be attached to or supported by a retained tree. These measures shall apply for the duration of the construction phase and until all equipment; machinery and surplus materials have been removed from the site.
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 16 Requires tree pruning protection
All tree work shall be carried out in accordance with British Standard BS3998 'Recommendations for Tree Work' (2010 and any subsequent edition).
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 17 Work to be in accordance with FRA.
The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (titled "PEDDIMORE Flood Risk Assessment", revision P06, revision dated 19/02/2019, FRA dated January 2019) and the Addendum to Flood Risk Assessment, Sustainable Drainage Statement and Water Framework Directive (dated 31 March 2021) and the following mitigation measures detailed therein. In accordance, with Table 5.1 of the original FRA, all finished floor levels should be set at least 600mm above the 1 in 100 year plus climate change flood level.
Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the adopted Birmingham Development Plan 2017.
-
- 18 Drainage method statement for Peddimore Brook works.
No works to the Peddimore Brook shall take place until a working method statement to cover all channel / bank works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and thereafter maintained.
Reason: To ensure that the proposed development complies with the adopted Birmingham Plan 2017.
-
- 19 Realignment of Peddimore Brook.
The realignment of the watercourse known as the Peddimore Brook shall be completed in accordance with Section 4.4 of the submitted flood risk assessment (FRA) (titled "PEDDIMORE Flood Risk Assessment" revision P06 and BWB Drawing's "TYPICAL WATERCOURSE SECTION", reference PED-BWB-DDG-XX-DR-C-0555, revision P2 and "WATERCOURSE DIVERSION GENERAL ARRANGEMENT", reference PED-BWB-DDG-XX-DR-C-0550, revision P4. The realignment works are to be completed and operational prior to any above ground works of the outline Development Zones.
Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the adopted Birmingham Development Plan 2017.

- 20 Earthworks and levels to be as detail on plans.
The completion of the site strategic earthworks, including development plateaus 1A, 1B, and 2, are to be completed in accordance with BWB Drawing's "INDICATIVE PLATEAU LEVELS AND EARTHWORKS - ZONE 1A/1B", drawing reference PED-BWB-HGT-XX-DR-D-602, revision P9 and "INDICATIVE PLATEAU LEVELS AND EARTHWORKS - ZONE 02", drawing reference PED-BWB-HGT-XX-DR-D-604, revision P13. These works shall be fully implemented for any plot within a Development Zone prior to first occupation of that plot.
Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the adopted Birmingham Development Plan 2017.
-
- 21 Surface water management scheme as shown on plans.
The proposed site wide infrastructure including surface water management scheme and enhancement of the Peddimore Brook shall be undertaken in accordance with the submitted plans Proposed Surface Water Drainage Zone 1A PED-BWB-DDG-XX-DR-C-0500 rev P8, Proposed Surface Water Drainage Zone 1B PED-BWB-DDG-XX-DR-C-0501 rev P8, Proposed Surface Water Drainage Zone 2 PED-BWB-DDG-XX-DR-C-0502 rev P8. The infrastructure shall be phased and implemented in accordance with the approved details before the development is completed and thereafter maintained.
Reason: To ensure that the proposed development complies with the adopted Birmingham Plan 2017.
-
- 22 Foul drainage scheme as shown on plans.
The primary foul water drainage infrastructure shall be implemented in accordance with the submitted plans PED-BWB-DDG-XX-DR-C-0510_S8_P9, PED-BWB-DDG-XX-DR-C-0511_S8_P9, and PED-BWB-DDG-XX-DR-C-0512_S8_P9, prior to the occupation of any building and thereafter maintained in accordance with submitted document PED-BWB-ZZ-XX-RP-0001_SDS_S2_P06 and the Addendum to Flood Risk Assessment, Sustainable Drainage Statement and Water Framework Directive (dated 31 March 2021).

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
-
- 23 Requires the prior submission of unexpected contamination details if found on a phased basis
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared for that phase of development, submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land 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 Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 24 Requires gatehouse materials.
The development shall be implemented in accordance with the approved gatehouse materials as illustrated in 17046_P1002E Gatehouse Elevations and Gatehouse Materials Board (dated 15 July 2020) as agreed by 2020/05744/PA.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 25 Requires green/brown roof for gatehouse.
The development shall be implemented in accordance with the approved green/brown roofs as illustrated in 17046_P1005A and Green Roof Specification (RT-MME-153059) (dated 10 July 2020) as agreed by 2020/05744/PA and thereafter maintained.
Reason: To improve the landscape character and biodiversity of the area in accordance with Policies PG3, TP7 and TP8 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham Unitary Development Plan 2005, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
-
- 26 Requires the submission of detail of materials for pumping stations etc.
Details of the materials to be used in the construction of the external surfaces of the substation and pumping stations, including details of the fencing, hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 27 Spine road lighting as per details.
Prior to the first occupation of any industrial unit the street lighting of the spine road hereby approved shall be installed in accordance with the details shown on the MBA plan 18-073-PL-001 PL6 within the External Lighting Assessment Report Addendum (April 2021).
Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.
-
- 28 Public art.
A Public Art Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority before 31st December 2021. Implementation of the Public Art Implementation Plan shall be commenced before the development is brought into use. The Public Art Implementation Plan shall be in accordance with the Peddimore Public Art Strategy 2019-2025 and provide further detail on how this strategy shall be delivered in line with the Local Planning Authority's good practice guidelines as of July 2019. Any updates to the Public Art Implementation Plan shall be submitted and approved in writing by the Local Planning Authority also in line with said guidance.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 29 Internal spine road to be completed prior to first occupation of industrial unit.
The internal spine road, excluding any access spur roads servicing any plots or any access spur roads crossing over Peddimore Brook, hereby approved shall be constructed in accordance with the approved details prior to the first occupation of any industrial unit.
Reason: In order to secure the satisfactory development of the application site in the interests of road safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 30 Closure of temporary accesses on completion of the roundabout.
The two temporary construction access points into the site from Walmley Ash Lane will cease to be used as the principal construction accesses once the A38 roundabout has been substantially completed in accordance with the Section 278 Agreement. The temporary construction accesses will thereafter only be used in cases of emergencies or through revisions to the CEMP submitted as part of any reserved matters applications.
Reason: To ensure suitable construction access and minimise the impact on the local highway network and residential properties from the temporary accesses in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 31 Landscape management in accordance with 20 landscape management plan.
The management of the strategic landscaping hereby approved shall be carried out in accordance with the approved 20 Year Landscape Management Plan. This shall include the replanting of any trees or shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously diseased or damaged, within in the next planting season with others of similar size and species.
Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005 and the National Planning Policy Framework.
-

Outline Planning Permission:

- 32 Time limit for Reserved Matters - all reserved matters to be within 10 years.
All applications for approval of reserved matters must be made before 2nd September 2029. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
-
- 33 Requires completion of S106 prior to work on plots.
No commercial unit constructed pursuant to a Reserved Matters Approval may be occupied unless and until all estates and interests that need to be bound to ensure satisfactory enforcement of the obligations contained in the planning agreement associated with this planning permission (and any subsequent modifications to it from time to time) and in respect of the land that is the subject of the Reserved Matters Approval have been bound or made subject to the planning obligations within the planning agreement associated with this planning permission (and any subsequent modifications to it from time to time) and other provisions relating thereto to the reasonable satisfaction (as confirmed in writing) of the LPA. Reason: To secure the obligations within the planning agreement which is required to ensure the development complies with the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 34 Limits the maximum gross floorspace of the units.
The maximum gross (internal) floorspace approved through reserved matters applications shall not exceed 386,809sqm (GIA) comprising up to 228,751sqm (GIA) of ground floor industrial warehousing, ancillary offices, gatehouses and/or the multi-purpose hub building and up to 158,058sqm of mezzanine floorspace (GIA) for Use Class B8 provided within a single warehouse. Of the total industrial warehousing ground floorspace no more than 145,788sqm (GIA) is to be B1c or B2 use as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).
Reason: In order to define the permission and secure the satisfactory development of the application site in accordance with Policy PG3 and GA6 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 35 Limits the use of whole of zone 2 and minimum of 5.09ha of zone 1 to to B1c/ B2.
At least 5.09ha of land within Development Zones 1A and/or 1B and all of the land within Development Zone 2 (24.64ha) shall be developed specifically for B1c/B2 as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification).
Development Zones defined on Drawing No. 17046 P0002 Rev T. To ensure at least 5.09ha of land within Development Zones 1A and/or 1B is developed for these use classes each application for the approval of reserved matters must provide details to specify the area of land to be developed within that specific Development Zone for B1c/B2 purposes and must demonstrate that there remains sufficient remaining land for B1c/B2 development throughout these Development Zones 1A and/or 1B. These details shall be submitted with each application for approval of reserved matters on Development Zones 1A and 1B and shall be approved by the local planning authority prior to the commencement of development of that specific Development Zone.
Reason: In order to define the permission and secure the satisfactory development of the application site in accordance with Policy PG3 and GA6 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 36 Requires the submission of reserved matter details following an outline approval.
Details of the access, appearance, landscaping, layout and scale of any plot within each Development Zone (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins on any plot within each Development Zone and the development shall be carried out as approved.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
-
- 37 Trigger points for works to M42 J9 and M6 J5.
Up to 128,061sqm of B2/B8 floorspace (GIA) (or a different development mix of equivalent peak hour traffic generation) can be occupied without triggering the need for works to M42 J9 or M6 J5. Prior to the first occupation of any floorspace above 128,061sqm (GIA) (or a different development mix of equivalent peak hour traffic generation) within any development zone a programme defining the trigger points for the implementation and completion of schemes of improvement to M42 Junction 9 as shown on drawing: PED-BWB-GEN-XX-DR-TR-011_S2_P5 - M42 JCN 9 Mitigation and at M6 Junction 5 as shown on drawing: PED-BWB-GEN-XX-DR-TR-004_S2_P4 - M6 J 5 Potential Improvement, associated with the phasing and occupation of the development, has been submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority for the M42 and M6 Motorways as detailed within 2020/09373/PA.
Reason: In the interest of maintaining the safe operation of the Strategic Road Network in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 38 Requires works to M42 J9 and M6 J5 to be in accordance with details and timetable.
The full design details of the junction improvement schemes at M42 Junction 9 and at M6 Junction 5 considered under condition 37 shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority for the M42 and M6 Motorways. No plot within any development zone shall be occupied unless this is in accordance with the approved programme for the implementation and completion of schemes of improvement to M42 Junction 9 and M6 Junction 5 detailed in Condition 37. The agreed scheme works shall be fully implemented in accordance with the approved plans. The required highway works to be undertaken in discharge of this condition may be delivered concurrently with, or substituted for, a wider scheme of highways improvement at this junction, as may have been agreed in writing with the Local Planning Authority in consultation with the Highway Authority for the M6 and M42 Motorways.
Reason: In the interest of maintaining the safe operation of the Strategic Road Network in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 39 Requires further traffic surveys for B1b uses.
The first submission of reserved matters for any development which proposes a B1b use as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification) shall include the submission of a Traffic Impact Assessment. The assessment shall include details of updated existing modelling and capacity surveys, predicted traffic movement numbers and an assessment of potential impact. The assessment shall include any mitigation measures required to overcome the impact of the B1b use and a timetable for completion of the mitigation.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 40 Requires updated sustainability and carbon reduction targets with each RM application.
The first submission of reserved matters for any plot within a Development Zone shall include an updated Sustainability and Carbon Reduction Target report demonstrating, as a minimum, compliance with the targets set out in the Sustainability and Carbon Reduction Strategy (Turley, January 2019) submitted with the hybrid application and taking into consideration updates and changes to legislative requirements and available technologies.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP4 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 41 Requires the prior submission of a construction ecological mitigation plan on a phased basis.
The first submission of reserved matters for any plot within a Development Zone shall include an Ecological Mitigation Plan for Construction. The plan shall include:
- An appropriate scale plan showing "Wildlife Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented.
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed.
The development shall be implemented in accordance with the approved details.
Reason: In the interests of nature conservation in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
-
- 42 Requires the submission of a scheme for ecological/ biodiversity/ enhancement measures on a phased basis.
An Ecological Enhancement Strategy, based on the recommendations contained in the Reserved Matters Design Guide, shall be submitted for any plot within a Development Zone and approved in writing by the Local Planning Authority prior to first occupation of the relevant plot. The development shall thereafter be implemented in accordance with the approved details.
Reason: In order to safeguard the nature conservation value of the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.
-
- 43 Requires further ecology surveys if a two year period lapses between work and application.
In the event that a period of two years or more has lapsed between work carried out under the full planning part of this permission and the submission of reserved matters on any part of the site an additional ecological survey report shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The scope of the survey shall be agreed in advance with the Local Planning Authority and the report shall be submitted with the Reserved Matters application. The survey report shall be accompanied by a strategy, which provides full details of measures for mitigation and enhancement. The development shall be implemented in accordance with the approved details.
Reason: In order to safeguard any protected species present on the site in accordance with Policy TP8 of the Birmingham Development Plan 2017, the National Planning Policy Framework and the Nature Conservation Strategy for Birmingham SPG.

- 44 Foul and surface water drainage details for plots to be submitted.
The submission of reserved matters for any plot within a Development Zone shall include a scheme for foul and surface water drainage. The drainage scheme shall be based on the recommendations contained in the Sustainable Drainage Statement and Foul Sewage and Utilities Statement submitted with the hybrid application and the details required by the above condition. The scheme shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
-
- 45 Ground conditions details for plots to be submitted.
The submission of reserved matters for any plot within a Development Zone shall include a plot specific design report detailing the ground conditions for the plot and any requirements for soft spot removal and refill, dewatering and/ or ground water controls and the measures proposed to enable the development of the plot. The scheme shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 46 Requires the prior submission of unexpected contamination details if found on a phased basis
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared for that phase of development, submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land 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 Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 47 Requires the submission of a lighting scheme in a phased manner.
The submission of reserved matters for any plot within a Development Zone shall include a detailed lighting scheme for that plot which shall be submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, intensity and periods of illumination. Lighting works for each plot within a Development Zone shall be implemented in accordance with the approved details and shall be completed prior to the occupation of that plot and thereafter maintained.
Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

- 48 Requires noise impact assessment for plots
Each Reserved Matters application shall be accompanied by a Noise Impact Assessment that considers at any noise sensitive premises the noise and/or vibration from within buildings; noise and/or vibration from any activity in external areas; noise and/or vibration from any fixed plant; and includes likely predictions of the noise impact for the remainder of the development. The units shall be built and operated in full accordance with the approved Noise Impact Assessment, and any noise control measures shall be implemented in full and retained in full working order thereafter.
Reason: In order to safeguard the amenities of occupiers of premises/ dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.
-
- 49 Requires the prior submission of level details.
The submission of reserved matters for any plot within a Development Zone shall include details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.
Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 50 Reserved matters submissions to comply with submitted parameters plan.
The reserved matters submissions shall comply with the parameters plan hereby approved.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 51 Reserved matters submissions to comply with submitted RMDG.
The reserved matters submissions shall comply with the approved Reserved Matters Design Guide Revision P or any updated version submitted to and approved in writing by the Local Planning Authority.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 52 Limits construction hours 07:00 to 19:00 Monday to Friday; 08:00 to 13:00 on Saturday; and no working on Sundays or Bank Holidays.
The construction works, including earthworks, shall be limited to the following hours: 07:00 to 19:00 Monday to Friday; 08:00 to 13:00 on Saturday; and no working on Sundays or Bank Holidays.
Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 53 Minimum of 60 person weeks per £1m for new entrants.
A minimum total of 60 Person Weeks of employment per £1million spend on the construction of the plots will be provided for New Entrants whose main residence is in the Local Impact Area identified from Birmingham City Council's Employment Team or an alternative source agreed by the Council provided always that each New Entrant is suitably qualified for the relevant role. The opportunity can be as an 'apprentice', 'graduate', 'new entrant (job start)', or 'work placement'. The following can be counted as a New Entrant:
- A person that is leaving, or in an educational establishment (e.g. school, college or university) or a training provider; or
 - An unemployed adult seeking employment that includes on-site training and assessment and/or offsite training; or
 - A person who's current employment is at risk of termination, or redundancy, including New Entrants employed by another contractor or supplier to the Council whose contract of employment or apprenticeship agreement is being terminated and who is therefore seeking another position to complete their training period.
- Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP26 Local Employment of the Birmingham Development Plan 2031 and the National Planning Policy Framework.
-
- 54 Car parking for plots (inc 10% EV).
Details of parking and turning areas for cars for each plot within a Development Zone, to include surface treatment and no fewer than 10% of the parking spaces allocated and provided with infrastructure for electric vehicle charging, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. These areas shall be provided in accordance with the approved plans prior to occupation of any part of the relevant plot hereby permitted and thereafter maintained and shall not be used for other than their designated purpose.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 55 HGV parking details.
Details of parking and turning areas for HGVs for each plot within a Development Zone, to include surface treatment, and justification of allocation to take into account rest periods and welfare facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. These areas shall be provided in accordance with the approved plans prior to occupation of any part of the relevant plot hereby permitted and thereafter maintained and shall not be used for other than their designated purpose.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 56 Cycle parking/ storage.
Details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles for each plot within a Development Zone shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the relevant plot. Provision shall thereafter be implemented and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 57 Requires the submission of a commercial travel plan.
A detailed travel plan for each unit approved under a reserved matters consent shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the unit. The travel plan shall be in accordance with the Framework Travel Plan and should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken in accordance with the approved travel plan.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 58 Bus stops on site.
Prior to the first occupation of any unit on the site details of on-site bus stops, to include locations and infrastructure provision and a timetable for implementation of the work, shall have been submitted to and approved by the Local Planning Authority. The package of measures are to be carried out at the applicants expense to Birmingham City Council specification and the approved measures.
Reason: Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 59 Details of stack, vent or extract system to be submitted.
Prior to the first occupation of each plot of the approved development details of the position and height of any stack, vent or extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of any air quality impact from emissions and a noise assessment to demonstrate that the rating levels for total noise from all stack, vent or extract systems within the plot shall not exceed the background sound level at any noise sensitive dwelling when assessed in accordance with British Standard 4142 (2014). The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: 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.
-
- 60 20mph advisory speed limit
The internal roads approved in full and through reserved matters applications shall be subject to a 20 MPH advisory speed limit through use of appropriate signage within the site.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Date: Thursday 9th September 2021



Simon Delahunty-Forrest, Assistant Director – Inclusive Growth

P.O. BOX 28, Birmingham B1 1TU

Please note
This is not a building regulation approval

INFORMATIVE NOTE(S) (if any)

The outline application includes significant works to the Peddimore brook including new sections of culvert, areas of naturalisation and a new wetland area. The Peddimore Brook is classified as an ordinary watercourse and the Applicant will need to secure consent from Birmingham LLFA for any in channel works.

Please email the LLFA for further information: LLFA@birmingham.gov.uk

For the avoidance of doubt, the Local Planning Authority's written approval will be subject to the Public Art Implementation Plan clearly responding to the following good practice guidelines for the scheme:

1. Site-specific opportunities and rationale for artists* collaborating with communities
2. Collaborative opportunities and rationale for wider stakeholders engagement including the scope for artists to work with design team professionals in early planning stages with a particular focus on, but not limited to, the A38 Gateway, landscaping, footpaths, cycle-ways and lighting schemes as outlined in the Peddimore SPD
3. Where relevant, considerations of opportunities for artists at different career points as well as local, national and international practitioners
4. Information on strategy steering group membership and how they will monitor the effectiveness of the strategy in terms of impact, legacy and sustainability
5. The approach to be taken for developing artwork maintenance and decommissioning plans, alongside consideration of costs and longer term ownership
6. Further details of how the plan will be funded, including how artist/ curator fees will be covered, and costs for any resultant artworks/ future event programming (e.g. installation, materials, transportation, insurance, deinstallation and any other associated costs)
7. Details on both the co-design and development timeline and concurrent implementation timeline, in particular critical review points considering development phases, temporary uses and any further planning approval required for future artworks

*By professional artists, the Local Planning Authority mean artists who can clearly show a history of high quality paid work in their particular artform(s) and approach; have arts qualifications or equivalent and can provide a CV, references and examples of previous paid work.

An Implementation Notice was received by the City Council from IM Properties Plc on 2 July 2021 providing notice that works would commence on 5 July 2021. The applicant's have confirmed development permitted by 2019/00108/PA commenced on 6 July 2021.

With respect to Conditions 7, 8 and 9, orders were confirmed (under the Town and Country Planning Act 1990) in 2020 and 2021 which authorise the stopping up of sections of Peddimore Lane, Wishaw Lane and PROW 2086 pursuant to the original hybrid planning permission (2019/00108/PA).

Definitions

"Development Zone(s)" means the land subject to outline planning permission and referenced as Hub Zone, Development Zone 1A, Development Zone 1B and Development Zone 2 on approved drawing '17046_P0002_T Parameters Plan for Outline Elements'.

"Local Impact Area" means the Birmingham City Council administrative boundary.

"Plot(s)" means a specific parcel of land within a Development Zone including unit(s) and associated infrastructure (e.g. means of access, parking and landscaping).

"Reserved Matters Application" means any application comprising details to be submitted in accordance with the GDPO in relation to matters reserved under this Planning Permission to permit the development of a commercial phase of the Development;

"Reserved Matters Approval" means the LPA's or Secretary of State's formal written approval in accordance with the GDPO of details approved pursuant to a Reserved Matters Application;

"Above Ground Works" means works carried out or to be carried out above ground floor slab level of any Commercial Floorspace in such part of the Development as may be specified, and for the avoidance of doubt shall not include any ancillary buildings including but not limited to sub-stations, gatehouses and security facilities.

In line with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 the Local Planning Authority confirms that the Environmental Statement submitted in support of the planning application has been considered in the decision making process.

In arriving at this decision, Birmingham City Council has endeavoured to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

If you want to appeal this decision and to use the inquiry procedure, you now need to tell us, and the Planning Inspectorate, at least 10 working days in advance of appeal submission by emailing inquiryappeals@planninginspectorate.gov.uk and planning.appeals@birmingham.gov.uk of your intention. More information on this and a template to attach to your email can be found at <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>