

APPLICATION REFERENCE: PL/2018/02997/PPRM

Site Address: Land South Of Solihull Parkway North Of Blackfirs Lane Blackfirs Lane Marston Green Solihull

Proposal:	Approval of reserved matters (for revised landscaping) pursuant to condition 3 of outline permission PL/2016/02001/PPOL for the erection of 2 No. buildings plus associated parking, landscaping, earthworks and engineering.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The proposal has given rise to substantial weight of public concern and in the opinion of the Head of Development Management should be referred to Planning Committee.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS.
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EXECUTIVE SUMMARY

This application seeks consent for a revised landscape scheme to that previously approved under reserved matters application PL/2017/01509/PPRM. The amendments are two-fold.

Firstly the section of bund between the car park serving Unit B and Blackfirs Lane would have a gentler gradient than previously approved and a lower overall height at 2.64m where it would meet the gabion wall which would still stand at 5m height.

Secondly the area of open space to the west of Unit A has been re-configured and a network of footpaths introduced linking the western most part of Blackfirs Lane to Coleshill Heath Road.

The revisions to the bund would mean that its height would be lower for the section adjacent to unit B car park, however, the gabion wall which would sit immediately behind the bund would remain at the 5m height. The gentler gradient to the bund would allow for an improved planting scheme which, once matured, would create a better solution than a very engineered bund with steep slopes. The applicant's acoustic consultant has advised that this alteration would not affect noise outbreak from the site.

The changes to the landscaping scheme on the western side of the site would enhance the area of open space by making it more accessible.

The proposal therefore complies with policies P14, P15 and p17 of Solihull Local Plan (2013) and the overriding principles of the NPPF and the application is therefore recommended for approval.

BACKGROUND

The site was allocated within the Solihull Local Plan (SLP) as a proposed employment site and forms an extension to Birmingham Business Park.

Outline planning permission (PL/2016/02001/PPOL) for the erection of building(s) within use classes B1a office, B1b research and development, B1c light industrial, B2 general industrial, and B8 storage & distribution with associated access, earthworks, engineering, landscaping, car parking and amendments to existing highway to create new turning head. With all matters reserved apart from access was approved in December 2016.

The reserved Matters (PL/2017/01509/PPRM) for appearance, landscaping, layout and scale pursuant to condition 3 of the above outline application was approved at your Planning Committee in October 2017.

MAIN ISSUES

The main issues in this application are the effects of the development:

- Whether the changes to the proposed landscape scheme are acceptable.

CONSULTATION RESPONSES

Statutory Consultees - The following Statutory Consultee responses have been received:

Bickenhill Parish Council – No comments received.

Non Statutory Consultees - The following Non-Statutory Consultee responses have been received:

SMBC Drainage – No comments received.

SMBC Landscape – No objections.

SMBC Public Protection – No objections.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

15 responses were received to the application as originally submitted including from Councillor Sleigh. All correspondence have been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

- Main concern is the height of the bund;
- The bund must be a minimum of 5 metres;
- We were promised the bund would be 5m in height the length of Blackfirs Lane;
- Would like bund to be taller;
- Height of bund must be increased to eliminate nuisances of light, noise, pollution and smell;
- It is vital that bund is as high as possible;
- Bund needs to be planted with tall trees;
- Depth of bund needs to be increased so to create a sufficient barrier;
- Residents of Blackfirs Lane will be disturbed by the development all through the day and night;
- Gabion wall should also be increased in height;
- Height of bund does not take into account change in levels along Blackfirs Lane; and
- Loss of privacy – office workers can clearly see into houses.

Neighbours were notified of the amended plans on 13th December with 21 days for responding and at the time of writing the report no further responses had been received.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2018, the National Planning Practice Guidance.

Whether the changes to the proposed landscape scheme are acceptable

The proposed changes to the already approved landscape scheme are two-fold.

Firstly the section of bund between the car park serving Unit B and Blackfirs Lane would have a gentler gradient than previously approved and a lower overall height at 2.64m where it would meet the gabion wall which would still stand at 5m height until tapering down at the eastern end.

Secondly the area of open space to the west of Unit A has been re-configured and a network of footpaths introduced linking the western most part of Blackfirs Lane to Coleshill Heath Road.

Starting with the bund between car park serving unit B and Blackfirs Lane, the height and extent of the bund was subject to much discussion at the time of the original reserved matters application. At this location the plans as originally submitted with PL/2017/01509/PPRM proposed the bund be circa 3m in height (102 AOD). This was increased to 5m in height following the Planning Committee held on 9th August.

Due to the steepness of the bund at this location, new planting on the bund itself, as approved, was limited to grass. Whilst, the bund would now be lower, the gabion wall would be retained at 5m in height to provide the same level of screening and the gentler bund slope would allow for mixed native planting on the Blackfirs Lane side. The gabion wall would also have mature ivy's planted at regular intervals at the toe of the walls where it is stepped which, when established, would have the appearance more akin to a mature hedgerow rather than a wall. Your Officers are of the opinion that these changes would be an improvement to the approved scheme and would create a less engineered solution with a much softer appearance, but still maintain the screening required.

In terms of impact on residential amenity, the majority of residents along Blackfirs Lane face towards the area of bund that would remain at 5m in height. The eastern most properties would likely be most affected by the proposed changes to the section of bund that would be lower. However, in terms of screening the height of the gabion wall would remain at 5m and over time as the proposed planting matures the natural screening would become more established.

In terms of potential overlooking, given the separation distances between the proposed buildings and the existing houses, where there is also a public highway in between, the proposed amendments would not lead to undue harm in this regard.

The impact of the changes to noise levels is also a material consideration. The applicant's acoustic consultant has advised that the alterations to the bund would not affect noise outbreak from the site. *"As far as we can tell, the absolute height of the bund/barrier is unchanged, as is its position relative to the propagation path (distance from the highest point of the bund/barrier to the noise sources/receivers). These are the critical factors, and so if this is indeed the case, we would see no need for any updated calculations. Where the side nearest the houses has been made to be steeper by essentially being vertical, this changes only the interaction of sound waves with the diffracting edge. The effect of this would not only be expected to be very marginal and difficult to quantify, but would, if anything, actually be expected to provide a very minor improvement to the level of attenuation (though likely still*

negligible)." The Council's Public Protection Officer is satisfied with this comment and has raised no objections to the proposed revisions.

Moving onto the area to the west of the site, in order to improve the usability of this space that is to be made publicly accessible, the position of the proposed mound has been adjusted and moved further south to better link with the mound that is being created between the Development Zone and Blackfirs Lane. A network of footpaths has been included on this amended layout and the areas of native planting have been modified to reflect the proposed changes.

Therefore, in summary, the proposed changes to the landscape matters are considered acceptable as there would be no undue harm cause to residential amenity as a result of the changes and the impact on the character and appearance of the area would, if anything, the amended scheme would be an improvement to the approved scheme. The proposed Landscape scheme is considered wholly compliant with Policies P14 and P15 of Solihull Local Plan.

CONCLUSION

The revisions to the bund would mean that its height would be lower for the section adjacent to unit B car park, however, the gabion wall which would sit immediately behind the bund would remain at the 5m height with ivy planting to the Blackfirs Lane side. The gentler gradient to the bund at this location would allow for an improved planting scheme which, once matured, would create a better solution than a very engineered bund with steep slopes. The applicant's acoustic consultant has advised that this alteration would not affect noise outbreak from the site to which the Council's Public Protection Officer agrees.

The changes to the landscaping scheme on the western side of the site would enhance the area of open space by making it more accessible

The proposal therefore complies with policies P14, P15 and p17 of Solihull Local Plan (2013) and the overriding principles of the NPPF and the application is therefore recommended for approval.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2109_PL001_1 Rev L; 2109_PL001_2 Rev Q; 28286-)1; 6121-033B; SK117 Rev B; 116 Rev F

To ensure compliance with the approved plans and details and to safeguard amenity and the quality of the environment in accordance with Policy P15 of Solihull Local Plan 2013.

2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Pursuant to the requirements of Section 51 of the Planning & Compulsory Purchase Act 2004.

3. No building works shall be commenced until samples of all bricks, tiles and other materials to be used in the external elevations of the buildings hereby approved and of the materials used to surface all hard surfaces external areas of the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To safeguard the visual amenities of the area in accordance with Policy P15 of Solihull Local Plan 2013.

4. Before the development hereby approved is brought into use any air conditioning, electrical or mechanical ventilation scheme must be installed and thereafter used and maintained in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

To protect the neighbourhood from dust, fumes, odour or noise emissions in accordance with policy P14 of the Solihull Local Plan 2013.

NOTE: The scheme should specify in detail the provisions made to control noise and odour. Plans showing internal layout of ducting etc. will not be required except where they are relevant to noise and odour control equipment.

NOTE: Condition 3 was discharged on 20th March 2018 under application reference PL/2018/00178/DIS