

APPLICATION REFERENCE: PL/2022/00064/PPFL**Site Address:** St Johns Way Shopping Centre St. Johns Way Knowle Solihull B93 0LE

Proposal:	Refurbishment and upgrade works to existing St John's Way shopping centre to provide 17 No. retail units (Use Class E) at the ground floor level with some first floor storage space, 28 No. residential apartments at the first floor level and the formation of a second floor to provide 19 No. residential apartments, car parking, landscaping and all other associated works. Demolition, including of two No. existing over passes.
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.
---	--

Recommendation:	APPROVAL SUBJECT TO CONDITIONS AND THE APPLICANT ENTERING INTO A S106 AGREEMENT.
------------------------	---

EXECUTIVE SUMMARY

Planning policy in respect of both the Local Plan, Neighbourhood Plan and Framework support the refurbishment of the existing village centre which will ensure the continued sustainability and economic success of the village centre as well as preserving and enhancing its character and appearance. Further, the proposal will deliver smaller units that address the mismatch of size of units in the area. The proposal is therefore compliant with Policies P19 and P5 of the Local Plan and E1, E2, H3, D1 of the NP. These matters are afforded significant positive weight in the planning balance.

The proposals would cause a 'low degree of less than substantial harm to the character and appearance of Knowle Conservation Area and to the setting of some Listed Buildings'. 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 Listed Buildings significance and Conservation Area would be limited this carries great weight.

The public benefits namely the economic, social and environmental benefits outlined in the report carry significant weight. Together these public benefits that the development would deliver would be significant and outweigh the low degree of less than substantial harm to setting designated heritage assets' significance. The development therefore would accord with Local Plan Policy P16, Neighbourhood Plan Policies VC2, VC3 and D2 and the Framework.

The proposal would also enhance the character and appearance of the development compared to the existing development and accords with Policy P5 and P15 of the Local Plan. Further, the provisions of Policy D1 Character and Appearance of the Knowle, Dorridge and Bentley Health Neighbourhood Plan are met. Moderate weight can therefore, be attributed to the matter in the planning balance.

In terms of the site accessibility, it is clear that the site within Knowle Village centre is in an accessible location which accessible sustainable modes of the travel other than the car. The additional trips created by the development do not cause any material impact to the operation of the local highway network. Paragraph 111 of the Framework is therefore not engaged as no severe impact would occur on the strategic road network.

Further, the evidence in relation to car parking capacity within the village centre is clear, demonstrating that, even during the peak occupancy periods, there is still spare capacity both within the car parks and on-street, to accommodate any potential increase in demand for parking the development proposals could generate.

The proposal therefore accords with Policies P7 and P8 of the Solihull Local Plan 2013 and policies T1, T2, T3 and T5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. Neutral weight can therefore be attributed to the matter in the planning balance.

All other matters are neutral in the planning balance.

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; and in terms of the schemes 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 village centre. Significant weight is attached to the social benefits of the development through the provision of up to 47 new units, including the provision of smaller units. Significant weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping enhances the character and appearance of the development and the local distinctiveness of the village 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.

MAIN ISSUES

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

- Whether the refurbishment and reconfiguration of the existing shopping centre is in accordance with relevant planning policy;
- The effect of the proposal on designated heritage assets (namely Listed Buildings and Knowle Conservation Area);
- The effect of the proposal on the character and appearance of the area;
- What effects does the development have on highway safety and the free flow of the road network?; and
- Impact on neighbour amenity.

Other Material Considerations

- Affordable housing;
- Landscape;
- Ecology;
- Drainage;
- CIL;
- Others...

CONSULTATION RESPONSES

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

Knowle, Dorridge and Bentley Heath Forum – Welcome the investment and is very supportive of the development in principle, but have some concerns. The Forum

requests that the Council work with the applicant, before proceeding further, to refine three key aspects and improve alignment to Neighbourhood Plan policies, namely:

- Car parking – wider impact of the proposed Solihull Local Plan housing developments in Knowle and identify proposed solutions to mitigate car parking issues.
- Design Aspects – the Forum request that the Council's Design Team work with the applicant to consider how modifications to certain aspects of design, primarily relating to materials and the mansard roof could be more closely align to NP policies and the findings in the KDBH Heritage and Character assessment.

The Forum would welcome involvement in finalising the proposals where appropriate.

Additional comments relating to amended plans.

The Forum is pleased that the applicants have introduced more brickwork into some of the ground floor elevations within the main area of the Precinct and to the High St and Tesco car park frontages. They note that:

- some, but not all, of the weatherboarding has been replaced by render but there is no brickwork at the upper levels of the Precinct elevations.
- The wrought iron archways have been retained with a less fussy design which is an improvement.
- The mansard roof remains the same.

Overall, we consider the design has been improved but would welcome further introduction of brickwork within the main Precinct area to better reflect local character. We are aware that the Knowle Society still has concerns about a number of design aspects in relation to the impacts on the Conservation Area and we defer to their detailed knowledge of heritage issues.

The applicants are not proposing any changes to the car parking arrangements. This remains a matter of real local concern.

The Forum note that the Council's Highways officer have raised no objection to the plans citing sustainable location, reasonable bus service, no additional severe impacts having regard to the small addition in retail floorspace and low traffic flows from the new additional flats. There does not appear to be any mention of the transport policies of the KDBH Neighbourhood Plan which must be taken into account.

The applicant's transport assessment relies upon surveys undertaken in June 2019. The Highways' officer refers also to the Council's own Solihull Parking Study published in October 2020 which included Knowle village. That Study relied on surveys undertaken in 2017. Both surveys are out of date and do not reflect the current parking situation. The intervening time has seen various factors influencing parking behaviour, including changes in parking charges, the impact of Covid and the gradual decline of the Precinct as a shopping destination. Nevertheless, in recent months the High Street has recovered well. The efforts of traders and Visit Knowle have seen most High St shops and offices now occupied. Consequently, demand

for car parking has increased and is once again nearing capacity at times throughout the week. If this is the car parking situation when footfall in the Precinct is low, then it is inevitable that a successful Precinct, coupled with demand from substantial population growth as proposed in the Solihull Local Submission Plan, will create future parking problems.

The Highways' officer has concluded that the additional retail space is too small to cause additional traffic issues. Whilst we appreciate that, on the face of it, the new shopping centre may provide only a relatively small increase in retail floorspace, the reality is that the whole purpose of the refurbishment is to completely regenerate the centre and bring in a more modern retail shopping experience and environment, thereby increasing the appeal of the whole Precinct to a much wider area.

There is no parking for residents of the flats.

There are still 72 cycle spaces which seems excessive given the lack of parking for residents.

No information has been submitted to ease traders' concerns about the adverse effects of construction on trade. We appreciate this would usually be the subject of a condition on any planning approval but steps could be taken now to address such an important issue.

The Forum is not convinced that the Highways' officer has taken all these parking considerations into account in his response to this application.

The Forum support the comments of The Knowle Society in respect of heritage matters.

Lead Local Flood Authority – No objection.

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

SMBC Affordable Housing – Views awaited.

SMBC Conservation Planner- The proposal would cause a 'low degree of less than substantial harm to the character and appearance of Knowle Conservation Area and to the setting of some listed buildings'

SMBC Ecology- No objection subject to conditions.

SMBC Highways – No objection subject to conditions.

SMBC Landscape – A Landscape Strategy should be produced to consider at an appropriate level for a full planning application, to provide a plan showing where planting are located.

SMBC Public Health - No comments received.

SMBC Public Protection – No objection subject to conditions.

SMBC Policy and Spatial Planning - The principle of the proposed development is supported by the policy framework that seeks to strengthen the vitality and viability of local centres. In principle, the scheme could contribute to achieving these key policy aims. The policy framework also accepts residential development as a potential contributor to the vitality and viability of centres.

Knowle is the main local centre for Solihull's rural area and the proposals would seem to be of a suitable scale commensurate with this role.

The policy framework also seeks to protect local character and heritage and to ensure high quality design. Policies SLP P14, P15 & P16 (Amenity, Design and Heritage) will be highly important considerations in determining the acceptability of the scheme through the development management process assisted by the comments of others.

SMBC Urban Design – No objection.

Severn Trent Water – No objection subject to conditions.

Warwickshire CC (Archaeology) – No objection subject to condition.

West Midlands Fire Service – The development will need to meet the relevant fire regulation standards.

West Midlands Police – recommend that any retail units, storage space are built to the standards laid out in the Secured by Design `Commercial guide`.

COMMUNITY INVOLVEMENT

The Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Solihull Metropolitan Borough Council adopted its Statement of Community Involvement (SCI) in 2007. The SCI was updated in January 2020. The new SCI is entitled: Reviewing the Plan for Solihull's Future, Solihull Local Plan Review, Statement of Community Involvement (January 2020).

The SCI contains guidelines for developers to follow when consulting on planning applications within the boundaries of the local authority. The document advises that the Council would expect developers of applications for major development to involve the wider community in the development of their proposals at a pre-application stage.

In line with the SCI and Framework a consultation exercise was undertaken to present the proposed development options to residents and stakeholders. The purpose of this consultation was to allow residents, local councillors and other interested parties the opportunity to be involved in the proposals from the beginning.

The public exhibition was conducted in two main parts, with a Prior Viewing held

for the key stakeholders on Thursday 7th October from 4:00pm until 6:00 pm. This was a private viewing of the proposals for key stakeholders within the local area. The second part consisted of two public sessions, held on Friday 8th October between 2:00pm and 5:00pm and again on Saturday 9th October between 10:00am and 1:00pm.

Approximately 467 members of the local community attended the event, with 176 on the Friday and 265 on the Saturday. There were also 16 key stakeholders in attendance.

During the in-person public exhibition, members of the public were invited to complete a five-question questionnaire to ascertain their opinions towards the proposals.

A total of 53 questionnaire responses were received across the two days, with 17 emails received containing further comments. Overall, the responses received provided a positive response to the proposals. All bar one of the 53 respondents were in support of every aspect of the scheme, only some having reservations about particular aspects that are discussed above. These points raised a number of areas and suggestions that were taken into consideration by the applicant as part of the proposed development submitted with this planning application.

PUBLICITY

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

7 responses (objection/comments) were received including comments from Councillor Reiberio and The Knowle Society. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third-party correspondence received):

Amenity

- Loss of light;
- Loss of privacy; and
- Noise and smell.

Character/Heritage matters

- This is not an underused brownfield site;
- Buildings are considerably higher than the existing structures;
- Intensity of development;
- Design and appearance is not in keeping with the existing buildings of aesthetic and historical merit;
- Additional height will create a narrow feel to arcade with lack of sun light;
- Second floor should be removed;
- Shop fronts should be facing brick or hanging tile to provide a sense of quality and refinement to the scheme;
- Frontages on the High Street are not in keeping with the Conservation Area;

- Dormer windows to the additional floor are overbearing;
- Mansard roof design should be improved;
- The proposed arches depicting 'Knowle Place' are not necessary;
- The amended High Street elevations maintain the character and are more pleasing;
- Loss of smaller retail units is detrimental to character of Conservation Area; and
- Mansard roof should be finished in clay tiles which are more sympathetic.

Highways

- Not enough car parking for residents or businesses;
- Parking provision;
- Extra parking restrictions in the area have been imposed on surrounding roads;
- Cycle provision is not secure;
- Congestion;
- The concepts of upgrading the service areas in Dell Farm Close are not clear;
- Access arrangement for bin lorries not clear;
- The results of car parking surveys do not depict the doubling of time for free parking in the Village; and
- The increase in residential development will result in the loss of parking facilities for retail customers.

Other matters

- Existing properties are owned by residents who have not agreed to leave;
- These are people's homes and lives and should not be messed with;
- Treatment of existing residents;
- Impact on community facilities; and
- Penny Youth Club is a tenant within the precinct and is an established young persons community facility. The facility should be replaced in the development.

RELEVANT PLANNING HISTORY

None relevant to the planning application.

PROPOSAL

The planning application seeks consent for the refurbishment and upgrade works to St John's Way Shopping Centre to provide 17 no. retail units at the ground floor level with some first-floor storage space, 28 residential apartments at the first floor level and the creation of a second floor to provide 19 residential apartments, car parking, landscaping and all other associated works. Demolition, including of two no. existing over passes

In summary, the proposal seeks to:

- Reconfigure and refurbishment of the existing ground floor of the St John's Shopping Centre to provide 17 retail units (2,992sqm (GIA) for a mix of town centre uses within Use Class E.
- At the first-floor level, the two existing overpasses are proposed to be removed and the residential dwellings will be redeveloped to provide 602sqm (GIA) of storage space and to provide 28 no. 1 and 2 bed apartments.
- The existing second floor fronting High Street will be extended across the centre to provide 19 no. 1 and 2 bed apartments.
- In total the development will provide 28 no. 1 bed and 19 no. 2 bed apartments, including 7 duplexes.

The proposal does not seek to increase the footprint of the current built form, but instead seeks to refurbish and reconfigure the existing units at ground floor to provide a more attractive retail offer. The proposals would result in a net gain of 124sq.m additional retail floorspace and 31 apartments at the application site. A total of 13 car parking spaces and 72 cycle spaces are proposed to serve the apartments and retail units.

At the first-floor level, the proposal seeks to reconfigure the 16 no. existing apartments to provide 28 no. 1 bed and 2 bed apartments. The two existing overpasses where existing apartments 5 and 6, and 12 are currently located are proposed to be demolished.

The apartments will be accessed via a combination of new and existing stairways. The stairwell between existing ground floor units 30-32 and 22 will be retained to provide access to apartments 20 – 28. The existing stairwell located between ground floor units 12 – 14 and 1602 is also be retained and linked to both apartments 20 – 28 and apartments 14 – 19 which front onto High Street. These apartments are accessed via an external walkway.

One existing and two new staircases are proposed to provide access to apartments on the eastern side of the precinct. The first staircase will be located between existing ground floor units 3-5 and 7. This will provide access to units 1 – 13 via internal and external walkways. A further staircase is provided adjacent to proposed apartment 10 and the existing stairwell adjacent to apartment 2 is proposed to be retained which will also provide access to apartments 1 – 13.

The layout of apartments on the second floor will be similar to those proposed on the first floor. The apartments on the western side of the precinct will be accessed by the two proposed stairwells and those to the east will also be accessible by three staircases and through internal and external walkways.

Servicing for the ground floor retail units is proposed to be from Dell Farm Close and St John's Close to the rear of the units as currently exists. A service yard to the rear (east) of unit 7 will allow for deliveries and refuse storage for units on the eastern side of the shopping centre, including Tesco. Units to the west will be serviced via Dell Farm Close, with a service area located to the rear of units 12 – 14 and 1600 – 1602 High Street.

The proposed scheme also seeks to formalise the existing informal parking areas in the service yard to the rear of the units, providing a total of 13 newly marked bays. These areas will be marked in order to ensure parking does not occur inappropriately, which could otherwise lead to potential conflicts within the service yard.

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.

The Development Plan in respect of the application site comprises the Solihull Local Plan – Shaping a Sustainable Future December 2013 and the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018 -2033 (NDP).

Further, 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 2013, the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018 - 2033), the relevant policies of the National Planning Policy Framework ("NPPF") 2021, the National Planning Practice Guidance.

Whether the refurbishment and reconfiguration of the existing shopping centre is in accordance with relevant planning policy.

The Framework establishes that the purpose of planning is to contribute to the achievement of sustainable development (paragraph 7) and in paragraph 8 identifies three overarching objectives which need to be pursued in mutually supportive ways to achieve sustainable development: economic, social and environmental:

- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective – To support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and Planning Statement
- An environmental objective – contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

At the heart of the Framework is a presumption in favour of sustainable development (paragraph 10), which should be applied both through the plan-making and decision-making (paragraph 11) process.

Section 7 seeks to 'ensure the vitality of town centres' and states that policies and decisions should support the role that town centres play at the heart of local communities.

The Framework seeks to boost significantly the supply of housing with great importance placed on the design of the built environment. The Framework makes clear that good design is a key aspect of sustainable development and should contribute positively to making places better for people (para 126 – 136). Decisions should aim to ensure that developments respond to local character and area and are visually attractive as a result of good architecture and appropriate landscaping.

Further paragraph 86 establishes that planning policies and decisions should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation.

Policy P19 – Range and Quality of Local Services of the Solihull Local Plan identifies Knowle as a local centre. It confirms that Solihull has a variety of local centres which need to be developed and sustained in a way which ensures their continued sustainability and economic success.

Further, the policy states that the scale and nature of new development should reflect the centre's role and function in serving local needs, the opportunity to reduce the need to travel or the need to sustain the economic viability and vitality of the centre.

Appropriate development could include retail, leisure, community and other facilities. All new development will need to be sensitive to local character and enhance the public realm.

Paragraph 12.4.1 of the Solihull Local Plan confirms Knowle is the largest and is an important focus for the rural area. It is not generally anticipated that there will be a need for significant new retail floorspace in local centres but their role in providing accessible local services needs to be sustained. The Council will enable a broad range of facilities of a suitable local scale in local centres and will expect good design that respects local character and enhances public realm.

The policy seeks to promote the vitality of local shopping centres through a variety of facilities that could benefit the local community. The provision of facilities will be expected to support sustainable development principles and meet the requirements of other relevant parts of the plan, including Policy P15 that seeks to secure design quality.

Policy E1: Retention of Shops and Services in the Neighbourhood Plan (NP) defines the centre. In respect of Knowle it states:

Within primary retail frontages, proposals that would result in the loss of ground floor shop units (within Use Class A1) will be resisted unless it can be demonstrated with evidence that such use is not viable or the alternative use will contribute to the day-time viability and vitality of the centre.

In secondary frontages, a mix of shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and offices (within use Classes A1-A5 and B1(a)) will be supported subject to other policies.

In all centres, the use of upper floors above ground floor commercial units for residential or office uses will be supported, subject to other policies.

Policy E2 of the NP in respect of new development in Village Centres requires that proposals for the erection or change of use of buildings within the village retail centres will be supported subject to:

- the scale of development being proportionate to its location.
- there being no unacceptable impact on the character and appearance of the area, particularly if located in a Conservation Area.

- there is no material harm to residential amenity.
- an overall mix of uses is maintained consistent with policy E1.
- adequate provision is made for car parking and servicing.
- compliance with policies in national guidance and the Solihull's Local Plan.

The proposed refurbishment of the existing shopping centre including reconfiguration of units on the same footprint and improvements to the public realm will contribute to its longevity and add to the vitality and viability of the Village Centre as a whole. The proposed upgrades to the existing shopping centre will enable the Centre to attract and accommodate national multiple retailers as well as providing an offer/attract small modern and high-quality niche retailers to the village centre. The improved facilities provided by the proposal would also support and bring back local residents spending to Knowle and deliver an uplift in the retail turnover of the Village Centre.

In respect of the housing element of the scheme. Policy P5 of the Local Plan 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 Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan 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 Local Plan 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 Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

	Policy P7 distance requirement	Local Authority Calculation of distance
Bus Stop	400m	Outside of the site
Rail Station	800m	2.4km (Dorridge Railway Station)
Food Store	800m	Within the development
Primary School	800m	150m (Knowle C of E Primary School)
GP Surgery	800m	145m

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) "unless justified by local circumstance". It is recognised that the development is not within the recommended distance of Dorridge Railway Station

that Policy P7 aspires. The site is however located in a highly accessible location with walking, cycling and public transport access to and from a variety of local amenities. Local bus services provide frequent links to Solihull, Dorridge and Coventry. Rail services can be accessed from Dorridge Station, which can be accessed by the A7 bus service, a 30-minute walk, or an 8-minute cycle. In summary, the site is situated in a highly accessible location, with ample opportunities for staff, visitors and residents to access the site by sustainable modes, providing genuine alternatives to private car use. As such, the application proposal is in full accordance with Policy P7 and meets the accessibility test in Policy P5.

- *(b) Contribute to meeting borough wide housing needs*

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 this framework 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.

Policy H3: Housing Mix of the NP confirms that the provision of a different housing mix, including a higher proportion of smaller dwelling units of 2 bedrooms or less, will be supported where justified by the evidence of:

- the latest Strategic Housing Market Assessment (SHMA);
- an equivalent Housing Needs Survey approved by SMBC; or
- other evidence considered by the Council to be robust for the purposes of this policy.

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 rural housing market area including Knowle, the SPD seeks 40% of all new market housing to be 1 or 2 bedroom dwellings. In this instance, the 47 apartments are a combination of 1 and 2 bedroom apartments meeting the requirement for smaller dwellings.

The re-provision within the development of 1 and 2 bedroom apartments would meet the identified need for smaller dwellings within the specific area as a whole in accordance with the SPD Meeting Housing Needs and Policy H3 of the NP and carries significant weight in the planning balance.

- *(c) Enhancing local character and distinctiveness*

Finally, considering the third test, Policy P15 of the Local Plan provides guidance on Securing Design Quality. Policy P15 of the Solihull Local Plan 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.

Policy D1: Character and Appearance of the NP requires that planning applications for a new development, shall demonstrate that it would be of a high standard of design and preserves or enhances the character and appearance of the Area

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area is set out in the next section of this report. Your officers have concluded that the proposed development would be a sympathetic response to the varied character of the surrounding village centre location and would respect and enhance the local distinctiveness of the location in accordance with the guidance. For above reasons there would be no conflict with the development plan policies, which set out a requirement for good quality, inclusive and sustainable design. The proposal would meet the relevant criteria as set out in Policies P5 and P15 of the Local Plan and D1 of the NP.

- *Summary*

For the reasons set out above, the principle of refurbishment and upgrade works to existing St John's Way shopping centre to provide 17 No. retail units within Use Class E at the ground floor level and the re-provision 28 No. residential apartments at the first floor level and the formation of a second floor to provide 19 No. residential apartments is compliant with Policies P19 and P5 of the Local Plan and E1, E2, H3, D1 of the NP.

It is clear that planning policy in respect of both the Local Plan, Neighbourhood Plan and Framework support the refurbishment of the existing village centre which will ensure the continued sustainability and economic success of the village centre as well as preserving and enhancing its character and appearance. Further, the proposal will deliver smaller units that address the mismatch of size of units in the area. These matters are afforded significant positive weight in the planning balance.

The effect of the proposal on heritage assets (Listed Buildings and Knowle Conservation Area).

In relation to an application for planning permission which effects a listed building or its setting there is a general duty under Section 66 of the Listed Building Act 1990 for the decision-taker to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Section 72(1) of the 1990 Act sets out the statutory duty for a decision-maker where a proposed development would have an impact on the character and appearance of

a conservation area. This states that: "...with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Relevant national planning guidance is outlined in the Framework, where Section 16 *Conserving and Enhancing the Historic Environment* presents national planning guidance.

Paragraph 194 identifies that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

Paragraph 198 is relevant when it states that "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness".

Paragraph 199 states:

"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 200 then adds that:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; and
- b) assets of the highest significance, notably scheduled monuments, protected wreck

sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.

Paragraph 202 then states the following in respect of the identification of harm, which is assessed to be ‘less than substantial’ harm: “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”.

Paragraph 206 sets out that:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.

In relation to conservation areas, Paragraph 207 sets out that:

“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”.

In terms of the Development Plan, Policy P16 of the Solihull Local Plan confirms 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.

The Council considers the following characteristics make a significant contribution to the local character and distinctiveness of the Borough and where applicable, development proposals will be expected to demonstrate how these characteristics have been conserved:

- i. The historic core of Solihull Town Centre and its adjacent parks;
- ii. The historical development and variety of architectural styles within the Mature Suburbs and the larger established rural settlements of Meriden, Hampton-in-Arden, Balsall Common, Knowle, Dorridge, Bentley Heath, Hockley Heath, Cheswick Green and Tidbury Green;
- iii. The Arden landscape, historic villages, hamlets, farmsteads, country and lesser houses and the distinct medieval core of historic rural settlements including Berkswell, Barston, Temple Balsall, Meriden Hill, Walsal End, Hampton-in-Arden, Bickenhill and Knowle;
- iv. Parks, gardens and landscape including common, woodland, heathland and

distinctive fieldscapes as defined in the Warwickshire Historic Landscape Characterisation; and

v. The canal and railway network, including disused railway lines and the working stations at Solihull, Olton, Dorridge and Shirley, together with associated structures. Development will be expected to preserve or enhance heritage assets as appropriate to their significance, conserve local character and distinctiveness and create or sustain a sense of place. In Solihull, heritage assets include; Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens, Conservation Areas and also non designated assets; buildings, monuments, archaeological sites, places, areas or landscapes positively identified in Solihull's Historic Environment Record as having a degree of significance meriting consideration in planning decisions, such as those identified on the Local List.

All applications and consents that affect the historic environment will be expected to have considered and used the evidence in the Solihull Historic Environment Record to inform the design of the proposal. This should be explained in the accompanying Design and Access Statement or, for significant proposals, in a Heritage Statement. Proposals seeking to modify heritage assets for the mitigation of and adaptation to the effects of climate change will be expected to be sympathetic and conserve the special interest and significance of the heritage asset or its setting”.

In respect of The Knowle, Dorridge and Bentley Heath Neighbourhood Plan (NP) Policy VC2 Conservation Area states that within conservation areas, there will be a presumption in favour of retaining existing buildings, gardens, trees and green open space that contribute positively to the character and appearance of the areas. New development shall seek to conserve and enhance the Conservation Area and their heritage assets. Building design, signage, advertising and street furniture shall be in keeping with the character of the area.

Policy VC3: Heritage Assets of the NP states:

“Designated heritage assets including listed buildings, conservation areas and archaeological features must be protected, conserved and enhanced in accordance with national and local planning guidance and policies.

Non-designated assets include those buildings on the local list, in Appendix 5, “positive buildings” identified in the Knowle Conservation Area Appraisal 2007 and any future Conservation Appraisals. When considering development affecting non-designated heritage assets a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the building or structure.

Proposals for the change of use of a building or structure on the local list, or a positive building, will be required to demonstrate how this would contribute to its conservation whilst preserving or enhancing its architectural or historic interest.

Applications proposing demolition that materially affects the heritage value of the asset will be required to demonstrate that the viability of continued beneficial use, restoration or conversion has been fully investigated and that there are no reasonable alternatives. Where demolition is unavoidable, provision must be made for an appropriate level of recording of the building or structure as relevant”.

Policy D2: Design in Conservation Areas of the NP confirms that:

In the Knowle Conservation Area, development proposals must have regard to the Knowle Conservation Area Appraisal 2007. Building design, shop fronts, signage and advertising shall be in keeping with the scale, location and appearance of existing buildings and signage. This means that, where planning permission or advertisement consent is required:

- buildings will generally be of two storeys in height.
- shop fronts and fascias shall address the six key principles for good shop front design set out in the Council's Supplementary Planning Guidance on Shop Fronts and Signs, as summarised in Appendix 7.
- corporate identity should be tailored to suit the context of the building or street.
- illumination shall be subdued and appropriate to the building. Signage shall not be backlit unless it can be demonstrated that there is no significant impact on visual amenities. Neon lighting will not generally be supported.
- materials, lettering and colour shall be sensitively chosen and appropriate to the existing building and the area. Vibrant colours for shop fronts and signs will not be supported.
- security safeguards shall be unobtrusive and of appropriate colour.
- important vistas of listed and local listed buildings, as identified in Appendix 3 of the Knowle Conservation Appraisal 2007, shall be maintained.
- street furniture and signage shall avoid cluttering the appearance of the area."

The buildings at the site are not listed, nor locally listed, although the site does partially lie within the Knowle Conservation Area and a statutory listed building is located adjacent to the south-east (1608 Warwick Road). A number of other listed buildings are located within the centre of Knowle.

The frontage (1592 to 1606 High Street) is within the Knowle Conservation Area, a Designate Heritage Asset (DHA). 1608 High Street is a grade II listed building a DHA. The listed building citation confirms that the building has a C18 front to timber framed structure. Whitewashed pebbledash, old-tiled roof. 2 storeys, 2 casement windows with glazing bars to 1st floor, 2 modern ground floor oriel bow windows. Formerly part of a row of houses, Nos 1602-1608, even numbers, of which only this house remains.

The next closest listed buildings (DHAs) are 1622 to 1628, 1667 and 1671 High Street 1639 High Street (diagonally opposite to north), and the more significant grade 2* listed Chester House at 1661 (to the southeast).

The Knowle Conservation Area (KCA) was first designated in 1968 and a Conservation Area Appraisal was prepared and adopted in 2008. The conservation area focuses on the 'historic core' of the village, centered on Warwick Road, church and along the main axial routes of Warwick Road, to the north, Kenilworth Road, to the east, and Station Road, to the west.

The KCA appraisal states under the heading of 'Development' that:

'In general, the need is to maintain the quality of Knowle through consistent application of basic urban design principle. These include:

- Observing historical plots sizes;
- Limiting the height and bulk of buildings;
- Using a limited palette of materials and colours;
- Maintaining the sense of enclosure at the centre with increasing openness towards the edges;
- Promoting pedestrian accessibility.'

Opposite the site is the Greswolde Hotel which is on the Council's Local List of Heritage Assets.

The significance of the KCA and adjacent listed buildings is partly derived from the sinuous character of the historic High Street and prevailing domestic scale and traditional materials of buildings along it. Some post war buildings conflict strongly with this, whilst some later 20th and early 21st century buildings are better in their context. Where modern buildings are more successful it is usually because of a blend of scale, massing, facing bricks, roof pitches and plain tiles, and appropriate fenestration along with suitable siting. Townscape views unfolding as the viewer proceeds through the village are noted as a key characteristic.

In relation to the original submission, whilst no objection is raised on heritage grounds to the principal of the development, officers raised a number of specific matters in relation to the scheme including the High Street buildings (dormers, shop fronts and cladding design), which lie within the conservation area, and the remainder of the shopping centre which lies outside the conservation area (second floor extension, coloured composite boarding and metal roof structure).

In relation to the High Street, i.e. those areas inside the Conservation Area, revised proposals have changed the dormers to being flat roofed and the arrangement has changed on 1604-1606 with the centre two paired so to appear less cluttered. It should be noted that this section already has three flat roofed dormers, so there would be, in effect, little change other than better, more balanced, placement and higher quality over the existing situation. These positive revisions made including flat dormers to High Street; deletion of mock timber frame and render at 1592–1596 High Street; brickwork and render instead of coloured artificial weatherboard at units 3-5, 20 and 22 are welcomed, the improved shopfronts and positive effect of removing bridge sections. These improvements to the High Street frontage are an enhancement of the Conservation Area.

The removal of the bridge section allows views of the 'northern arm' of the proposals from the High Street. The increased scale and composite cladding (at 12 to 18 on Elevation C as revised) would no longer cause harm in. The elevation is seen obliquely, the metal roof volume would lie partly behind the tiled gable projection, and the rendered gables would be the dominant upper wall appearance. In addition, this part is more closely related visually to tall High Street buildings at 1592 to 1596, so that new appears less over-bearing.

The key outstanding concern is the impact of the second-floor roof volume containing units 29 to 38. The suggestion that the scheme will appear two-storey due to the '*visual roofscape design mechanism*' is not accepted. The height and the steep metal clad slopes, extensive flat top surface and tall window modules clearly enclose a second storey with a flat roof. Where this roof shape atypical of Knowle is seen in the context of designated and undesignated Heritage Assets it is still considered that it will be visually intrusive and cause some harm. 1610 to 1620 are positive buildings in the KCA appraisal and impacts upon their appreciation are relevant. The welcome removal of the bridge section will allow some views of the 'northern arm' of the proposals from the High Street.

Sections on the previously revised Elevations B and C show upper floors set back from High Street buildings, to limit views of them from High Street. Drawing P1-127C (August) provided seven views moving north along High Street, with listed buildings on the west side (1608, 1622, 1624-1628). The new sections show the relationship of the scheme to buildings in the High Street and KCA.

These views suggest that from High Street the additions would be hidden by buildings, so that glimpses of them would not dominate or detract from heritage assets. The enclosed nature of the street means that few longer views of the scheme would be available from the north and east. However, it is still considered that some upper parts will be glimpsed from points on and further back from High Street, including from paths between buildings and first floor windows. These are not principal views, but they are glimpses contributing to the character of the village streetscape. The Council's Conservation Planner does not accept that the additions will only be easily seen from High Street looking into St. John's Way after the bridge flat removal. A glimpse is likely to be gained from the road to the car park alongside the Greswolde Hotel. The other main view would be from the busy car park adjacent to Tesco with the rear of the High Street and KCA as a backdrop to the northeast of the development.

Looking from High Street within KCA without the bridge flat, the new second floor would mostly be within the flat-topped sloping metal clad roof. The difficulty of appreciating the flat roofs from some angles emphasises the overall height and massing. It is considered that this will harm the significance of KCA where additional storeys and the metal roof at units 29 to 39 conflict in views out from KCA. In some historic contexts this type of addition and metal rainscreen enclosure can work well but the result seems less suited to this site and its characteristics. The section drawings show views of the second storey being gained only from first floor on the east side of High Street but removing the bridge flat will allow further oblique views too. This is considered to be of significance in a village streetscape of overall intimate domestic scale, despite post-war changes, but would not give more than a low degree of harm.

It is considered that the combined impact of scale, massing and roof material at three storeys above the section containing units 29 to 39 would still give a low degree of less than substantial harm to the significance of the KCA. The mansard style roof in metal conflicts with local character, wrapping the desired floorspace with minimal bulk and structural load.

The view from the adjacent car park, and glimpses of historic roofscapes (e.g., 1608 to 1610) in High Street indicate some poor post-war extensions behind High Street detract from the view. No screening trees stand on the site. The Heritage Assessment states that the site contributes nothing to the appreciation of the DHAs, but also that the scheme would enhance their settings. The latter seems unlikely given the former. The sections emphasise that this scheme sets new upper levels back from High Street buildings and the KCA, but the extensive metal-clad enclosure of 29 to 39 would still cause slight 'less than substantial' harm to the significance of the KCA and the setting and significance of nearby listed buildings. The new higher buildings nearer High Street will impact upon outlooks from parts of KCA and some listed buildings and therefore upon the appreciation of them, because of the volume and appearance of the new second storey uncharacteristic of KCA and wider village character. In this instance those glimpses from the car park are not considered to be likely to produce only neutral effects.

Based on the submitted proposals, the Council's Conservation Planner has identified a 'low degree of less than substantial harm to the character and appearance of Knowle Conservation Area and to the setting of some listed buildings' whereas the Applicant's heritage assessment identifies, in the round, no harm. The Applicant's position has been reached based on their Heritage Impact Assessment, whereby relative sensitivities of the site in relation to the heritage assets has been established and how the proposals have addressed these. The site is complex in heritage terms, with part of the site within the Conservation Area and the remainder in its setting along with being within the setting of some listed buildings.

Notwithstanding the above, the applicant maintains their submitted position, which is that the development would not cause harm to the significance of any heritage assets. They have however provided a list of public benefits arising from the scheme and the relevant tests set out in the Framework to address the perceived harm identified by the Council's Conservation Planner. These are:

Economic

- Community Infrastructure Levy payment;
- Construction employment jobs for the duration of the build period and indirect supply chain/ancillary jobs in the region as a result of this construction activity;
- Delivery of upgraded town centre units within the primary shopping area of the defined Knowle Village Centre, enhancing the commercial offer and directly benefitting local businesses;
- Act as a catalyst to wider investment as the profile of Knowle is raised;
- Potential additional expenditure in local shops and leisure activities in the area by new residents;
- Potential commitment to local employment and training through on-site construction apprenticeships; and
- Refurbishment will contribute to the centre's longevity and add to the vitality and viability of the Centre by encouraging new uses and visitors.

Social

- Provision of 47 new homes which would contribute to the identified 'need' for housing in Solihull whilst also upgrading existing housing stock;
- All residential dwellings in excess of internal space standards within the Nationally Described Space Standards;
- Re-use and redevelopment of currently prominent previously developed land within Knowle Village Centre to improve the visual amenity of the area including enhancements to the conservation area;
- The introduction of street furniture and outdoor dining opportunities will encourage prolonged use of the space and being open later will enhance natural surveillance; and
- Formalise the currently informal parking spaces.

Environmental

- Enhancement of soft landscaping (to be confirmed in Landscape Strategy);
- The removal of the overpass to the High Street and the aesthetic improvements to the shop fronts constitute an enhancement to the conservation area and the appreciation of the adjacent Grade II listed building at 1608 Warwick Road; and
- Significant improvements to the public realm within the shopping centre, to the benefit of staff, visitors and residents.

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 Listed Buildings significance and Conservation Area would be limited this carries great weight.

The public benefits that the scheme would deliver include the provision of 47 one and two-bedroom units (19 additional units) contributing towards the Council's 5-year housing land supply. This would be moderate given the current shortfall and meet the requirement for the need for smaller accommodation in the Knowle Ward and Borough as a whole. 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.

Further economic benefits associated construction job creation and the support occupiers of the development would provide to enhance the vitality and viability of the village centre in terms of additional spend and attraction of customers to the village centre carry significant weight.

The environmental benefits through enhance landscaping, removal of the overpass and public realm improvements would benefit the character of the area and also carry significant weight.

Together the public benefits that the development would deliver would be significant benefits and outweigh the harm to setting designated heritage assets' significance. The development therefore would accord with Local Plan Policy P16, Neighbourhood Plan Policies VC2, VC3 and D2, and the Framework.

The effect of the proposal by reason of its scale, massing, layout, design and landscape on the character and appearance of the area.

Policy P15 of the Solihull Local Plan 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. Developments will be expected to create a sense of place. Policy P15 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 P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. Policies P10 and P14 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

Policy D1: Character and Appearance of the NP states that:

Planning applications for a new development, including extensions, shall demonstrate that it would be of a high standard of design and preserves or enhances the character and appearance of the Area. In KDBH, the following are some of the criteria that will be used, when relevant, to assess the acceptability of the design of development:

- be in harmony with the village character and sit well in the landscape
- where on the edge of the built-up area, achieve a sensitive transition between the built environment and the open countryside
- protect, enhance and maximise the value of key natural environment characteristics including the canal, mature hedgerows and large mature trees that define the natural landscape character
- reflect layouts characteristic of the surrounding area
- be of a density characteristic of the Area
- be in keeping with the scale, siting and appearance of nearby buildings
- preserve or enhance the character and appearance of the streetscene or the area within which it is located, taking into account matters such as building lines, established plot widths, parking, access and the arrangement of front gardens, walls, railings and hedges
- echo obvious local characteristics (such as the form and type of development, roof style, fenestration, materials, means of enclosure, landscaping and hard surfacing)
- use external finishes that respect local traditions in the use of brick, tile and render with wood for decoration or other materials of construction
- provide parking spaces and garages of a size capable of accommodating a modern family car
- feature green spaces
- provide good quality public realm with well-maintained streets and spaces.

The recommendations and findings of the “Heritage and Character Assessment” 2017 and the “Master Planning Design and Design Coding Study” 2017 will be taken into account in the assessment of development.

This Policy is intended to apply to all new development. It is not intended to stifle innovative design where this would be appropriate in the local context.

Paragraph 130 of the Framework confirms 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 users⁴; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the Framework establishes that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The Council has also adopted Supplementary Planning Guidance contained within 'New Housing in Context' document which provides greater clarity regarding what constitutes suitable development, detailing all new development in existing residential areas will be required to respect, maintain or enhance local

distinctiveness and character. The guidance identifies a number of key characteristics and common elements that lead to local distinctiveness and character, all of which should be taken into account in the determination of the applications, these include plot format, building line build up, building set back, plot access, building format, key dimensions etc.

The SPG advises that proposals are not required to be a copy or pastiche of existing styles and development. What it does require is for the developer/designer to show that the context of the proposal is understood and respected by the proposed development. It allows scope for new styles and materials but only those which will complement their surroundings. It requires not uniformity but good manners towards its neighbours.

The proposed development retains the current principle of the space, being ground floor retail/commercial units with residential uses on the upper floors with servicing to the rear from Dell Farm Close and St Johns Close. The existing ground floor currently consists of access to the existing first floor level and 24 retail units. The current St Johns Precinct has limited architectural merit and does not reflect the character of buildings along the High Street and wider village centre.

The new development seeks to enhance the current tired characteristics of the shopping centre with a well thought out and sympathetic approach to deliver significant investment that will positively influence Knowle and also create a sense of place and a focal point within the village centre. The proposal seeks to reconfigure the existing retail space reducing the number of outlets to 17 units. The first-floor proposals are more ambitious with 28 no. apartments (additional 12 no. units compared to the existing) and a second floor with 19 no. units an increase of 31 apartments.

In response to both Urban Design and Heritage comments amendments have been made to the scheme throughout the consideration of the scheme. The majority of these changes relate to the material finishes and dormers throughout the proposed development. These include:

- Flat roof dormers to all High Street elevations to respond to the historic setting;
- 1592 – 1596 High Street has been returned to a brick only façade;
- Much of the weather boarding has been removed and replaced with brickwork and render;
- Elevations along St Johns Close have been adjusted; and
- South elevation to car park amended to brick finish as par existing.

Discussions in respect of the proposed mansard roof to the development were also held with the applicant. However, the additional information provided demonstrates that the roof detail has been designed to standard principles comprising of a lower pitch of 70 degrees and an upper pitch of between 30 – 36 degrees. This enables the roof pitch to provide adequate floor space and headroom for the apartments and meet with the Nationally Described Space Standards (NDDS).

The proposals do not alter the scale of development to the High Street frontage and respect the existing context. The amended façade treatments and flat roof dormer window configuration submitted are now considered sympathetic to the wider historic setting.

The main change in scale is the additional second floor apartments and roof volume which are sited behind the High Street. Cross sections have been provided which demonstrate that the additions would be mainly hidden by existing buildings, whilst there would be a few long views of the proposal, only glimpses of this additional scale from limited viewpoints are available. Thus, the additional scale of the development would not dominate or detract from the character and appearance of the area.

The amended facades to the retail offer have introduced more brickwork into some of the ground floor elevations within the main area of the Precinct and to the High St and Tesco car park frontages compared to the original submission, which were dominated by weather boarding. The improved shop fronts and the positive effect of removing the bridge links is a positive enhancement which enable the development to assimilate into the wider context of the village centre.

The shopping centre will remain pedestrianised but enhanced through removing the existing bridges. The introduction of new street furniture and landscaping will add to the atmosphere and character of the area.

The proposal would therefore enhance the character and appearance of the development compared to the existing development and accords with Policy P15 of the Local Plan. Further, the provisions of Policy D1 Character and Appearance of the Knowle, Dorridge and Bentley Health Neighbourhood Plan are met. Significant weight can therefore, be attributed to the matter in the planning balance.

The effect of the proposal on the amenities of the occupiers of neighbouring properties.

Policy P14 of the Local Plan seeks to protect the amenity of existing and potential occupiers of houses and businesses when considering new developments. Careful consideration must be made to amenity of both existing neighbours, existing businesses as well as future occupiers of the proposed new dwellings. 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.

The existing St Johns Shopping Centre has at ground floor retail with apartments above. These existing apartments have windows with inwards and outward facing primary accommodation with external circulatory areas that face onto St Johns Close (service road) and Dell Farm Close.

As described above, the proposals seek to at first-floor level, reconfigure the 16 no. existing apartments to provide 28 no. 1 bed and 2 bed apartments and at second floor, extend the second floor across the centre to provide 19 no. 1 and 2 bed apartments. The detailed layout of the apartments again would have windows both to

primary and non-primary habitable rooms that have outward facing windows to these roads with external circulatory area providing access.

In terms, of Dell Farm Close, residential properties are located adjacent to the existing service road, namely numbers 6-16 (evens) and 24-30 Dell Farm Close. This is a L-shaped residential development with courtyard parking to the frontage facing onto the service road. The external boundary to the development with the application site is screened by mature deciduous trees. Apartments 22, 23, 25, 42, 43 and 44 including their external circulatory accesses are located adjacent to the service yard and adjacent to these residential properties having a similar relationship with the neighbours but with an additional storey of development.

The proposal would retain gaps of between 6.8 metres to 14.6 metres to the side gable of number 30 Dell Farm Close. Such a spatial relationship ensures that the development would not appear overbearing or cause material loss of light to these neighbours having regard to the orientation of both the proposed development as well as neighbours. Further, the windows that face directly towards these neighbours are bedroom windows ensuring no direct loss of privacy.

Apartments 2, 4, 6, 30, 32, 34 front the St Johns Close service road and the back of house service yards to the High Street, office development and Downing Hall. The proposed development would retain a gap of between 8.7 – 9.4 metres between these buildings and service yards. The separation ensures that the development does not appear overbearing.

Downing Hall has 3 obscurely glazed windows at ground floor, having regard to the separation distance and the nature of these windows, the proposal would not cause any unreasonable loss of light to the Hall. The office development has a number of secondary side-facing windows that front the service road. Having again regard to the separation distance and orientation of the office building the siting of the proposal would not cause any unreasonable loss of light.

Number 116 – 138 (evens) St Johns Close a 3-storey flat roof block of apartments lie to the west of the development. Mature landscape provides a buffer to these apartments. The proposed additional apartments at second floor would retain a 38.7 metre gap to these neighbours. The separation distance and existing landscape ensure that the development would not appear overbearing or cause any loss of light or privacy to these neighbours.

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.

Effect of the proposal on highway safety.

Paragraph 111 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 of the Framework confirms that within this context, applications for development should:

- a) Give priority first to pedestrians and cycle movements, both within the scheme and within neighbouring areas; and second – so far as possible- to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.....

Policy P8 of the Solihull 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.

In respect of accessibility of the site, Policy P7 of the LP states that all new development should be focussed in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access.

Policy P7 of the Solihull Local Plan 2013 indicates that all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access. Section a) i. of Policy P7 is considered to be the most applicable to the proposed development, which sets out the distances new residential developments should be located within to nearby local facilities and amenities. Policy P8b) also requires development to promote the use of sustainable modes of transport (i.e. walking, cycling and public transport) and is consistent with paragraphs 110 and 112 of the National Planning Policy Framework (NPPF) which highlight that sustainable transport modes should be promoted and priority should be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

In respect of Transport matters, the NP contains a Transport and Traffic Policy Goal for transport infrastructure being well designed and responding to the needs of those living and working in KDBH. KDBH should be well connected to Solihull and the greater West Midlands, London and beyond. The policy goal continues advising that safe transport infrastructure will exist for all forms of transport and travel, both motorised and non-motorised. Congestion and environmental harm caused by road traffic should be minimised. Sustainable forms of transport and travel will be supported and encouraged.

Policy T1 Parking at Villages Centres of the NP advise that provision of appropriate Additional off-street parking in the Centres (Knowle).....will be supported subject to Conformity with other adopted national and local policies.

Policy T2 Contributions to additional Parking and Road Improvements confirms that development which generates a significant impact on traffic movements shall make a proportionate contribution to any identified traffic infrastructure and or additional parking capacity in any related scheme. The contribution will be secured by a planning obligation and/or as a requirement under the Community Infrastructure Levy.

If part of the development is within a 750-metre radius of the centres (defined below) of Knowle, Dorridge or Bentley Heath, then any parking provision can alternatively

be made by allocating proportionate off-street parking areas within that part of the development site itself.

The provisions must be sufficient to ensure that any existing conditions regarding traffic congestion or parking capacity are not exacerbated.

Policy T3 Walking Infrastructure of the NP confirms that proposals that involve the creation of new units of residential accommodation.....that is to be open to visiting members of the public shall be required to demonstrate that the needs of pedestrians and cyclists have been considered. Proposals which do not provide for safe and free flowing movement by pedestrians and cyclists will not be supported. Development should link to existing footpaths whenever possible.

Policy T5 Road Infrastructure of the KDBH confirms that the impact of development on highway safety and capacity must include consideration of, and, where relevant, appropriate mitigation measures in relation to the following locally identified pressure points.

The development proposals include the redevelopment of St John's Way shopping centre to provide 17 No. retail units (Use Class E) at the ground floor level, and a total of 47no. apartments at first and second floor level, comprising 28no. one-bed apartments and 19no. two-bed apartments. The proposals will result in a net gain of 124sq.m additional retail floorspace and 31 apartments at the application site. A total of 13 car parking spaces and 72 cycle spaces are proposed to serve the apartments and retail units.

A Transport Statement (TS) prepared by Mode Transport Planning on behalf of the applicant has been submitted in support of the development proposals. The proposal raises a number of highway matters, which are considered below.

- Accessibility.

The TS provides an assessment of the existing conditions within the vicinity of the application site, including a review of the sustainable modes of transport available. The application site is located within the centre of Knowle Village, with numerous retail units and restaurants / takeaway's provided along High Street, in addition to those that will be provided at the ground floor of the application site. Other local facilities and amenities available within a short walking distance of the application site include Knowle Surgery (145m walking distance), Knowle Church of England Primary School (310m), and Arden Academy (740m).

Four bus stops are located along High Street, within approximately 270m walking distance of the application site. A number of services are available at the bus stops, including the 87/87A, 88/88A, A7 and A8. The services typically offer hourly services to Solihull Town Centre, Coventry City Centre, Balsall Common, and Hockley Heath. The Highway Authority have acknowledged that the frequency of the existing bus services available do not individually comply with the criteria set out within Policy P7 (daytime frequency of 15 minutes or better) however, this is effectively achieved collectively with the timings of the services available, particularly during the AM peak period when future residents would be travelling to work, school, or for leisure

activities. The table below provides a summary of the timings of the bus services available within the vicinity of the application site during the AM peak period.

Bus Service	Weekday AM Peak Service Times
87 (Coventry – Solihull via Balsall Common)	09:40
87A (Coventry – Solihull via Balsall Common)	07:31, 08:36
88 (Solihull – Balsall Common)	09:58
88A (Solihull – Balsall Common)	07:59, 09:04
A7 (South Solihull Circular Clockwise)	07:08, 08:27, 09:43
A8 (South Solihull Circular Anticlockwise)	07:02, 07:25, 08:08, 08:36, 09:22

The A7 and A8 bus services offer services to nearby local villages / towns including Solihull Town Centre (including Solihull Railway Station), Cheswick Green, Monkspath, Blythe Valley, Hockley Heath, and Dorridge (including Dorridge Railway Station).

The Solihull Local Cycling and Walking Infrastructure Plan (LCWIP) has identified two cycling routes within the vicinity of the application site, which include Dorridge to Knowle via Station Road, and Knowle to Solihull Town Centre via Warwick Road. The Knowle to Solihull Town Centre via Warwick Road route has been classified as a Priority Cycle Corridor (Route Label G). The Solihull Cycling and Walking Strategy: Cycling and Walking Technical Report has also been produced to accompany and support the LCWIP. Within Chapter 7.3 (New Developments) of the Report, several policies have been developed. These include the following:

Development Policy 1 – Development proposals should incorporate appropriate safe and convenient access to walking and cycling routes, linking to existing cycling and walking provision where possible. The expected level of provision within the development will depend on the scale, use and location of the site.

Development Policy 5 – We will seek developer contributions to develop the strategic cycle corridors and walking improvements outlined within the Solihull LCWIP.

In line with the policies set out within the Solihull Cycling and Walking Strategy: Cycling and Walking Technical Report and the Priority Cycle Corridor (Route Label G) identified in the LCWIP from Knowle to Solihull Town Centre via Warwick Road, the Highway Authority have therefore requested a developer contribution of £100,000 towards the delivery of the cycle route (the matter is discussed later in the report). The site, nevertheless already has existing cycle routes that connect the site towards Solihull.

- Vehicle Access.

The development proposals utilises the existing access arrangements and include the provision of 13 off-street car parking spaces, which will be accessed from Dell Farm Close. Dell Farm Close will also be utilised to provide access for service vehicles. Appendix D (Swept-Path Analysis) of the TS demonstrates that a refuse vehicle can safely manoeuvre along Dell Farm Close. Thus, the access to the site continues to be suitable and meets the necessary requirements to service the development.

- Traffic Impact.

As previously set out, the development proposals include the redevelopment of St John's Way shopping centre to provide 17 No. retail units (Use Class E) at the ground floor level, and a total of 47no. apartments at first and second floor level, comprising 28no. one-bed apartments and 19no. two-bed apartments. The proposals will result in a net gain of 124sq.m additional retail floorspace and 31 apartments at the application site.

Table 5.1 (Vehicle Trip Rates) of the TS demonstrates that the 31 additional apartments could generate approximately 9 two-way vehicle trips during the AM peak period, and approximately 12 two-way vehicle trips during the PM peak period. The Highway Authority have considered that the increase in additional two-way vehicle trips generated by the proposed apartments and confirmed that the development would not have a severe impact on public highway safety, or on the operation or capacity of the local highway network. It is also expected that the slight increase in retail floorspace would also not have an impact either.

- Car Parking.

A total of 13 car parking spaces and 72 cycle spaces are proposed to serve the apartments and retail units. The level of car parking proposed is considered to be acceptable to serve the development, considering the accessibility of the application site (as set out above). Notwithstanding this, parking beat surveys were carried out at the six main car parks and on-street within Knowle Village Centre, to establish whether there is spare capacity to accommodate a potential increase in demand for parking generated by the apartments and retail units.

The parking surveys were carried out on Friday 07th, Saturday 08th, and Sunday 09th June 2019, at 15-minute intervals between the hours of 07:00 and 22:00. The Highway Authority acknowledges that the surveys were undertaken almost three years ago however, this was prior to the Covid-19 pandemic when traffic levels and car parking demand would have been higher compared to more recent years.

The car parks surveyed include:

- Rear of Tesco / Rear of Village Hall – 101 spaces
- Left of Village Hall – 30 spaces
- Right of Village Hall – 21 spaces
- Rear of Greswolde Arms Hotel – 111 spaces

- Rear of Natwest Bank – 43 spaces
- Greswolde Arms Hotel – 63 spaces

The roads / streets surveyed include:

- Lodge Road – 40 spaces
- St John’s Close – 63 spaces
- Station Road (Lodge Road to High Street) – 48 spaces
- Unnamed Road (Adjacent to Lloyds Curry House) – 15 spaces
- Kenilworth Road (Church to Gillian Wesley) – 11 spaces

The tables below have been extracted from the TS, which highlight the peak occupancy rates for each car park and road / street, during the busiest 15-minute period surveyed. The tables demonstrate that during the peak occupancy periods, a total of 58 car parking spaces were available within the car parks during the Friday survey; 79 car parking spaces were available during the Saturday survey; and 125 car parking spaces were available during the Sunday survey. A total of 28 on-street spaces were available during the peak occupancy period on the Friday survey; 31 on-street spaces were available during the Saturday survey; and 81 on-street spaces were available during the Sunday survey.

Table 6.2 : Car Park Peak Occupancy Summary

Car Park	Friday Peak Occupancy		Saturday Peak Occupancy		Sunday Peak Occupancy	
	Occupancy (%)	Free Spaces	Occupancy (%)	Free Spaces	Occupancy (%)	Free Spaces
1. Rear of Tesco / Rear of Village Hall	81%	19	93%	7	65%	35
2. Left of Village Hall	80%	6	63%	11	23%	23
3. Right of Village Hall	86%	3	100%	0	86%	3
4. Rear of Greswolde Arms Hotel	100%	0	69%	34	78%	24
5. Rear of Natwest Bank	81%	8	77%	10	56%	19
6. Greswolde Arms Hotel	65%	22	73%	17	67%	21
Total	-	58	-	79	-	125

Table 6.3 : On-Street Peak Occupancy Summary

Car Park	Friday Peak Occupancy		Saturday Peak Occupancy		Sunday Peak Occupancy	
	Occupancy (%)	Free Spaces	Occupancy (%)	Free Spaces	Occupancy (%)	Free Spaces
A. Lodge Road	60%	16	58%	17	45%	18
B. St John's Close	95%	3	90%	6	63%	40
C. Station Road (Lodge Road to High Street)	85%	7	83%	8	85%	7
D. Unnamed Road (Adjacent to Lloyds Indian)	100%	0	100%	0	53%	7
E. Kenilworth Road (Church to Gillian Wesley)	82%	2	100%	0	82%	9
Total	-	28	-	31	-	81

The tables above demonstrate that, even during the peak occupancy periods, there is still spare capacity both within the car parks and on-street, to accommodate any potential increase in demand for parking the development proposals could generate.

A number of representations have raised concerns regarding the impact of the Draft Local Plan (DLP) housing allocations on the capacity of the car parks within Knowle. The Highway Authority have also noted that as part of the submission that a car parking study was carried out for the areas of Balsall Common, Dickens Heath and Knowle, to assess the impacts of future Draft DLP and non-DLP developments on capacity of car parking within the areas.

The Solihull Parking Study (October 2020) provides details of the assessments carried out. For the village of Knowle, the assessments identified that for short periods of the day, public parking is forecast to be close to absolute capacity in 2036 with the DLP developments. It was concluded that limited mitigation would be necessary to address the growth in demand for car parking, which could include changes to existing parking tariffs, or the potential for the installation of smart signage. Having regard to the surveys carried out as part of the current development proposals and those carried out as part of the DLP review, the Highway Authority is satisfied that adequate car parking will be available within the village centre to accommodate any potential increase in demand for parking the development proposals could generate.

The applicants have acknowledged the representations made in respect of car parking and have agreed to provide a contribution of up to £25k towards the Council's Parking Displacement Programme (PDP). This is primarily intended to aid and support parking concerns. It does this by providing additional on street parking capacity at suitable locations where there is a known parking demand that exceeds available capacity. Locations to be considered through the programme are those where parking is either obstructive, anti-social or where parking is resulting in repeated damage to the highway infrastructure. This includes damage to grass verges resulting in an increased maintenance burden. One area the Council's Highway Team have identified within Knowle is within St Johns Close.

The contribution proposed would deliver up to 10 bays. The Highway Team would design, procure and undertake these works. This would provide additional parking within the vicinity of the centre to provide additional capacity to the benefit of the centre.

As set out above, the application site is considered to be in an accessible location and it is anticipated that future residents, staff, and visitors / customers will make use of the sustainable modes of transport available within the vicinity of the application site. A Knowle to Solihull Town Centre LCWIP strategic cycle route is planned and the design for which is currently being developed. The Council have a City Region Sustainable Transport Settlement capital fund allocation to support this delivery. The Highway Authority have requested a contribution be sought towards the delivery of the cycle route between Knowle Village Centre and Solihull Town Centre will also provide future residents, staff, and visitors / customers with a safe and suitable alternative to car use. This contribution to whether it meets the relevant test for contributions is discussed in a later subsequent section of the report.

The Highway Authority have advised that limited resident season ticket permits are currently available within the public car parks. However, future residents would be able to apply for a season ticket from the Council's Parking Services Team, if necessary given the sustainable location of the site.

- Stopping up of the highway.

Three Stopping Up Orders (SUOs) will be required to facilitate the development. These SUOs have been discussed with the Highway Authority and have been prepared in accordance with Section 247 of the Town and Country Planning Act 1990. This has now been progressed under Section 253 (procedure in anticipation of planning permission). This process is separate to the determination of the planning application and is carried out by Central Government.

The following sections of highway are proposed to be stopped up:

- Dell Farm Close (west of the access to 30, 28 and 26 Dell Farm Close);
- St John's Close (small under croft area to the rear of Unit 7); and
- St John's Way (pedestrianised area through the site).

- Highway conclusion.

Having regard to the advice of Highway Authority, in terms of the site accessibility, it is clear that the site within Knowle Village centre is in an accessible location with accessible sustainable modes of the travel other than the car. The additional trips created by the development do not cause any material impact to the operation of the local highway network. Paragraph 111 of the Framework is therefore not engaged as no severe impact would occur on the strategic road network.

Further, the evidence in relation to car parking capacity within the village centre is clear, demonstrating that, even during the peak occupancy periods, there is still spare capacity both within the car parks and on-street, to accommodate any potential increase in demand for parking the development proposals could generate. Additionally, the car parking provision within the village centre has been tested alongside these proposal proposals and any strategic housing development that will come forward as part of the DLP review. The parking surveys indicates that adequate car parking would be still available within the village centre to accommodate any potential increase in demand for parking the development proposals could generate until 2035.

The proposal therefore accords with Policies P7 and P8 of the Solihull Local Plan 2013 and policies T1, T2, T3 and T5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. Neutral weight can therefore be attributed to the matter in the planning balance.

Other Considerations.

- Affordable Housing.

Paragraph 64 of the Framework advises that, in most cases, the provision of affordable housing should only be sought for major residential development.

Policy P4 a) of the Local Plan advises that contributions will be expected to be made in the form of 40% affordable dwelling units on each development site, but the Council will take into account a number of factors. These factors include at point iii *'the economics of provision, including particular costs that may threaten the viability of the site'*.

Policy H2 of the NP confirms that 25% of all new affordable housing shall be occupied by households with a strong local connection to the Area, both when first built and at the point of any subsequent reoccupation.

In this context, a strong local connection means applicants who:

- are current residents of the Neighbourhood Area who have lived in the Area for a minimum of 5-years;
- are past residents of the Neighbourhood Area who lived in the Area for 5 years;
- have close relatives (parents, children, siblings, grandparents or grandchildren) who are current residents of the Area and have lived in the Area for a minimum of 5 years;

- are currently employed in the Neighbourhood Area and have been so for at least 5 years (employer reference required);
- need to reside in the Neighbourhood Area either to provide care/support or to be cared for/supported by another member of the family who has lived in the Area for a minimum of 24 months (medical reference required).

In the event there are no applicants that fulfill the 'strong local connection' criteria, housing will be allocated to other persons in accordance with SMBC's allocation procedures or an affordable housing provider, whichever is appropriate.

The application has been accompanied by an Independent Financial Viability Assessment (FVA) prepared by Lambert Smith Hampton. The FVA advises that there are abnormal costs associated with this development proposal.

The output of the 100% market housing appraisal generates a profit of £1,889,270 reflecting 7.08% on value. The commercial decision whether to proceed with the scheme will therefore be at the discretion of the applicant.

The FVA therefore concludes that given the brownfield nature of this site and the site specific constraints there are significant viability challenges.

The Council have appointed Independent Valuers (Cushman & Wakefield) to review the FVA and provide guidance to the Council.

They have advised that conventional approach in a financial viability assessment, is to calculate a residual land value, and then compare with the Benchmark Land Value to assess if the extent of S106 contributions that the scheme can afford to make.

In this case, whilst there are substantial property (long leasehold) acquisition costs, they consider these as enabling costs. These are required for the applicant to have the required full control over the subject site, to enable the refurbishment scheme to progress.

The Independent Valuers have advised that the appropriate benchmark in this case is Internal Rate of Return (IRR), which allows a comparison to be made between capital investment in the property asset, and alternative options.

Thus, for the purposes of the development appraisal constructed to calculate the IRR, the capital costs for the applicant are:

- The long leasehold acquisition costs;
- The costs of the reconfiguration of the commercial space, and the new build residential space; and
- All sales, letting, legal and marketing fees. The "return" for the applicant is comprised of the residential sales receipts and the betterment on the commercial asset relating to the improvements.

The likelihood of even relatively small changes in construction cost cannot be underestimated in the current environment. The Councils Independent Valuers are currently seeing significant variation in tendered build costs across all sectors driven

by supply chain shortages affecting the construction industry. As a result, the build cost assumptions that have been applied in this appraisal/assessment are susceptible to short term changes which could have a material bearing on viability and/or residual land values.

On this basis, the Council's Independent Valuers consider that an affordable housing contribution for the site would be reasonable. However, discussion with the Applicant remain on-going and an update to Members on the matter will be provided at your meeting.

- Drainage.

Policy P11 of the Local Plan explains that all new developments shall incorporate sustainable drainage systems unless it is shown to be impractical to do so.

Paragraph 167 of the Framework advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The PPG advises that when considering major development (such as the current application), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

In term of what sort of sustainable drainage system should be considered, the PPG advises '*generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

1. *into the ground (infiltration);*
2. *to a surface water body;*
3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer.*

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate' (Paragraph: 080 Reference ID: 7-080-20150323).

The whole application site is located within Flood Zone 1; which is land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding.

The Conceptual Drainage Strategy submitted for the scheme proposes on site storage to be provided within a series of geocellular attenuation crates located under the central walkway area. The surface water discharge from the site is proposed to be limited to 5 l/s, as close as reasonably practicable to the greenfield runoff rate, reducing the beneath ground risk of blockage and providing a significant betterment on the current unrestricted discharge from the site.

A surface water connection to the existing public sewerage system will be subject to formal approval with Severn Trent Water.

The proposed on-site drainage solution will therefore be suitable to attenuate flows up to and including the 1 in 100 year + 40% rainfall event.

The proposal therefore accords with Policy P11 of the Local Plan and guidance in the Framework. Neutral weight can therefore be attributed to the matter in the planning balance.

- Landscape.

Policy P10 of the Local Plan recognises the importance of a healthy natural environment in its own right and requires new developments to safeguard important trees, hedgerows and woodlands. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands.

Paragraph 174 of the Framework confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

A Landscape Strategy Plan (LSP) has been submitted with the application, which demonstrates that the internal pedestrian access from the High Street through the development is proposed to be enhanced through both a hard and soft landscaping scheme along with outdoor seating areas on the deck platform for the residents of the flats. The final detail of which can be subject to the imposition of conditions to ensure delivery (see condition 9).

The LSP demonstrates that the scheme will enhance the appearance of both the public and private realm of the development in accordance with Policy P10 of the Local Plan and guidance in the Framework. Neutral weight can be attributed to the matter in the planning balance.

- Ecology.

Policies P10 and P15 of the Local Plan require that proposals conserve and enhance biodiversity and promote green infrastructure.

Paragraphs 179 and 180 of the Framework also seek to promote and enhance biodiversity.

As part of the submission an Ecological Appraisal has been submitted. The report has been prepared in accordance with appropriate methodology and the Council's Ecologist has confirmed that she has confidence in its findings.

All buildings within the site have been assessed for their potential to support roosting bats. Of these, the buildings facing the High Street were found to be suitable for bats. Following this initial assessment, two dusk surveys were undertaken in May and June 2020. No bats were seen emerging from the buildings. Although no roosting bats were recorded, due to the mobile nature of bats, presence of suitable features, and time between the surveys and start of works, measures for the safeguarding of bats were recommended in the report. The Council's Ecologist agrees with these and recommends that they are written into a

Construction and Environmental Management Plan (CEMP). This can be secured via a condition (see condition 8).

A bird nest was found in a silver birch tree within the site and the Council's Ecologist recommends that safeguards are incorporated into the CEMP.

As part of enhancement works, integrated features for nesting birds and roosting bats are proposed to be incorporated into the dwellings. The Council's Ecologist welcomes these enhancements. However, the Council's Ecologist has recommended that instead of installing four sparrow terraces and three swift boxes that the proposed bird boxes, comprise swift bricks. This is due to swift bricks having a higher occupancy rate than sparrow terraces are a suitable for a wider variety of bird species. The detail and location of bird and bat boxes can be appropriately dealt with through a combined Ecological and Landscape scheme secured by condition (see condition 9).

Overall, the development will deliver a net biodiversity gain that meets the requirement of Local Plan Policy P10 and guidance in the Framework. This matter can be afforded neutral weight in the planning Balance.

- Noise.

Policy P14(vii) of the Solihull Local Plan 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.

Policy guidance with respect to noise is also found in the Framework. With regard to noise and planning, the Framework contains the following statement at paragraph 174:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans...”

A further 2 short statements are presented at paragraph 185, which state:

“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;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason...”

Furthermore, paragraphs 187 and 188 state:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”

Planning Practice Guidance (PPG): Noise provides further guidance with regard to the assessment of noise within the context of Planning Policy. The overall aim of this guidance, tying in with the principles of the Framework and the Explanatory Note of the Noise Policy Statement for England, is to, 'identify whether the overall effect of noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.'

A Noise Assessment has been provided with the application which provides a description of the existing noise environment in and around the site. Noise surveys have been undertaken and the results used to verify predictions of the short-term and long-term effects of noise. The noise levels surrounding the proposed development have been predicted at local representative receptors using CADNA noise modelling software which incorporates ISO 9613 methodologies and calculations.

As detailed in the submitted Tetra Tech Noise Assessment (dated 16th November 2021), the noise sources associated with the existing Tesco Store have been included within the noise intrusion assessment for the proposed development. The noise sources have been included for all three scenarios that have been assessed, namely daytime LAeq, night-time LAeq and night-time LMax. As such the façade of the proposed dwellings takes into account the noise levels associated with these existing noise sources. Furthermore BS 4142: 2014+A1:2019 states: 'Where a new noise sensitive receptor is introduced and there is extant industrial and/or commercial sound, it should be recognized that the industrial and/or commercial

sound forms a component of the acoustic environment. In such circumstances other guidance and criteria in addition to or alternative to this standard can also inform the appropriateness of both introducing a new noise-sensitive receptor and the extent of required noise mitigation.

Public Protection have advised that they do not accept BS8233 (or a modified form of BS2833) as a form of assessment for this situation. The standard is for *anonymous* noise sources. The noise environment under assessment has *non anonymous* noise sources.

However, Public Protection have advised that they do accept the proposed mitigation for deliveries as the Env. Compliance Team have confirmed there have been no complaints regarding deliveries since 2008. Further, the noise is likely to be of a short duration.

Public Protection have therefore, suggested a condition to control timings of deliveries in line with the present hours of operation at Tesco's.

Similarly, they accept the results of assessment for the impact of Tesco's plant/equipment as again the Env. Compliance Team have confirmed there have been no complaints ref Tesco plant/equipment since 2012.

Subject to the imposition of conditions, the proposal would comply with Policy P14 (vii) of the Local Plan and neutral weight can be attributed to the matter in the planning balance.

- 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, limiting tree loss and requiring landscape mitigation and landscape schemes more generally. 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 are to come into effect from 15th June 2022 and become 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) are also 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. An informative is added to the recommended decision to alert the applicant to this.

- Community Infrastructure levy.

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016. The CIL form submitted with the application confirms that the existing commercial development on site equates to 3546 sq.m and the proposed commercial (retail) element would be 2670 sq.m or 876 sq.m. less than the original gross internal floor area. Thus, no CIL charge is applicable to the commercial element of the scheme.

The existing residential element on site equates to 1195 sq.m. with the proposed new floor are of residential development equating to 2960 sq.m. thus a net increase of 1765 sq.m. This would amount to CIL payment of £324,336.40 based on 1765 square metres of chargeable floor area for a residential in a rural area (chargeable rate for 2022 -£183.76).

- Section 106 contributions

Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests and the obligations are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development, and;
- c) Fairly and reasonably related in scale and kind to the development.

Paragraph 57 of the Framework reconfirms the tests that planning obligations within Regulation 122.

Solihull Local Plan 2013 (Development Plan) at Policy P21 – Developer Contributions and Infrastructure Provision states:

‘Development will be expected to provide, or contribute towards provision of:

- Measures to directly mitigate its impact and make it acceptable in planning terms; and
- Physical, social and green infrastructure to support the needs associated with the development.

Infrastructure and mitigation measures will be provided in a timely manner to support the objectives of the Local Plan.

The Council will, where appropriate, seek to secure site-specific measures through planning obligations. The nature and scale of any planning obligations sought will be related to the form of development and its potential impact on the site and surrounding area. The cumulative impact of developments will also be taken into account.

Developer contributions in the form of the Community Infrastructure Levy will contribute towards strategic infrastructure required to support the overall development in the Local Plan.'

The applicant has agreed to contribute £25,000 towards a parking displacement scheme in St Johns Close, as outlined above that has been requested as a neighbourly gesture and to bolster planning gain. This would provide for up to 10 bays that the Highway Authority would design, procure and undertake the scheme and works. The additional spaces will provide improved customer provision and flexibility to the benefit of the customer access and the vitality of the centre as a whole. Applicant has therefore agreed to solely pay the requisite amount, and also for there to be a clause that if the scheme is not forthcoming within 5 years, that the obligation falls away. Such a contribution does not accord with CIL Regulation 122, guidance in the Framework and Policy P21 of the Local Plan.

The Highway Authority have requested a contribution of £100k towards the Knowle to Solihull Town Centre LCWIP strategic cycle route which is planned and the design for which is currently being developed. The Council have gained a City Region Sustainable Transport Settlement capital fund allocation to support this delivery. There is no evidence to indicate that such a contribution to the cycle route is necessary to make the development acceptable in planning terms having regard to the fact that the proposal is for refurbishment and upgrade works to St John's Way Shopping Centre. Thus, such a contribution does not accord with CIL Regulation 122, guidance in the Framework and Policy P21 of the Local Plan.

- Other matters.

A number of representations received have raised a number of private matters that the planning system cannot get involved in. These include that a number of the existing properties are owned by residents who have not agreed to leave and the treatment of existing residents. It will be for the Applicant to resolve such matters in terms of the purchase of the owner's properties.

Further, representations have advised that Penny Youth Club is a short-term tenant within the centre and is an established young person's community facility. Representations consider that the facility should be re-provided in the development.

The planning system again cannot get involved in such matters, the Club will need to approach the applicant to whether units are available for let, but I would anticipate that given the commercial nature of the development a unit would not be available at less than commercial rates. It may therefore, become necessary for the Club to approach the Council to see what other premises are available in the village centre.

- 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 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 request for approval, 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. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

CONCLUSION

Planning policy in respect of both the Local Plan, Neighbourhood Plan and Framework support the refurbishment of the existing village centre which will ensure the continued sustainability and economic success of the village centre as well as preserving and enhancing its character and appearance. Further, the proposal will deliver smaller units that address the mismatch of size of units in the area. The proposal is therefore compliant with Policies P19 and P5 of the Local Plan and E1, E2, H3, D1 of the Neighbourhood Plan. These matters are afforded significant positive weight in the planning balance.

The proposals would cause a 'low degree of less than substantial harm to the character and appearance of Knowle Conservation Area and to the setting of some listed buildings. 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 Listed Buildings significance and Conservation Area would be limited this carries great weight.

The public benefits namely the economic, social and environmental benefits outlined carry significant weight. Together these public benefits that the development would deliver would be significant and outweigh the low degree of less than substantial harm to setting designated heritage assets' significance. The development therefore would accord with Local Plan Policy P16, Neighbourhood Plan Policies VC2, VC3 and D2 and the Framework.

The proposal would also enhance the character and appearance of the development compared to the existing development and accords with Policy P15 of the Local Plan. Further, the provisions of Policy D1 Character and Appearance of the Knowle, Dorridge and Bentley Health Neighbourhood Plan are met. Moderate weight can therefore be attributed to the matter in the planning balance.

In terms of the site accessibility, it is clear that the site within Knowle Village centre is in an accessible location which accessible sustainable modes of the travel other than the car. The additional trips created by the development do not cause any material impact to the operation of the local highway network. Paragraph 111 of the Framework is therefore not engaged as no severe impact would occur on the strategic road network.

Further, the evidence in relation to car parking capacity within the village centre is clear, demonstrating that, even during the peak occupancy periods, there is still spare capacity both within the car parks and on-street, to accommodate any potential increase in demand for parking the development proposals could generate.

The proposal therefore accords with Policies P7 and P8 of the Solihull Local Plan 2013 and policies T1, T2, T3 and T5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. Neutral weight can therefore be attributed to the matter in the planning balance.

All other matters are neutral in the planning balance.

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; and in terms of the schemes 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 village centre. Significant weight is attached to the social benefits of the development through the provision of up to 47 new units, including the provision of smaller units. Significant weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping enhances the character and appearance of the development and the local distinctiveness of the village 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 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 within 3 years – full
3. No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved until a schedule and samples of all facing bricks, render, weatherboarding, roofing and other materials including colours to be used in the external elevations in accordance with approved drawing 18-205-P1-125 Rev D have been submitted to and approved in writing by the Local Planning Authority. Thereafter the 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 the Solihull Local Plan 2013.

4. No development shall commence until the areas of land identified within Paragraph 4.4.1 of the Transport Statement prepared by Mode Transport Planning have been stopped up to remove the existing highway rights.

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

5. Prior to occupation, a Green Travel Plan Statement, based on the Travel Plan submitted with the application and relating to the residential element of the scheme shall be submitted to and approved in writing by the Local Planning Authority. In order to reduce car travel and increase travel by more sustainable transport modes, the Plan shall specify targets for mode share shifts to be achieved and a time period to achieve this from the use of the development. The Plan shall be implemented and monitored in accordance with its terms. In the event of failing to meet these targets, a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and where necessary make provision for and promote improved sustainable forms of access to the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority.

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

6. No development shall take place until a Servicing and Delivery Management Plan for the service yard area has been 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. Vehicular access;
 - d. Delivery/servicing details; and
 - e. Servicing co-ordination.

Thereafter the approved 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.

7. The development shall not be occupied until a Car Parking Management Strategy for the Shopping Centre's demised spaces within the service yard has been submitted to and approved in writing by the Local Planning Authority, which should provide details of the allocation of parking spaces. The car parking area shall thereafter only be operated in accordance with the approved strategy.

In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

8. No development shall take place until a Demolition, Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and demolition/construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in demolishing/constructing

the development; vehicle routing; a turning area within the site for demolition/construction vehicles; traffic management measures; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; and appropriate working practices and safeguards for bats and nesting birds.

In the interest of highway safety and biodiversity in accordance with Policy P8 and P10 of the Solihull Local Plan 2013.

9. The development hereby approved shall not be occupied until a combined Ecological and Landscape Plan in accordance with Landscape Strategy Plan 7933/ASP3/LSP has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels; hard surfacing materials; minor artefacts and structures and details and location of integrated bat and bird boxes. 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.

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

10. CL12 - Landscape maintenance schedule.

11. No development shall take place until a final surface water drainage scheme for the site in accordance with the Conceptual Drainage Strategy has been submitted to and approved in writing by the Local Planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details.

To reduce the risk of flooding to the proposed development and future users in accordance with Policy P11 of the Solihull Local Plan.

12. No cafe or restaurant use within Class E hereby approved shall operate from any unit until a scheme of extract ventilation/odour control, including details of any noise levels and external ducting, have been submitted to and approved by the local Planning Authority. The extract ventilation system and odour control equipment shall be operated at all times when cooking is carried out. The scheme must be installed and thereafter used and maintained in accordance with the approved scheme.

To safeguard the amenities of residents above and adjacent neighbours from odours and noise in accordance with Policy P14 of the Solihull Local Plan.

Note 1: 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 2: To ensure malodours are adequately dispersed all flues will need to terminate above windows to habitable rooms of the development (i.e. the second floor).

13. Before any unit of the development hereby approved is first occupied a noise assessment shall be submitted to and approved in writing by the local Planning Authority. The noise report will demonstrate the rating level of the cumulative noise emitted from external plant/equipment shall:

- not exceed the background noise level (expressed as an LA90);
- The noise levels shall be determined at the nearest noise sensitive premises; and
- The measurements and assessment shall be made according to BS 4142:1997 Method for rating industrial noise affecting mixed industrial and Residential areas. Thereafter, the details shall be implemented in accordance with the approved details.

Thereafter the scheme shall be implemented in accordance with the approved details.

To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan.

14. Before the development hereby approved is brought into use any external plant and equipment 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. The scheme will have regards to the approved noise report submitted under condition 13 of this planning permission.

To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan.

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

15. No deliveries shall be taken at or despatched from the site outside the hours of 7am to 7pm Monday to Friday, and 8am - 5pm Saturday, 9am - 5pm on Sundays.

To safeguard the amenities of residents in accordance with Policy P14 of the Solihull Local Plan.

16. Before the development hereby approved is brought into use a scheme of noise insulation between commercial and residential premises shall be submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented prior to occupation of the building and maintained thereafter.

To safeguard the amenities of the apartments above the development from the transmission of noise in accordance with Policy P14 of the Solihull Local Plan.

Note: that a higher noise insulation specification more stringent than BS8233:2014 may be required for uses that involve noisy operations (i.e. gyms, restaurants etc).

17. Prior to occupation of the residential units a scheme of noise insulation shall be submitted to and approved in writing by the local Planning Authority and implemented to ensure that all windows any other glazed areas and external doors to habitable rooms comply with Appendix A of The Tetra Tech St Johns Way Response document ref 784-B032867.

To safeguard the amenities of the residents of the apartments above the development from noise in accordance with Policy P14 of the Solihull Local Plan.

18. CN20 – Contaminated Land.

19. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

To ensure adequate opportunity for site research and recording in accordance with Policy P16 of the Solihull Local Plan.

20. The 17 units hereby approved shall only be occupied by businesses that fall with Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and for no other purpose.

To safeguard the viability of the shopping centre and village centre in accordance with Policy P19 of the Solihull Local Plan.

21. Before the development hereby approved is first occupied a detailed lighting scheme for the shopping centre including service yards shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

To safeguard the amenities of neighbours and character of the area from light pollution in accordance with Policy P14 and P15 of the Solihull Local Plan.

