

Reference: 2023/06166/PA Rev 1

Birmingham City Council  
1 Victoria Square  
Birmingham  
B1 1BB

18<sup>th</sup> October 2023

**Pre-application Advice Request – Land off College Road, Birmingham, B44 0AY**

Good afternoon

Thank you for your pre-application enquiry for the proposed construction of 27no. affordable homes, being a mix of two, three and four bedroom houses. This response provides written advice to assist in the consideration of a future planning application.

I have consulted with internal colleagues including Planning Policy, City Design, Transportation, Ecology, Regulatory Services, the LLFA, Leisure Services, and the Affordable Housing Team and I have identified the key issues below.

**The site and background**



Figure 1: Site Location Plan



Figure 2: Google Maps Aerial View

The pre-application site comprises the former BCC Neighbourhood Office and Housing Depot, situated within the Perry Common Ward, to the north of the city centre and within a mid-century suburban housing development.

The site accommodates a two-storey flat roofed office building, a separate single storey flat roofed building and two-storey sheds situated centrally within the site. The surrounding ground is predominantly hardstanding used for parking.

The pre-application site is surrounded by predominantly two-storey terraced housing with pitched gable and hipped roofs. Towards the south-west, the site is adjoined by an existing NHS building which defines the corner of Dovedale and College Road. According to the NHS website *The Perry Tree Centre provides a 32-bedded unit based in the north of the city, for adults aged 18 requiring a short period of assessment following illness or injury.*

There are two existing access points to the site, one off College Road and the other off Little Owl Close. The first of these is adjacent to an electricity substation.

A culverted and covered brook runs east west across the site. This currently provides a green blue link through to Perry Common Recreation Ground to the east. The section of the brook closest to the eastern edge of the site has a larger open green space running between Hurstwood Road and Guillimot Grove and is overlooked by apartments and terraced housing.

There are no Listed Buildings or other Heritage Assets in close vicinity to the site. The nearest Local Centre (College Road) is situated approximately 400m to the south-west of the site.

## Planning History

- 26.11.1987 - 39073004 – Erection of portacabins for use as overspill office accommodation to existing neighbourhood office. Approved subject to conditions.
- 15.02.1996: 1996/00386/PA Installation of telecommunications apparatus and equipment cabinet. No Prior Approval Required.
- 19.09.2008: 2008/02668/PA – Demolition of existing buildings on site and erection of single storey modular office and replacement parking. Approved, subject to conditions.
- 20.07.2009: 2008/90392/PA Discharge of conditions B1, B2, B3 & B4 attached to Planning Application N/02668/08/FUL. Approved.

## The Proposal

The pre-application scheme seeks advice on the proposed erection of 27no. affordable homes, being a mix of two, three and four bedroom houses.



COLLEGE RD DEPOT	m <sup>2</sup>	No.
2A ● 2B4P HOUSE	79.0	13
3A ● 3B5P HOUSE	93.0	10
4A ● 4B7P HOUSE	115.0	04
<b>TOTAL</b>		<b>27</b>

Figure 3: Proposed Site Plan

The submitted drawing shows that the main access into the site would be provided from Little Owl Close with two new internal cul-de-sacs, leading to a privately maintained element of the road at both ends. The dwellings would be arranged along the new roads, with parking to the frontage, either as single or tandem provision. One further dwelling would be situated separately to the north, with access from the College Road frontage, adjacent to the existing sub-station. Each dwelling would have its own external amenity space to the rear.

The proposed dwelling mix is shown to comprise of 13no. 2bed/4person dwellings, 10no. 3bed/5person dwellings and 4no. 4bed/7person dwellings with a mix of detached, semi-detached and terraced units.

### **Planning Policy**

Upon receipt of a formal planning application, please be advised that the scheme would be assessed against relevant planning policy in order to evaluate whether the proposal is acceptable. Planning policies particularly relevant to this application include: National Planning Policy Framework (2023), Birmingham Development Plan (BDP, 2017), Development Management in Birmingham DPD (DMB DPD 2021), the Birmingham Design Guide (BDG) 2022, Technical Housing Standards – nationally described spacing standards (2015), the National Design Guide (NDG), and the Birmingham Car Parking Standards SPD (2021).

### **Principle of Development**

The scheme proposes the provision of residential development on a site which was most recently used as a Community Neighbour Office/ Depot including associated parking and storage.

With regard to the loss of the existing use, it is understood that the existing use is no longer required or could be provided on a different site. The existing use is not considered to make an important contribution to the Council's objectives or policies and therefore, its loss would unlikely be resisted. In addition, the existing buildings on site are not considered to be of any architectural merit or interest and their loss would also likely be to be acceptable in principle.

In terms of the proposed use for residential development, BDP Policy TP27 (Sustainable neighbourhoods) requires new housing to contribute to making sustainable places by providing, amongst other things, a wide choice of housing sizes, types and tenures, as well as strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood. In addition, BDP Policy TP28 (The location of new housing) sets out the principles that new residential development should achieve including, amongst other things, the need to be sympathetic to historic, cultural or natural assets and not conflict with other specific policies in the BDP.

The site is not allocated for any specific uses within the BDP 2017. In addition, the wider area is predominantly residential in character with residential dwellings adjoining the site to the north, east and south. Although a challenging site in terms of its shape, the principle of proposed residential uses on the site is considered to be acceptable subject to consideration of detailed technical matters as discussed below.

### **Design**

The applicant should consider the BDP 2017, the BDG 2022, the DMP DPD 2021 and the NDG regarding the scale and design of the proposed development, as these require all

new development to demonstrate a high design quality and contribute to a strong sense of place, taking account of the character of the area.

In terms of the layout, the proposed development would offer an opportunity to re-naturalise the existing culverted brook, creating an east-west amenity for new housing with added biodiversity benefit (and considering the forthcoming requirement for a 10% Biodiversity Net Gain – see further information within the ecology chapter below). The scheme should consider continuing the principle of an overlooked waterside amenity, as already seen to the east of the site.

The positioning of some of the dwellings is not entirely clear and could be improved. For example, units 4-12 are significantly set back from the road and we would not want to see large areas of tarmac adjoining the existing highway. Generally, there would appear to be a lot of empty (white) space, which could be better utilised as part of soft landscaping provision or to provide communal open space.

Furthermore, the design should maximise the opportunity to connect with the existing street pattern. Currently the scheme ignores two existing streets and connectivity in terms of pedestrian and cycling opportunities should be provided and connect the site with College Road to the north and Hales Gardens to the east.

It is noted that there is an overgrown, vegetated area to the east (adjacent to College Road and the existing sub-station) which is within BCC ownership. This area would not appear to fall within the lease area of the NHS Centre and should be considered as part of this scheme and should be included within the red line boundary. In addition, the brook to the north and north-east should also be included within the red line.

The predominant typology surrounding the site is terraced housing and there is an opportunity to use terraced house types to make good utilisation of the space, whilst retaining appropriate areas for a waterside amenity space (and this should also be considered in line with comments provided as part of the chapter for open space below).

Potentially, there may also be a joint benefit of discussing the site with and considering the needs of both the NHS and the development potential on the pre-application site. For example, a land swap could create a more efficient space for both parties. This could be given separate consideration.

In terms of the scale, height and massing, the proposed two-storey context for the site would be supported, noting the surrounding character.

There is currently no information provided with regard to the proposed detailed architecture and materiality and therefore, it would not be possible to comment on this element.

In summary, although constrained in shape, the site would appear to present an opportunity to knit together the existing street network and create an attractive and ecologically functional east-west waterside amenity adjacent to the proposed dwellings.

This space could also function as the heart or focus of the development and this should be given consideration in developing any scheme further. It is suggested that the design development is informed by a site analysis which would review the broader place making opportunities beyond the red line boundary.

### **Residential Amenity**

The scheme would need to consider the residential amenity of existing (surrounding) occupiers as well as future residents of the scheme. It needs to be ensured the scheme would adhere to the guidelines and standards set out within various adopted planning documents, including the Development Plan Documents, the BDG (2021) and the Technical Housing Standards – nationally described spacing standards (2015) in terms of separation distances and spacing standards.

In terms of future occupiers, the scheme is not supported by any internal layout arrangements, therefore, it would be difficult to assess the provision in detail at this stage. However, as shown on the submitted accommodation schedule, there would be a range of units, including 2bed/4person, 3bed/5person and 4bed/7person units.

Whilst the units would appear to just about comply with the baseline minimum requirements as set out in the nationally described spacing standards (NDSS), the provision of additional storage space does not appear to have been considered, requiring between 2 sqm (for 2bed/4person unit) and 3sqm (for 4bed/7person unit) additional storage space. Therefore, the proposed dwellings would fall marginally short of the minimum spacing requirements and should be increased in size.

Furthermore, all habitable rooms would be required to receive appropriate levels of day light/ natural light and good outlook. Whilst window positionings are currently unclear, the broad layout would appear to achieve this requirement.

In terms of external amenity space, the Birmingham Design Guide (City Note LW-13) requires a minimum of 52sqm for two-bed dwellings and 70sqm for family dwellings (3+ beds). The dwellings would be provided with private rear gardens. However, it would appear that not all units would comply with the minimum guidelines (e.g. units 14 and 17) and their amenity space would need to be increased.

The nearest residential dwellings are situated to the north along Wooton Grove, towards the east along Hales Garden and towards the south along Little Owl Close and Guilmot Grove with their rear and side gardens adjoining the pre-application site. In terms of separation distance guidelines, the scheme would appear to comply with the minimum separation distance guidelines as set out in the Birmingham Design Guide, with a minimum of 10m provided towards the boundary (requirement is 5m per storey with habitable windows overlooking private spaces) as well as a minimum separation distance of 21m between opposing habitable windows. In addition, there would not appear to be any overlooking or loss of privacy with adjoining occupiers and the scheme would unlikely negatively impact on their amenity by way of loss of privacy, poor outlook, loss of light, overlooking or poor day light provision.

Regulatory Services (Environmental Health) has been consulted on the application in relation to contamination, noise and air quality matters. They consider that any submission would need to be supported by a contaminated land assessment, noting the previous uses. In addition, a noise assessment is recommended if there is any external plant on the NHS site, adjacent to the pre-application site. Furthermore, properties would need to be provided with electric vehicle charging points.

### **Affordable Housing and Housing Mix**

In line with policy TP31 of the BDP 2017, the LPA will seek 35% affordable housing as a developer contribution on residential development of 15 dwellings or more. The scheme proposes to offer 100% affordable housing which exceeds policy requirements and would be supported.

The Council's Affordable Housing Team has been consulted and has considered the property need for the Perry Common Ward. It is noted that the highest bedroom need would be for two-bedroom properties, followed by one-bedroom properties. However, given the wider need for larger properties across Birmingham, as identified within the Housing Strategy 2023-2028, the proposed housing mix would likely be supported.

Further comments could be provided, once details of the affordable housing mix (social rent, shared ownership etc), become available.

### **Public Open Space**

The scheme is for more than 20 dwellings and therefore, would require the provision of public open space in line with policy TP9 of the BDP 2017. The policy confirms that in new residential developments, provision of new public open space will be required broadly in line with the standard of 2ha per 1000 population. In most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/or children's play provision. The design and layout of the new residential scheme should positively orientate towards the open space, increasing site surveillance and making it more useable.

The scheme, as highlighted within the design chapter above, would offer the opportunity to provide some communal open space within the site and the re-naturalisation of the existing culverted brook, creating an east-west amenity for new housing with added biodiversity benefit, should be explored. If there is a clear argument why the open space cannot be provided on site (or only partly provided on site), an off-site contribution may be considered acceptable. The contribution would be calculated on the proposed number of residents and used to improve existing surrounding green/open spaces.

The Council's Leisure Services Department has been consulted in this regard. They would have no objections to this proposal. The site is an unusual and awkward shape yet the housing blocks have been set out to rationalise this as best as possible. There is no loss of

open space but as the development consists of over 20 dwellings, an off-site contribution of £137,775 including provision for toddler play would be applicable.

This has been calculated as follows: 2-bed units x 13no = 26 persons, 3/4 bed units x 14no. = 42 persons (total 68 persons) x 20sqm/per person = 1360sqm – 625sqm (average size of a toddler play area) = 735sqm x £65/sqm (average cost of setting out POS) = £47,775 + £90,000 (average cost of toddler play area) = **£137,775** (total contribution).

This would be directed towards improvements to public open space and children's play facilities at Enderby Road POS and/or Hurstwood Road/Maxted Road POS, both in Perry Common Ward.

### **Highways Safety**

Policies TP38-TP41 and TP43-46 of the BDP and policies DM14-DM15 of the DMB DPD as well as the recently adopted Parking Standards SPD 2021 relating to transport and connectivity will be relevant to consider. These policies encourage travelling and accessibility by modes of transport other than the car.

The site is located within Zone C of the Council's Parking SPD (2021) and the development would require:

- one-bed and two-bed units: 1 space per dwelling and three+ bed units: 2 spaces per dwelling. Plus 1no. unallocated space per 10 dwellings (visitor parking)
- EV Charging points: for allocated parking: 1no. active EVCP per dwelling and unallocated parking: 5no. spaces or more: 20% active EVCP
- bicycle parking: for housing: one secure, covered cycle storage space per bedroom and for flats: one secure, covered cycle storage space per unit; Plus 1 visitor space per 10 units.
- disabled parking: 1 space per wheelchair accessible unit.

Reviewing the submitted layout, the parking for the individual units would appear to comply with the standards; however, there is currently provision for 7no. visitor parking spaces, which would be in excess of the requirement (a maximum of 3) and the remaining should be removed and space used for public amenity space. Furthermore, cycle storage and EV charging would need to be provided and if wheelchair accessible units are proposed, these would need to be provided with a disabled parking space.

I have discussed the scheme with the Council's Transportation Department and they do not raise any immediate significant queries with regard to the road access and layout. They highlight that relevant distances for bin lorries to access the scheme as well as pull distances should be checked and comply with relevant standards. Furthermore, the pedestrian path along the northern part of the road would appear to be too narrow and this should have a width of 2m. It is also considered that the accessibility of the scheme to the surrounding street network in terms of walking and cycling should be improved, e.g. with an access towards College Road to the north-west or Hales Gardens to the east.

## Ecology / Trees

The site largely comprises of hardstanding with existing buildings situated centrally within the site. The site is adjoined by a culverted brook which appears to be partly open and covered by vegetation towards the south-east. This vegetation may offer incidental habitat resources for urban species such as birds and pollinating insects.

As part of any planning application submitted, it would be required that a Preliminary Ecological Appraisal (PEA) is completed to identify ecological constraints and opportunities associated with the proposed development. If the PEA recommends the completion of detailed species surveys (eg for bats or nesting birds), these should also be completed in support of a planning application as the results would be required to inform an Ecological Impact Assessment of the proposals. Where impacts are identified, the proposals would need to clearly demonstrate how these will be avoided, adequately mitigated or compensated (ie demonstrate how the proposals adhere to the mitigation hierarchy). All surveys must be completed by suitably qualified ecologists and follow published good practice guidance. [Further guidance on the scope of ecological assessments](#) is available on BCC's planning web pages.

Re-development of the site for residential uses offers an opportunity to significantly enhance its ecological value by incorporating green infrastructure. This should include residential gardens, public amenity space, street trees, SuDS features (eg rain gardens) and incidental areas of green space. New green infrastructure must deliver multiple benefits – maximising biodiversity gains by prioritising native plant species and ornamental varieties with proven ecological benefits (eg pollinator friendly planting) as well as providing amenity and aesthetic value and improving climate resilience. Sufficient space (tree pits/planting volumes) must be allowed for new tree planting. Areas of amenity grass should be established as flowering lawn rather than standard amenity turf.

Biodiversity net gain (BNG) will be a mandatory requirement from January 2024 for development covered under the Town and Country Planning Act 1990. All developments (with certain exemptions) will need to deliver a minimum 10% BNG. In advance of this mandatory requirement, development proposals will still be expected to deliver BNG consistent with national and local planning policy, and applicants should target the forthcoming mandatory requirement of 10% BNG.

A BNG assessment, informed by Biodiversity Metric 4.0 calculations, should be provided in support of a planning application. Preparation of the BNG assessment and accompanying report should be informed by published good practice guidance (see, for example, British Standard *BS8683:2021 – Process for designing and implementing BNG – Specification*; CIEEM's [BNG: Good Practice Principles for Development](#), [BNG: Good Practice Principles for Development, a Practical Guide](#) and [BNG Report and Audit Templates](#)).

Based on the site's baseline biodiversity value, achieving a 10% BNG is unlikely to prove onerous. Therefore as a measure of the proposal's broader contribution to urban greening, and it is suggested that it would be appropriate for the BNG assessment to be complemented by an [Urban Greening Factor](#) calculation.

To maximise biodiversity gains, the proposals should also incorporate species-specific habitat enhancements. These should include integral bat and bird boxes; the latter should target priority species such as house sparrow, swift and starling. Artificial habitat features for invertebrates such as solitary bee nest boxes and “bug hotels” are also an option.

The scheme’s green infrastructure proposals should reflect guidance in Birmingham’s Design Guide SPD Principles Document and Landscape and Green Infrastructure City Manual. Further [guidance on ecological enhancement measures](#) is available on BCC’s planning webpages.

## Sustainability

In addition, the applicant should consider the scheme in relation to environment and sustainability matters. These seek to ensure that developments will be designed and constructed in ways that maximise energy efficiency, reduce energy consumption, minimise the use of carbon and can be resilient and adapt to the effects of climate change.

In this regard, Policies TP1 to TP5 of the BDP will apply in regard to environment and sustainability. In particular, policy TP3 requires new developments to be constructed in ways that:

- Maximise energy efficiency and the use of low carbon energy.
- Conserve water and reduce flood risk.
- Consider the type and source of the materials used.
- Minimise waste and maximise recycling during construction and operation.
- Be flexible and adaptable to future occupier needs.
- Incorporate measures to enhance biodiversity value.

Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist. The submitted planning application will therefore need to be supported by a sustainable construction statement and an energy statement that can demonstrate how the proposed development will accord with policies TP1-TP5. This information can be set out within a planning statement, design and access statement or in stand-alone statements.

It is also recommended to review the City Council’s Guidance note on Sustainable Construction and Low and Zero Carbon Energy Generation for further information on this: [https://www.birmingham.gov.uk/downloads/file/12999/guidance\\_note\\_on\\_sustainable\\_construction\\_and\\_energy\\_statements](https://www.birmingham.gov.uk/downloads/file/12999/guidance_note_on_sustainable_construction_and_energy_statements)

## Flood Risk / Drainage

The proposed development is identified as being at high risk of surface water flooding, and the proposed development site includes both Main River and Ordinary watercourses. The LLFA has been consulted on the pre-application and provides the following comments:

The Environment Agency’s flood risk mapping does not include this site because the catchment is less than 5km. The flood risk at this location is therefore unknown.

A flood risk assessment to extend the fluvial flood mapping of this site should be undertaken at the earliest opportunity because the site may be at risk of frequent flooding.

The Environment Agency's indicative flood map highlights extensive surface water flood risk to this site with predicted flood depths of up to 900mm.

Byelaws for the ordinary watercourse section highlight a minimum 7 metre easement must be provided from the top of bank or edge of culvert.

Byelaws for the main river regulated by the Environment Agency requires a minimum 8 metre easement must be provided from the top of bank or edge of culvert.

Please note that these are minimum easements, and it may be that future development in this site will require the construction of formal flood defences, which will require an 8 metre easement from the toe of the flood defence (which may increase the initial easement required from the top of the bank of the open channel section).

Birmingham LLFA is concerned that development is proposed on top of a culverted ordinary watercourse, and that this would not be acceptable to Birmingham LLFA.

In line with National and Local Planning Policy the ordinary watercourse should be placed into open channel and naturalised within this development site.

We recommend that before any further work is considered in developing this application survey is undertaken as a matter of urgency to determine the exact location and condition of the culvert which we consider.

The applicant should review Policy TP6 & Policy TP7 of the Adopted Birmingham Development Plan 2017 for further guidance.

In line with National and Local Planning Policy the ordinary watercourse should be considered to be naturalised into open channel and naturalised within this development site.

Based on the limited information provided we offer the following free pre-application advice:

All major planning applications require submission of a Sustainable Drainage Assessment and Operation & Maintenance Plan.

The document should address the following comments:

An assessment of all forms of flood risk should be undertaken.

It should be noted that the LLFA require that all development (greenfield & brownfield) limit surface water discharge to the equivalent site-specific greenfield runoff rate for all return

periods up to the 1 in 100 year plus climate change event. (The minimum climate change allowance that could be applied to the development is 40%)

Soakaway testing should be undertaken to determine if infiltration of surface water is viable. If soakaways are proven to be unviable and the proposed discharge outfalls to a public sewer, written confirmation to the developer, demonstrating that the proposed discharge rate and location are acceptable to Severn Trent Water is required. We can not undertake a review of the drainage strategy without this information.

The LLFA actively promote and encourage the implementation of SuDS on all developments, and require evidence of the use of sustainable drainage principles and exploration of suitable SuDS to achieve the three key principles of SuDS; Quantity Control, Quality Control and Biodiversity & Amenity Value.

Appropriate SuDS for a development of this scale and nature include:

- Green / Blue /Brown roofs
- SuDS Tree Pits
- Rainwater Gardens / Bioretention areas
- Shallow swales

As such, evidence is required demonstrating that all SuDS features have been considered along with justification of why features have been discounted; the use of use of below ground attenuation should only be considered if above ground attenuation is proven to be unviable.

Please note that flow controls for developments that discharge less than 5l/s should incorporate a vortex flow control to reduce the risk of blockages.

Detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 40% climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.

Consideration should be given to exceedance flows (greater than 1 in 100 year plus climate change rainfall events). Evidence (layout/flow plans, calculations and/or simulation results) should be provided to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site. The 1 in 500 year storm should be assessed using software simulation to identify and exceedance flows, flood depths and extents.

Cross sections of SuDS and drainage infrastructure should be included for review, supported by a drainage strategy demonstrating the quantum of surface water attenuation and discharge rates and point of connection to the sewer network.

Proposed finished floor levels should be designed to mitigate risk of flooding to people and property. The LLFA recommend that all property FFLs should be set to a minimum of 150mm above surrounding ground levels and all predicted exceedance flows, ponding and flood extents. A plan showing proposed FFLs and surrounding ground levels is required. Consideration should be given to the O&M of all proposed surface water features, including proposed arrangements to ensure the longevity of the proposed SuDS features for the lifetime of the development.

This includes the incorporation of the aforementioned requirement for above ground SuDS.

This position is supported by Planning Policy Guidance which states:

*How can sustainable drainage reduce the causes and impacts of flooding?*

A comprehensive sustainable drainage approach can help to alleviate flood risk as well as managing the impacts where flooding does occur, for example by:

- Maximising opportunities for infiltration of surface water through replacement of impermeable surfaces with permeable surfaces;
- Maximising opportunities for planting and vegetated areas, in preference to engineered surfaces, to increase evapo-transpiration and provide improvements for biodiversity and wider natural capital benefits;
- Providing additional surface water storage over and above the minimum requirements e.g. an over-sized pond, to accommodate more extreme rainfall events; and
- Reducing surface water loadings on the existing sewerage network. This could include using systems to capture run-off from surrounding development, not just the proposed development, by incorporating it into the provision of an area-wide strategic sustainable drainage system, planned in conjunction with local risk management authorities and sewerage providers. This approach could help reduce the risk of sewer flooding and free up capacity in wastewater treatment works, offsetting the need for off-site reinforcements of the sewerage network.

*What are sustainable drainage systems and why are they important?*

Sustainable drainage systems (or SuDS) are designed to control surface water run off close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change. They provide benefits for water quantity, water quality, biodiversity and amenity. Many types of sustainable drainage systems are possible, contributing to reducing the causes and impacts of flooding. Multifunctional sustainable drainage systems are those that deliver a wider range of additional biodiversity and environmental net gains such as to:

- ameliorate urban heating and air pollution;
- replenish groundwater resources;
- contribute to biodiversity net gain targets;

- capture and re-use rainwater;
- store carbon;
- reduce the need for carbon-intensive construction techniques and pumped systems;
- release capacity in combined sewerage systems and at wastewater treatment works;
- create and connect valuable areas of blue-green infrastructure
- reduce lifetime maintenance costs; and
- enhance the attractiveness and value of new development by integrating water management with habitat for wildlife and opportunities for amenity and recreation.

The layout and function of drainage systems needs to be considered at the start of the design process for new development, as integration with road networks and other infrastructure can maximise the availability of developable land.

In line with Section 34 of the Land Drainage Act 1976, Birmingham LLFA highlights the following information:(please note where a watercourse is culverted, the bank is the edge of the culverted section of watercourse)

**Byelaw 8 - Restrictions on Structures and Trees** within seven metres of the edge of the watercourse

No person without the consent of the Council shall erect or construct any building or other permanent structure or plant any tree or shrub in or over a watercourse or on any land lying between the watercourse and a line measured at a distance of seven metres from and parallel to the top of the bank, or if the is an embankment, at a distance of seven metres from and parallel to the foot of the landward side of the embankment so as to impede the execution of works by the council.

**Byelaw 11 - Fences, excavations, Pipes, etc,**

No person shall without the consent of the council:-

- a) erect or construct or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revention, or any other building or structure whatsoever in or across any watercourse or in or on any bank thereof;
- b) make or cut or cause or knowingly suffer to be made any cut or excavations, or any tunnel, or any drain, culvert or other passage for water or liquid of any kind whatsoever, in into, or out of a watercourse, or in, under, over or through any bank or within seven metres of any bank.
- c) place or affix or cause or knowingly suffer to be placed or affixed any gas or water main, or any pipe whatsoever or any electric main or cable or wire, in under or over a watercourse, or in, under or through any bank or within seven metres of any bank.

**Byelaw 13 - Cutting or digging banks on adjoining lands**

No person shall:

- a) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of the bank of the watercourse;
- b) dig for or remove or cause permit to be dug for or removed any stones, clay, gravel, earth, timber, or any material whatsoever forming any part of a bank of a watercourse.
- c) make or cause or permit to be made any excavation or do or cause or permit to be done anything in or upon any land adjoining a bank of a watercourse of such nature as to cause damage or endanger the stability of the bank or;
- d) make or cause or permit to be made any excavation into or cause knowingly suffer to be done anything to the bank as to cause damage or in anyway endanger the stability thereof.

Finally, it should be noted that any pre application advise is advisory only, and the LLFA reserves the right to amend its approach if there are changes to national or local planning policy or guidance, or if new information or evidence about flood risk, the requirements of third party infrastructure providers and asset information is made available.

In addition, Severn Trent may request details of foul and surface water drainage.

### **Validation Requirements**

Should a full planning application be submitted for the proposed development, the Council would require the submission of the following documents. Detailed information on the requirements can be found here: [Local Validation Criteria 2021 | Birmingham City Council](#):

- Existing and proposed floor plans and elevations, location plan and proposed site layout/ block plan.
- Streetscenes and 3D Visuals, including levels details
- Design and Access Statement
- Air Quality Assessment
- Appropriate fee
- Application forms including ownership certificates
- Affordable Housing Statement
- Contaminated Land Reports
- Community Infrastructure Levy (CIL) Form
- Energy Statement
- Flood Risk Assessment
- Landscaping Scheme
- Lighting Scheme
- Noise Impact Assessment
- Preliminary Ecological Reports/ Biodiversity Net Gain Calculations
- Planning Statement including Statement of Community Involvement
- Residential Standards Statement
- Sustainable Drainage Scheme/ Assessment
- Sustainable Construction Statement
- Transport Assessment and Draft Travel Plan including Parking Management Plan and tracking plans

## Conclusion

The scheme seeks advice on the proposed construction of 27no. affordable homes, being a mix of two, three and four bedroom houses on land off College Road. The broadest principle of residential would likely be acceptable, and the scheme offers the opportunity to re-naturalise the existing brook and include a high quality open space/ soft landscaping scheme into the site. The site would appear to be at risk of surface water flooding and detailed surveys would need to be undertaken to understand that dwellings can be appropriately placed on the land. The scheme should also consider appropriate amenity for future residents in terms of dwelling and garden sizes and should seek to connect the site to surrounding neighbourhoods by way of pedestrian and cycling access.

I trust the above is of assistance, but should you have any questions, please do not hesitate to contact me.

Kind regards

Laura Shorney MRTPI  
Principal Planning Officer – East

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*I trust that the above fully answers your query and emphasise that these are the informal views of a planning officer only, colleagues in other Departments have not been consulted except where explicitly mentioned and this view does not prejudice any decision made by the Planning Committee. You should also note that under the Freedom of Information Act 2000, the information you have submitted may be made available for public inspection.*