

**Non Material Amendment – Decision Document**

Your Ref: Mr Peter Hayward  
Date: Friday 9th April 2021

Application Number: **2021/02444/PA**  
Please quote this number whenever you contact us  
about this application. For more information please  
contact:

Email us at:  
[planningandregenerationenquiries@birmingham.gov.uk](mailto:planningandregenerationenquiries@birmingham.gov.uk)

Dear Sir / Madam

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

**Proposal:** Non-Material Amendment to conditions 3, 7, 8 and 9 attached to approval 2019/00108/PA to align approved plans with Section 257 Order for stopping up of public right of way and associated updates to strategy for rights of way and permissive paths

I am writing to tell you that the Council has made a decision on the above and the application has been approved on 09 April 2021 subject to any details shown below.

The changes proposed to conditions 3, 7, 8 and 9 attached to 2019/00108/PA (and subsequent NMA's) to align approved plans with Section 257 Order for stopping up of public right of way and associated updates to strategy for rights of way and permissive paths are accepted as minor amendments and agreed. As such condition 3, 7, 8 and 9 now read;

Condition 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 P, Detailed Infrastructure Plan 17046\_P0004 rev P, Gatehouse Layout and External Finishes 17046\_P1001 rev F, Gatehouse Plan 17046\_P1004 rev A, Gatehouse Elevations 17046\_P1002 rev E, Gatehouse HGV & Car Tracking 17046\_P1003 rev C, 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, Sitewide Fencing Plan 17046\_P0008 rev D, Onsite Highway Engineering Layouts PED-BWB-DGN-OH01-DR-C-0100 rev P5, OH02-DR-C-0101 rev P2, OH03-DR-C-0102 rev P4, OH04-DR-C-0103 rev P3, OH05-DR-C-104 rev P3, XX-DR-C-0112 rev P2, XX-DR-C-0113 rev P2, XX-DR-C-0114 rev P2, XX-DR-C-0650 rev P1, XX-DR-C-0130 rev P4, 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 P8, Indicative Plateau Levels and Earthworks Zone 2 PED-BWB-HGT-XX-DR-D-604 rev P10, Earthworks Cross Section PED-BWB-HGT-XX-DR-D-610 rev P4, Strategy for Public Rights of Way and Permissive Paths PED-BWB-GEN-XX-TR-DR-007 rev P15, Green and Blue Infrastructure Landscape Strategy Plan 17-098-05 rev Q, Blue Infrastructure Landscape Strategy 17-098-10 rev E, Detailed Infrastructure Planting Proposals 17-098-12 rev R, 13 rev O, 14 rev H, 15 rev H, 16 rev G, 17 rev E, 18 rev k, 19 rev k, 20 rev L, 21 rev F, Tree Protect Plans 17-098-024 rev E, 025 rev E, Landscape Cross Section: Northern Boundary & Hub Zone Boundary 17-098-026 rev J, 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 A ('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.

Condition 7 Requires stopping up order for Peddimore Lane and provision of access.

Other than the A38 roundabout works to be developed in accordance with the Section 278 Agreement and works to create temporary construction accesses no development shall take place unless and until an order has been made authorising the stopping up of Peddimore Lane to the full extent shown on plan PED-BWB-GEN-XX-TR-DR-007 rev P15. 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. Peddimore Lane must thereafter be stopped up prior to any works that effect Peddimore 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 Peddimore Lane as it extends across proposed structural landscaping and it extends across a Development Zone where plateaus will be created during construction.

Condition 8 Requires stopping up of Wishaw Lane.

Other than the A38 roundabout works to be developed in accordance with the Section 278 Agreement and works to create temporary construction accesses no development shall take place unless and until an order has been made authorising the stopping up of Wishaw Lane to the full extent shown on plan PED-BWB-GEN-XX-TR-DR-007 rev P15. Wishaw Lane must thereafter be stopped up prior to any works that effect 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.

Condition 9 Restricts development

No development within Development Zone 2 (as identified on the "Parameters Plan for Outline Elements" drawing reference 17046 P0002 approved under Condition 3) shall take place unless and until an order has been made authorising the stopping up of PROW 2086 to the full extent shown on plan PED-BWB-GEEN-XX-TR-DR-007 rev P15. PROW 2086 must thereafter be stopped up prior to any works that effect 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.

For ease of reference it should be noted that this NMA incorporates the changes as agreed under previous NMA's 2020/05747/PA, 2020/05748/PA and 2021/00356/PA. Cumulatively these amendments are still considered to amount to non-material amendments to the original scheme that would not result in a material change to the consent granted under application reference 2019/00108/PA.

If you require any additional information the Case Officer for this application is **Joanne Todd**, you can email directly on:joanne.todd@birmingham.gov.uk or telephone us on the number shown above.

Yours faithfully

**Ian J. MacLeod**

Ian MacLeod, Director – Inclusive Growth (Acting)

INFORMATIVE NOTE(S) (if any)

and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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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](mailto:inquiryappeals@planninginspectorate.gov.uk) and [planning.appeals@birmingham.gov.uk](mailto: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>