

APPLICATION REFERENCE: PL/2021/03246/PPFL**Site Address:** 64 - 66 Station Road, Solihull. B91 3RX.

Proposal:	Full planning application for the demolition of 64-66 Station Road and redevelopment to provide gateway building with commercial space at ground floor level and up to 50 apartments with shared facilities and roof garden.
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 approval of an application which in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 AGREEMENT
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EXECUTIVE SUMMARY

This full planning application seeks planning consent for the demolition of an existing two storey building and the erection of an 11-storey building in Solihull Town Centre. The proposed building consists of commercial use on the ground floor with 10 storeys of residential accommodation above containing up to 50 one and two bed apartments with a roof garden on the top level.

The principle of this residential development is considered to be policy compliant, creating up to 50 new residential units in an established Town Centre location. The scheme would help to meet an identified need for dwellings in an accessible location within the Borough and is additionally beneficial given the Council is currently unable to demonstrate a 5 year housing land supply. The principle of development is acceptable and is in compliance with Policy P5 of the Solihull Local Plan 2013 (SLP). The design is distinctive and creates a sense of place through its landmark status which contributes to the local distinctiveness of the area, and the proposal therefore accords with Policy P5 and P15 of the SLP.

This report demonstrates that the proposal would cause a low to moderate degree of 'less than substantial harm' to the setting of nearby Grade II Listed Building of St Augustine Church and to the character and appearance of the adjacent Solihull Conservation Area. This 'less than substantial harm' is outweighed by the public benefits delivered by the proposal, including the provision of up to 50 one and two bedroom units contributing towards the Council's 5 year housing land supply, off-site contributions via a Section 106 Agreement towards cycling improvements at the

Streetsbrook Road/Stonor Park Road/Sharmans Cross Road/Dorchester Road junction and specialist education provision. It will also capture economic benefits associated with the creation of construction jobs and the support occupiers of the development would provide to the vitality and viability of the town centre. The proposal would also result in the removal of a night time commercial use which has resulted in noise complaints from existing local residents.

The proposal is considered to be acceptable in all other aspects, subject to appropriate conditions and a S106 Agreement, and is thus considered to comply with Policies P2, P5, P11, P14, P15 and P21 of the Solihull Local Plan 2013.

Therefore, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the application should be approved.

MAIN ISSUES

The main issues in the determination of this application are: -

- Whether the proposal provides an appropriate residential use in accordance with relevant planning policy;
- The effect of the proposal on the character and appearance of the area – Urban Design;
- The impact of the proposal on the character and appearance of the area with regard to designated heritage assets;
- Whether the proposal has an acceptable impact on the living conditions of the occupiers of neighbouring uses;
- The effect of the proposal on highway safety and the free flow of the road network.

Other material planning considerations;

- Affordable Housing;
- Drainage;
- Noise;
- Landscape and Ecology
- Heads of Terms S106 Agreement;
- Community Infrastructure Levy; and
- Any other matters.

CONSULTATION RESPONSES

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

Health and Safety Executive (HSE) – Following amended internal design, no objection.

Lead Flood Authority – No objection subject to conditions.

Historic England – No comments, defer to conservation officer.

West Midlands Fire Service - No objection, comments relating to access for fire fighters and Building Regulations submitted.

Birmingham Airport – No objection subject to conditions.

West Midlands Police – No comments submitted.

Non-Statutory Consultees - The following Non-Statutory Consultee responses

SMBC Highways – No objection subject to conditions and S106 request for cycleway improvements.

SMBC Landscape - No objection subject to conditions relating to the roof garden.

SMBC Ecology – No objection subject to condition.

SMBC Education – No objection, request for S106 contribution towards specialist education provision.

SMBC Urban Design – Recognises that the Design Review Panel are supportive of the scale of the tower and the overall design of the lantern and believe that the new development will improve the legibility of the town. Urban Design officer however objects by raising concern about how the tower responds to the scale of the site context, namely the conservation area and retail core of the town.

SMBC Policy and Spatial Planning – No objection in principle.

SMBC Heritage – The proposal would cause a low to moderate degree of ‘less than substantial harm’ to the setting and therefore to the significance of both the Grade II listed Church of St Augustine and the Solihull Conservation Area.

SMBC Public Protection – No objection subject to conditions.

Design Review Panel (pre-submission) – Supportive of proposal in terms of its scale, mass and design.

PUBLICITY

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

No third-party representations have been received.

RELEVANT PLANNING HISTORY

PL/2019/02766/PPFL – erection of 48 No. one bedroomed apartments in two storey extension above existing retail parade and maisonettes, alterations to ground floor unit to create new residential entrance to development, cycle store and associated works approved subject to S106 on 2nd March 2021.

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.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2021 and the National Planning Practice Guidance.

Whether the proposal provides an appropriate residential use in accordance with relevant planning policy

The NPPF sets out the Government's planning policies for England and is underpinned by a presumption in favour of sustainable development. Although the NPPF aims to boost significantly the supply of housing, great importance is still attached to the design of the built environment. The NPPF makes clear that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraphs 124–132). Decisions should aim to ensure that developments respond to local character and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 70 of the NPPF details where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.

The proposals map accompanying the Solihull Local Plan confirms that the site is located within the defined Town Centre Boundary.

Policy P2 Maintain Strong, Competitive Town Centres of the Solihull Local Plan seeks to maintain strong competitive town centres, and advises, amongst other things, 'the character and quality of the town will be protected and enhanced through the promotion and careful control of new development which is sensitive to its context but adds a new dimension to visual interest, activity and economic success.' Policy P2 of the Solihull Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

Policy P2 (vii.) of the Solihull Local Plan advises new development in the town centre will provide "residential development, both on freestanding sites and as part of mixed use development or refurbishment schemes, will be encouraged in & around the town centre" (p.54). Figure 15 (Table of Allocated Housing Sites) of the Local Plan advises that Solihull Town Centre could accommodate approximately 300 residential units (p.80).

Policy P2 (Maintain Strong, Competitive Town Centres) of the Draft Local Plan advises, amongst other things, that new development in the town centre could deliver approx. 1000 new homes in the town centre whilst indicating "the need to mark the town's gateways through the creation of unique landmark buildings". Although the draft Local Plan, as currently published, it carries little weight. However, it provides a clear indication of the Council's intention to significantly increase the quantum of residential development in the town centre along with appropriate changes to the scale and context of buildings.

The Councils Solihull Town Centre Masterplan was adopted in 2020 and is considered a material consideration in the context of this application. It also forms part of the evidence base which supports the Draft Local Plan. In that respect it is important to note that one of the overarching objectives of the Masterplan is to encourage a significant step change in residential uses within the town centre to support its continued vitality and viability.

Policy P5 of the SLP supports new housing on unidentified sites in accessible locations where they contribute to meeting borough wide needs and towards enhancing local character and distinctiveness. Policy P5 of the SLP is consistent with policies set out in the NPPF and full weight can be attributed to this SLP Policy.

In order to find support in Policy P5, developments should; (a) be located in accessible locations; (b) contribute to meeting borough wide housing needs and; (c) enhance local character and distinctiveness.

- (a) Accessibility

In terms of the first test, Policy P7 of the SLP provides accessibility criteria in relation to local circumstances. Policy P7, amongst other things, seeks to ensure that new development is focused in the most accessible locations and promotes ease of access. When looking at housing development, this Policy sets out criteria of walking distances that new development should seek to achieve and comments on distances from primary schools; doctor’s surgeries and food shops as well as distances from bus stops and railway stations. The intention is that development should be easily accessible and linked to existing amenity facilities that are capable of being arrived at on foot. Policy P7 of the SLP is consistent with policies set out in the NPPF and full weight can be attributed to this SLP Policy.

	Policy P7 distance requirement	Local Authority calculation of distance
Bus stop	400m	<100m
Rail station	800m	480m (Solihull Station)
Food store	800m	160m (Tesco Metro)
Primary school	800m	600m (St Alphege C of E Infant School)
GP surgery	800m	960m (Grove Road Surgery)

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) “*unless justified by local circumstance*”. The table above demonstrates that the proposed development satisfies the distance requirements as set out in Policy P7, and concludes that the development site is located in a highly sustainable town centre location. The proposal is considered to be in accordance with Policy P7.

For the reasons set out above, the spirit of Policy P7 is met, and the principle of the development on this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) meets the accessibility test in Policy P5.

- (b) Contribute to meeting borough wide housing needs

Turning to the second test, Paragraph 11 of the NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 3.60 years (as of 1st April 2021) and therefore the tilted balance is engaged. This shortfall is considered to be substantial on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be substantial this should be given significant weight.

The adopted supplementary planning document 'Meeting Housing Needs' expects developments to contribute towards addressing mismatches between housing demand and supply to help meet the Local Plan objective to address imbalances in housing supply and local demand. Within the Solihull Wards the SPD seeks 50% of all new market housing to be 1 or 2 bedroom dwellings. In this instance, the 50 apartments are a combination of 1 and 2 bedroom apartments. This would meet the identified need for smaller dwellings within the specific Ward and Borough as a whole and carries significant weight in the planning balance.

The principle of the development on this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would contribute to meeting borough wide housing needs and therefore meets the housing test in Policy P5.

- (c) Enhancing local character and distinctiveness

Finally, considering the third test, Policy P15 of the SLP provides guidance on Securing Design Quality. Policy P15 of the SLP requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment.

An assessment of the effect of the proposed development by reason of its appearance, scale, massing, layout, design and landscaping on the character and appearance of the area is set out in the next section of this Report. It is concluded that the proposal would meet the relevant criteria as set out in Policies P5 and P15.

- Summary

The principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would contribute to meeting borough wide housing needs and therefore meets the housing test in Policy P5 and the principle of Policy P2, which gains positive weight in the planning balance.

The effect of the proposal on the character and appearance of the area - Urban Design

Paragraph 124 of the Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect for sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

Paragraph 127 of the Framework advises that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Policy P15 of the SLP is a wide-ranging design policy that sets out the relevant guidelines by which development proposals will be assessed, including that all development proposals will be expected to achieve good quality, inclusive and sustainable design. Developments will be expected to provide a sense of place. This local plan policy is consistent with the NPPF and therefore carries significant weight. The proposal involves the demolition of the existing commercial building and the erection of an 11-storey building consisting of up to 50 one and two bedroom apartments. The existing building is two storeys in height and until recently has been

occupied by a restaurant and bar, which benefited from late opening and is located within Solihull Town Centre.

The proposal would provide a landmark building at the gateway to the town centre from the Lode Lane/Homer Road/Streetsbrook Road/Blossomfield Road roundabout and for those walking into the town centre from the train station. This is an important gateway to the town centre, and the proposed building would provide an updated form at the end of the existing three storey mixed use parade.

The proposal seeks to create a building that is twice its immediate context height, which equates to 10 storeys at 35.510 m in height with an additional crown feature to the key corner facing west (towards the Lode Lane roundabout). The overall height, at 11 storeys, to the top of the Lantern feature is 40.423m. The 11 storeys consist of a ground floor in commercial use with 10 residential floors above plus the crown feature which forms part of the landscaped roof garden.

The application seeks consent to demolish plots 64-66 incorporating the two-storey corner plot and the first two bays of the linear parade to form a plot of sufficient size for a new residential development.

The existing linear parade benefits from an extant planning consent – application reference PL/2020/02766/PPFL – to add a two storey vertical extension. This would result in this building becoming five storeys in height overall, with a rooftop garden to the rear of the first floor. To accommodate the proposed building, the extant consent will require amendments as the access and internal layout will change.

The site is also bounded by a modern 5 storey hotel development to the North, an extant planning permission for a new 8-storey office development (c35m in height) and Victorian style 3 storey refurbished offices opposite. Within the wider context 6 storey apartments are being constructed and have permission. The town centre masterplan also envisages a new six storey development of a multistorey car park and 120 apartments on the Lode Lane car park site to the rear.

The proposed design of the building picks up on the character and appearance of the existing building being focused on Art Deco stylised forms and features. The proposed detail of the building picks up on the window arrangements in continuous vertical bands to maintain a streamlined appearance and make use of square and curved openings on the corners. This ensures that the façade is broken up and creates less visual impact on the Town Centre. Soldier course banding have been utilised to create a horizontal element. The building would step out the tower element which allows the parade to conclude making the building standalone and be the prominent element. This has allowed existing canopies to conclude.

Access to the proposed building, including an access at first floor to the two-storey vertical extension to the linear and wider parade building, will be via a new lobby. The proposed lobby, the access core, will be located to the north of the site, in-between the proposed building and the existing hotel where footfall and natural surveillance are considered acceptable. Proposed residents of the building – which will consist of 14 one-bedroom apartments and 36 two-bedroom apartments – will access the individual residential floors via the access core. This consists of an internal stairwell which links

all floors and there is a lift for the benefit of residents. A management team will maintain the operations of the building.

The applicant sought pre-application advice from the Council prior to the submission of this full planning application. The applicant also presented the proposal to the Design Review Panel (DRP) in July 2021. The DRP is a group of independent, multi-disciplinary construction professionals working in the field of the built environment. The DRP provides impartial advice to applicants and local authorities on design issues in relation to important new development schemes. Paragraph 133 of the Framework states that in assessing applications, local planning authorities should have regard to the outcome from these processes and presentations, including any recommendations made by design review panels, which is considered best practice.

The applicant has sought to address the matters raised by the Council's Urban Design Officer and the DRP at pre-submission through amendments to the design and layout of the proposed building. Where such amendments were not possible or not agreed with by the applicant, these are detailed and justified in the accompanying Design and Access Statement (amended August 2022).

However, the Council's Urban Design Officer remains unconvinced by the scale of the proposed building at 11 storeys and states that the existing *"art deco lantern building is currently a landmark building by virtue of its form and prominent gateway position into the towns retail area. This proposal however seeks to reinforce this with height and create a new identity for this prominent location into the town. Whilst the simplicity of the use of materials and active uses at ground floor are welcomed, I remain unconvinced by the scale of the building"*.

The applicant references the consented Westgate Development as a comparable in terms of height and scale, reflecting its close proximity and relationship on the opposite side of Station Road. This also has regard to the shared relationship to the adjacent roundabout and highway network. However, the Council's Urban Design Officer does not agree that this consented scheme, which is yet to commence, is comparable because the context differs. The Westgate Development is sited within a different, albeit immediately adjacent, character area to the application site (as recognised by the Councils town centre masterplan), which is located at the entrance to the Homer Road commercial and civic quarter of the town. Buildings in this locality are typically taller and have larger footprints, whereas the application site lies in an area which has a generally different scale and architectural form.

In contrast, the DRP consider *"that the site represents a prominent gateway position within Solihull that can accommodate an appropriately designed tall building and associated enhancements to the public realm"*. Furthermore, the DRP states *"the analysis undertaken regarding the proposed building height and massing is considered to have clearly explained and justified the proposed height of 11 storeys, demonstrating how it will relate to other proposed new and existing buildings, such as Westgate Development. Whilst the Panel is supportive of the proposed building height, as the proposed building will be very prominent and most likely the tallest building in the vicinity, the design of the roofscape and how the proposed finishes against the skyline is considered to be vitally important to the design quality of the scheme"*.

The Council's Town Centre Masterplan identifies the Lode Lane/ Prince's Way roundabout as a key Node/Gateway into the town centre. The Masterplan notes that in the context of this roundabout and others in the town centre that it is "perhaps surprising for a town of such quality and heritage..... that main gateways are currently characterised by large scale infrastructure..... which dominate in scale compared to the surrounding context". As already outlined, the proposed development would provide a new façade to highway infrastructure and one of the primary routes identified in the Masterplan. Coupled with the proposed development at Westgate it is expected to help provide a new gateway feature into this part of the town centre by providing a building of more significant presence. It was this context that was recognised by the Design Review Panel.

At pre-submission, the applicant proposed several options for connecting the proposed Lantern building to the host building. Whilst these were commented on by the Council's urban design officer and the DRP, the applicant has proposed a 'break' in the canopy at first and second floor of the host building to clearly demarcate the end of the host building and the start of the Lantern building. This existing unit, the old Laithwaite's retail unit, will form the main entrance to the existing parade building which benefits from the extant consent for the two-storey vertical extension.

The Council's Urban Design Officer considers that the revision to the connecting building is at a detriment to the design of the existing parade. The existing heritage of the building has been lost in the current proposal and an additional design element is added. The previous proposal, at pre-submission, sought to follow the canopy through to the connection with the proposed Lantern building. The Council's urban design officer's preference was for the previous connection design that sought to retain the pedestrian canopy to the parade to be incorporated.

On this matter, the DRP commented (at pre-submission) that the link preferred by the Council's urban design officer between the proposed Lantern design and the art deco detail on the existing building was unconvincing. It was considered by the DRP that the design did not reflect the big characteristic queues of the art deco design of the host building. The DRP therefore suggested that it may be more appropriate for the Lantern building to be seen as a contemporary building that provides a physical stop to the art deco host building. Notwithstanding this, the DRP requested that the proposed Lantern building should correlate with the art deco host building in terms of proportions and window reveals, but not incorporate overt detailing.

With regard to how the proposed Lantern building connects to the host building, it is considered that the applicant has positively responded to the advice provided by the DRP.

The submitted design of the Lantern building has focussed on delivering a distinct, high-quality place to live which creates a sense of place and enhances the qualities and character of Solihull Town Centre. The applicant has responded to the pre-submission feedback from the Council's Urban Design Officer and the DRP, which has proved challenging given the difference of opinion relating mainly to the height of the proposed building and the design of the connection between the existing host building and the proposed.

The Council's Urban Design Officer acknowledges the DRP are supportive of the scale of the Lantern building, the overall design and consider the proposal will improve the legibility of the town centre. The Council's Urban Design Officer's concerns are based on how the Lantern building responds to the scale of the site context, namely the conservation area and retail core of the town centre. Officers consider that the proposed development would enhance the character and appearance of the area and the local distinctiveness of this part of the Town Centre. The proposed height of the Lantern building has been justified by the applicant and will provide a landmark building in an important location within the Town Centre, which reflects the ambitions of the draft Local Plan and Councils Town Centre Masterplan. The applicant has provided the design narrative for the proposed building and has amended the design in accordance with the feedback from the DRP where possible. Whilst it is acknowledged that the Council's Urban Design Officer does not support the proposal, paragraph 133 of the Framework states that local authorities must consider DRP and have regard to comments and recommendations as a material planning consideration. Given that the DRP are supportive of the proposed building, it is concluded that the proposal accords with the principles of Policies P5 and P15 of the SLP and the guidance in the Framework. As such moderate positive weight can be attached to this matter in the planning balance.

The impact of the proposal on the character and appearance of the area with regard to designated heritage assets

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S.66(1) requires the decision maker to ask whether there would be some harm to setting of listed buildings. If there would be, the Council shall refuse planning permission unless that harm is outweighed by the planning benefits of the proposed development. This is a statutory presumption in favour of preservation (Barnwell Manor Wind Energy Ltd).

Paragraph 190 advises that '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*'

Paragraph 193 confirms that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'.

Paragraph 196 of the NPPF advises that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm*

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Recent Historic England guidance on setting (2011) focuses on its importance and the determination of what it is in each case. It stresses that setting is not in itself a heritage asset, but that it has importance because of the contribution that it makes to a heritage asset.

Regard is also required in respect of Paragraphs 124 and 127 of the NPPF which attach great importance to design of the built environment and creating high quality and inclusive development.

The National Planning Practice Guidance says that:

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Policy P16 'Conservation of Heritage Assets and Local Distinctiveness' of the SLP 2013 is consistent with national guidance on this matter. This policy states that the Council recognises the importance of the historic environment to the Borough's local character and distinctiveness, its cultural, social, environmental and economic benefits and the effect this has on civic pride. Development proposals will be expected to demonstrate how these characteristics have been conserved. It seeks fully informed applications that conserve heritage assets and their settings to a degree proportionate to their significance, carefully managing change to local character and the sense of place.

The host building, whilst not nationally or locally listed, is elegant in its design and is an important landmark on the approach into the town centre from the train station and Lode Lane gateway. The Council's Conservation Planner has raised concerns that the proposed Lantern building would cause a low to moderate degree of 'less than substantial harm' to the setting and therefore the significance of both the Grade II listed Church of St Augustine and the Solihull Conservation Area.

The Council's Conservation Planner considers that the harm to the adjacent Conservation Area and Grade II listed church are caused by the significant scale and massing of the proposed Lantern building in this context. This would result, in part, from the relationship of the proposed tall building to the lower overall 'market town' character of this area of the town centre. Taller buildings are currently confined to a central core of Touchwood shopping centre at four storeys in height, and the seven storey Mell House building. These taller buildings are separated from the Conservation

Area by other buildings within the town centre around Mell Square, Mill Lane and Drury Lane. The Council's Conservation Planner considers that the church setting has previously been harmed by the development of Touchwood shopping centre and the John Lewis building and the change proposed to the more open western and south western edges of the town centre by the proposed Lantern building will impact further.

In conclusion, the Council's Conservation Planner considers that the proposed Lantern building fails to preserve or enhance the setting of the Grade II listed church and the character and appearance of the Conservation Area. As a lesser issue, the Council's Conservation Planner considers that the proposal would harm the character and appearance of the adjoining building, which is an undesignated heritage asset, by removing the existing characterful two storey showroom building and the three storey flats to its east whilst restricting views of this building from an easterly direction. It should be noted however that this building has extant permission to be extended by a further 2 stories (ref above), with the extension intended to be integrated into this proposed building. The consideration of the permitted extension alongside this proposal is reflected in a number of plans and images (including some which are illustrative) to help demonstrate how the two parts will interact and function together. It should be noted that any changes to the design of the approved extension would likely require further planning consent.

As the Council's Conservation Planner has concluded that the proposed Lantern building would cause a low to moderate degree of 'less than substantial harm' to the setting and therefore to the significance of both the Grade II listed Church of St Augustine and the Solihull Conservation Area, these matters must be fully considered in the planning balance against the public benefits delivered by the proposal.

The Framework's approach to the harm is that it is taken into account with a balanced judgement made. The harm carries significant importance and weight and the Framework identifies that great weight should be given to designated assets' conservation, the weight increasing the more important the asset. Therefore, although the harm to the setting of Church's significance and Conservation Area would be limited this carries great weight.

The public benefits would include the provision of up-to 50 one and two-bedroom units contributing towards the Council's 5-year housing land supply. This would be considerable given the current shortfall and need for smaller accommodation in the Borough. The development's public benefits in addressing both a shortfall in housing delivery and in particular helping to address the need for smaller housing units carries significant weight.

The off-site contribution of £98,000 towards cycleways improvements and £9966.94 towards specialist education provision would also be a public benefit. Further economic benefits associated with the creation of construction jobs and the support occupiers of the development would provide to the vitality and viability of the town centre in terms of additional spend carry significant weight. The proposal would also result in the removal of a night time commercial use which has resulted in noise complaints from existing local residents but this carries limited weight.

Officers consider that the public benefits of the development would be significant and outweigh the harm to the setting of the designated heritage assets' significance. The development would accord with development plan Policy P16, the Act and the Framework and is afforded moderate positive weight in the planning balance.

Whether the proposal has an acceptable impact on the living conditions of the occupiers of neighbouring uses

Policy P14 of the Solihull Local Plan seeks to protect the amenity of existing and potential occupiers of houses and businesses. Policy P14 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

Policy P2 (vii.) of the Local Plan advises new development in the town centre will provide "residential development, both on freestanding sites and as part of mixed use development or refurbishment schemes, will be encouraged in & around the town centre" (p.54). Figure 15 (Table of Allocated Housing Sites) of the Local Plan advises that Solihull Town Centre could accommodate approximately 300 residential units (p.80).

Policy P2 (Maintain Strong, Competitive Town Centres) of the Draft Local Plan advises, amongst other things, that new development in the town centre could deliver approximately 1000 new homes in the town centre. Although the draft Local Plan, as currently published, can carry some weight, it is very limited. However, it provides a clear indication of the Council's intention to significantly increase the quantum of residential development in the town centre.

The Councils Solihull Town Centre Masterplan was adopted in 2020 and is considered a material consideration in the context of this application. In that respect it is important to note that one of the overarching objectives of the Masterplan is to encourage a significant step change in residential uses within the town centre to support its continued vitality and viability.

The proposed Lantern building seeks to reuse the footprint of an existing building within the Solihull Town Centre. The adjoining host building is currently 3 storeys in height and consists of a mixture of E Class uses, predominantly food and drink outlets at ground floor level, whilst the first and second floor consist mainly of residential maisonettes. This building benefits from an extant consent for the erection of two further floors of residential apartments to create a five-storey building. The Premier Inn hotel is located to the north (rear) of the application site and is five storeys in height.

The applicant has provided a solar study as part of the Design and Access Statement. The key points from this study are that the proposed building is south facing which results in overshadowing from the Lantern being mainly to the rear. However, during the summer months, there will be direct sunlight to the rear roof deck. Due to the scale of the proposed Lantern building, there will be partial shadowing to the Premier Inn hotel however the applicant emphasises that the hotel rooms are generally not occupied during the day and that there is an existing relationship between the hotel and the site, where the separation distance has been deemed to be acceptable.

In terms of amenity, it is considered that the proposed Lantern building will not cause an unacceptable level of overlooking, overshadowing or loss of light to adjoining or neighbouring uses. It is acknowledged that due to the scale and mass of the building, there will be some impact on neighbouring uses however it is concluded that the impacts caused are of an acceptable level and will not demonstrably or adversely affect the amenity value of those residents or businesses.

The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework. This should be accorded neutral weight in the planning balance.

The effect of the proposal on highway safety and the free flow of the road network

The NPPF indicates that developments should only be prevented if a safe and suitable access to the site cannot be achieved.

Policy P7 of the Solihull Local Plan 2013 seeks to focus new development in the most accessible locations and seeks to enhance existing accessibility levels and promote ease of access and has been considered above in this report. Policy P8 of the Solihull Local Plan 2013 requires all development proposals to have regard to transport efficiency and highway safety.

Policy P8 of the Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The application site is located in a highly sustainable location within the Solihull Town Centre. The existing commercial building and the adjoining host building have no designated parking aside from a limited number of spaces to the rear adjacent to the service area for the host building and the Premier Inn. It is understood that these spaces are allocated to the ground floor units of the host building which consist of shops, restaurants and pubs. No parking has been proposed for this application given its sustainable location and proximity to a range of public transport options including the Solihull train station, extensive bus network and range of amenities within walking distance.

A Transport Statement (TS) prepared by i-Transport has been submitted on behalf of the applicant in support of the current planning application. As the development will be car-free, the proposals should generate very few, if any, vehicle trips. The Highway Authority is therefore satisfied that the development proposals should not have a severe impact on public highway safety, or on the operation or capacity of the local highway network.

Although the development does not include the provision of parking for the proposed apartments, the application site is located in a highly sustainable location with several bus stops located adjacent to the application site along Station Road and Poplar Road, providing high frequency bus services. Solihull Train Station is also located within a short walking distance of approximately 400m from the application site, with high quality pedestrian connections provided along the route between the application site

and the train station. It is anticipated that future occupants of the proposed apartments will make use of the high level of sustainable modes of public transport available within the vicinity of the application site. There are also a high number of local facilities and amenities available within the vicinity of the application site. A total of 54 cycle storage spaces shall be provided for the proposed apartments.

The Highway Authority notes that should any of the future occupants own a vehicle, multiple car parks are available within close proximity of the application site. Seasonal permits can be purchased at the Lode Lane car park. On-street parking restrictions are also in place along roads/streets located within close proximity to the application site, prohibiting on-street parking from occurring. This would prevent any future occupants owning a vehicle being able to park their vehicle on nearby roads/streets.

The Solihull Local Cycling and Walking Infrastructure Plan (LCWIP) has identified Blossomfield Road as a Primary / Strategic Corridor to connect Dickens Heath with Solihull Town Centre. In line with the LCWIP, the Council is developing cycle infrastructure schemes and a reallocation of road space to balance the needs of cyclists and motorists along Blossomfield Road. As part of the wider strategy, the Council is looking at key routes and junctions to facilitate walking and cycling. One of the junction improvement schemes identified is at the Streetsbrook Road / Stonor Park Road / Sharmans Cross Road / Dorchester Road junction. The car free nature of the development will result in future occupants relying on the use of sustainable modes of travel, including cycling. The Highway Authority also notes that 54 cycle parking spaces are proposed for the apartments and the Framework Residential Travel Plan (also prepared by i-Transport) encourages an increase in cycle trips to and from the application site. The Highway Authority will therefore seek a contribution of £98,000 towards the delivery of cycling infrastructure in the vicinity of the development and at the Streetsbrook Road / Stonor Park Road / Sharmans Cross Road / Dorchester Road junction. The improvement to cycle and pedestrian connectivity in this location is also an overarching aim of the Councils Town Centre Masterplan.

The proposal is located in a highly sustainable location and causes no highway safety issues. The Council's highway engineer has raised no objection to the proposal subject to conditions. The proposal therefore accords with Policy P7 and P8 of the Solihull Local Plan 2013 and guidance in the Framework. This matter should be accorded neutral weight in the planning balance.

Other material planning considerations

- Affordable Housing

On the 19 May 2016 Government announced changes to national planning guidance in respect of the thresholds at which affordable housing contributions may be sought and a vacant building credit, which applies where developments re-use existing buildings or include the demolition of existing buildings. Solihull has adopted an

Addendum to Solihull 'Meeting Housing Needs' Supplementary Planning Document to accord with this updated guidance.

The Council has therefore amended Council Plan Policy P4 a) as follows, 'The Council will require developers of allocated and unidentified sites to make a contribution to affordable housing on residential sites of 11 units or more, or which have a maximum combined gross floor space of more than 1000sqm to meet the housing needs of the Borough'.

National Planning Policy Guidance advises in Planning Obligations at paragraph 11 that "contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (gross internal area)". The National Planning Policy Guidance supersedes Policy P4 of the Local Plan. Thus, in this instance the National Planning Policy Guidance has been applied to the proposal.

The site of this application for a proposal of up to 50 residential units is above the threshold where Policy P4a applies, therefore the Council's starting assumption is that the affordable housing should be provided on-site. The applicant has provided a detailed Viability Assessment which concluded that due to exceptionally high build and proposed material costs, an affordable housing contribution either on or off-site was not viable. The Council engaged the services of Cushman and Wakefield to review the submitted Viability Assessment. Cushman and Wakefield concluded that an affordable housing contribution would result in an unviable residential development scheme.

Policy P4a) of the SLP 2013 states that affordable housing contributions will be expected to be made in the form of 40% affordable dwelling units on each development site but will take into account the economics of provision including particular costs that may threaten the viability of the site. Given that an independent review of the applicant's viability assessment which concludes that it is financially unviable for the proposed development to make an affordable housing contribution, it is concluded that the proposal complies with the provisions of Policy P4a) of the SLP 2013 and guidance contained within the PPG. This consideration carries neutral weight in the assessment and determination of this application.

- Drainage

Policy P11 of the Solihull Local Plan 2013 relates to water management and states that the Council recognises the need for water efficiency in all new development, and that all new development shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so.

The Lead Flood Authority have made no comments or observations on the application but has requested two planning conditions relating to a surface water drainage scheme and a management and maintenance plan for surface water. Subject to the imposition of these conditions on the consent, it is concluded that the proposal is compliant with Policy P11 of the Solihull Local Plan 2013. Neutral weight can be attributed to the matter in the planning balance.

- Noise

Paragraph 185 of the Framework confirms that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

Policy P14(vii) of the Solihull Local Plan 2013 seeks to minimise the adverse impact of noise. Development likely to create significant noise will be permitted if it is located away from sensitive uses or it incorporates measures to ensure adequate protection against noise.

The applicant has submitted an Environmental Noise Assessment (ENA) in support of the planning application. Based on the predicted noise levels incident on the proposed facades, the ENA sets out suitable glazing and ventilation attenuation performance criteria to demonstrate that appropriate internal noise levels can be achieved within habitable rooms of the development in accordance with the appropriate British Standards. The Council's Public Protection Officer has reviewed the evidence submitted and confirms the findings and raises no objection to the scheme subject to the imposition of conditions.

The proposal therefore, accords with Policy P14(vii) of the Local Plan and guidance in the Framework. Neutral weight can be attributed to the matter in the planning balance.

- Landscape and Ecology

Policy P10 of the SLP addresses the natural environment and seeks biodiversity enhancement where feasible.

The applicant has submitted an indicative landscape plan which shows how the roof space can be utilised as amenity space for the future residents of the proposed building. The Council's landscape architect has reviewed this and has raised no objection subject to conditions requiring further information on the species to be planted to ensure that these are appropriate.

The Council's ecologist is satisfied that Biodiversity Net Gain will be achieved through additional planting on the site, given the site is currently occupied by an existing building and large area of hardstanding. The Preliminary Roost Assessment (PRA) submitted by the applicant in support of the application demonstrated that there was no evidence of roosting bats or nesting birds. The PRA includes a recommendation for swift boxes to be integrated into the design of the building and this feature is to be secured via Condition 6.

Subject to the inclusion of these requested conditions on the consent, it is concluded that the proposal is compliant with Policy P10 of the Solihull Local Plan 2013. Neutral weight can be attributed to the matter in the planning balance.

Other matters

- Heads of Terms S106 Agreement

Paragraph 54 of the NPPF states that planning obligations must only be sought where they meet all the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Policy P21 - Developer Contributions and Infrastructure Provision of the Solihull Local Plan accords with the test set out in the Framework.

The proposed S106 agreement would have two elements, namely;

- Contribution to Solihull Local Cycling and Walking Infrastructure Plan (LCWIP) for cycleway improvements around the Streetsbrook Road / Stonor Park Road / Sharmans Cross Road / Dorchester Road junction – a commuted sum of £98,000 and this has been secured via a Section 106 Agreement.
- Contribution to specialist education provision – a commuted sum of £9966.94 and this has been secured via a Section 106 Agreement.
- Linkage of this proposed permission to require the concurrent construction of planning permission ref: PL/2019/02766/PPFL to ensure the design integrity to this parade is delivered.

It is considered that the S106 agreement accords with Policy P21 of the Solihull Local Plan 2013, as well as Paragraph 54 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- Community Infrastructure Levy

The Council adopted the Community Infrastructure Levy (CIL) Charging Scheduled at Council on 12th April 2016. The development is subject to CIL if planning permission is granted. This would amount to £406,385.24 based on 4,423 sq metres of chargeable residential floor area within the mature suburbs plus £34,106.64 based on 278 sq metres of chargeable Class E floor area within the mature suburbs.

- Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full

weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Matters of sustainable urban drainage are secured, a net gain in biodiversity is achieved and landscaping is maximised. Officers also note that new dwellings will be constructed to modern Building Regulation standards and will therefore have a far greater thermal efficiency than older dwellings. Whilst not yet reaching net zero, such standards will, by their very nature, help reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions.

Furthermore, it is important to note that amended Building Regulations came into effect from 15th June 2022 and are now applicable to new builds. This relates to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations. Part S (Infrastructure for the charging of electric vehicles) has also been bolstered and become a building regulation requirement. Whilst new measures will not apply to schemes which are already subject to a building notice; full plans application to Building Control; or initial notice to Building control and which commence work for each building before 15 June 2023, it is our understanding that anything subject to such Building Control applications after the 15th June 2022 will need to meet these new regulations as standard.

- Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, which is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

- Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

The principle of this residential development is considered to be policy compliant, creating up to 50 new one and two-bedroom residential units for private rent in an established Town Centre Location, and would help to meet an identified need for dwellings in an accessible location within the Borough. The principle of development is acceptable and in compliance with Policy P5 of the Solihull Local Plan.

The proposal has been designed as a landmark building, to create a gateway at this important entrance to the Solihull Town Centre. The design is supported by the Design Review Panel, and seeks to integrate with the existing host building through the use of sensitive materials, replication of key art deco design features from this host building and window detail and alignment. The proposal therefore accords with the principles of Policies P5 and P15 of the SLP and the NPPF.

It is considered that the proposal complies with Policy 14 of the Solihull Local Plan 2013 with regard to amenity of existing and proposed residents, and that the roof top terrace will provide formal amenity space which is considered a benefit of the scheme.

The proposal would have no material impact upon the local highway network and given the highly sustainable location. It is considered acceptable that no parking provision is provided given the location and existing parking provision within the Town Centre. The proposal therefore accords with Policies P7 and P8 of the Solihull Local Plan 2013 subject to the imposition of conditions.

However, the proposal would, due to its scale, massing and appearance, cause a low to moderate degree of 'less than substantial harm' to the setting and therefore the significance of the Solihull Conservation Area and to the Grade II listed Church of St Augustine. This matter must be considered in the planning balance to whether the benefits of the proposed development outweigh the less than substantial harm to the heritage assets. The benefits the scheme would deliver include the provision of up to 50 one and two-bedroom residential units in the Town Centre which is considered highly sustainable location. This provision would significantly contribute to the Council's 5-year housing land supply which is currently in deficit. As a result of the housing land supply shortfall paragraph 11(d) of the Framework applies. The scheme would also provide S106 contributions totalling £107,966.94 towards cycleway improvements in the vicinity of the site and towards specialist education provision. The proposal would result in the removal of a night time commercial use which has resulted in noise complaints from existing local residents. Finally, the economic benefits the

scheme would deliver in terms of support for construction jobs and the support future occupiers of the proposed development would provide to the vitality and viability of the town centre in terms of additional spend.

Together the public benefits of the development would be significant and outweigh the harm to the setting of the designated heritage assets' significance. The development would accord with development plan Policy P16, the Act and the Framework.

As a result of the housing land supply shortfall, paragraph 11(d) of the Framework applies. Where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.

The outcome of this application therefore depends on whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits. Significant weight is attached to the economic benefits of the development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services within the Town Centre. Significant weight is attached to the social benefits of the development through the provision of up to 50 new homes, including S106 contributions for the benefit of the local area. Moderate weight is attached to the environmental benefits of the development as the layout, scale and appearance enhances the character and appearance of the development and the local distinctiveness of the Town Centre to the site and its surroundings. All other matters are neutral in the planning balance.

Therefore, in summary, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the application should be approved.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

The proposal is therefore recommended for approval subject to a S106 Agreement being entered into and the imposition of appropriate conditions.

RECOMMENDATION

Approval is recommended subject to the signing of a S106 Agreement and 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. CS00 – compliance with plans
2. CS05 – commencement in 3 years
3. CS06 – materials to be submitted

4. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:

- Drawings showing overall site concept design principles
- Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- Surface Water Drainage Design including:
 - Confirmation of the lifetime of the development
 - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances’),
 - Confirmation of discharge rates and volumes (both pre and post development)
 - Confirmation of proposed discharge location.
 - Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMBC Policy P11 and DEFRA’s Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
 - Engineering details for all surface water drainage features
 - Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
 - Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- Surface Water Drainage adoption and maintenance strategy
- On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

The scheme shall be implemented, maintained and managed in accordance with the approved details.

To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

5. No above-ground work shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

6. No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable integrated nesting boxes for swifts to be erected on buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platform(s)/box(es) shall be installed and maintained in perpetuity.

Reason: To mitigate for the loss of suitable nesting bird habitat

7. Prior to the occupation of the development hereby approved a Servicing and Delivery Management Plan in accordance with The Lantern, Station Road, Solihull Framework Delivery and Servicing Plan ref NM/LC/ITL16734-003A R dated 10 November 2021 shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide for:

- a. Type and quantity of servicing and deliveries;
- b. Location of refuse collection points/areas;
- c. Swept path analysis of service areas;
- d. Vehicular access; e. Delivery/servicing details; and
- f. Servicing co-ordination.

Thereafter, the Servicing and Delivery Plan shall be implemented in accordance with the approved details.

In the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

8. No dwelling shall be occupied until the Framework Residential Travel Plan (Report Ref: NM/LC/ITL16734-002A R) has been implemented. Thereafter, the Plan shall be reviewed on a biannual basis. The review report shall be submitted biannually to and approved in writing by the Local Planning Authority.

In order to encourage sustainable travel in accordance with Policy P8 of the Solihull Local Plan 2013.

9. The ground floor of the building hereby approved shall be used for Class E of the Town and Country Planning (Use Classes) Order 1987 as amended unless otherwise agreed in writing by the local planning authority.

In the interests of the amenities of future residents of the development in accordance with Policy P14 of the Solihull Local Plan 2013.

10. The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To minimise the effect and enhance the character of the development in accordance with Policy P10, P14, P15 and P16 of the Solihull Local Plan 2013.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

To minimise the effect and enhance the character of the development in accordance with Policy P10, P14, P15 and P16 of the Solihull Local Plan 2013.

12. No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting

and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as the use of native and pollinator friendly species and tree planting. Such approved measures shall thereafter be implemented in full.

To ensure a net biodiversity gain in accordance with NPPF and Policy P10 of the Solihull Local Plan

13. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority.

These shall include details of:

- a) the hours of construction work and deliveries;
- b) area(s) for the parking of vehicles of site operatives and visitors;
- c) area(s) for the loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) measures for ensuring that no mud, grit, dirt or other materials from the site is deposited on the highway;
- f) the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;
- g) mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- h) a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- i) waste management details - including the movement of vehicles associated with the recycling/disposal of waste resulting from demolition and construction works; and
- k) temporary lighting during construction.

The approved Construction Method Statement for any phase shall be adhered to throughout the construction period of the development

To maintain the safe and efficient operation of the highway in accordance with Policies P7 and P8 of the Solihull Local Plan and to safeguard amenities of residents and commercial premises in accordance with Policy P14.

14. Before the development commences a Crane Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Birmingham Airport. Thereafter the approved scheme shall be implemented in accordance with the approved details.

To safeguard the Inner Horizontal Surface at Birmingham Airport in accordance with DfT Circular 01/2003.

15. Details of a scheme of external lighting to be installed at the site, including obstruction lighting required by Birmingham Airport, shall be submitted to and

approved in writing by the local planning authority prior to the commencement of the development hereby approved. The scheme shall be implemented, maintained and managed in accordance with the approved details and retained thereafter.

In the interests of the amenities of the area in accordance with Policy P7 and P15 of the Solihull Local Plan 2013.

16. All noise mitigation measures shall be installed in accordance with the specifications detailed in the Environmental Noise Report by Cundall document reference SRS-CDL-XX-XX-RP-AS-45200 dated 1st December 2021. Where this is not possible, written approval of alternative specifications will be required from the local planning authority.

In the interests of the amenities of future residents of the development in accordance with Policy P14 of the Solihull Local Plan 2013.

17. All internal and external plant and machinery shall be used and installed in accordance with the specifications detailed in the Environmental Noise Report by Cundall document reference SRS-CDL-XX-XX-RP-AS-45200 dated 1st December 2021. Where this is not possible, written approval of alternative internal and external plant and machinery will be required from the local planning authority.

In the interests of the amenities of future residents of the development in accordance with Policy P14 of the Solihull Local Plan 2013.

18. Before the development hereby approved is first brought into use, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the commercial elements of the development. This shall include (where appropriate) the preparation of a 'Noise Management Plan' which shall establish necessary control measures to minimise noise impacts from the use and patronage of the commercial use. Once written approval has been issued, the noise control measures must be implemented before the use commences, maintained and used in accordance with the agreed scheme thereafter.

In the interests of the amenities of future residents of the development in accordance with Policy P14 of the Solihull Local Plan 2013.

19. No occupation of the ground floor Class E development shall occur until an extraction and ventilation system has been installed in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The installation shall be subject to testing to demonstrate it is capable of reducing odours to an acceptable level; the methodology for such testing shall form part of the agreed scheme. If as a result of the testing process the equipment does not reduce odours to an acceptable level then upgrading of the system shall take place in accordance with details to be submitted to and approved by the Local Planning Authority. Thereafter the system shall be used and maintained in accordance with the approved scheme.

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

20. Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing proposed sound insulation performances of building elements separating commercial/communal areas from adjacent residential areas/uses. The proposals shall be supported by calculation / evidence that demonstrates that performance criteria are appropriate and justified in safeguarding residential uses from potential noise generated in commercial and communal areas.

The approved sound insulation / noise mitigation measures shall be installed and thereafter used and maintained in accordance with the approved scheme.

In the interests of the amenities of future residents of the development in accordance with Policy P14 of the Solihull Local Plan 2013.