

APPLICATION REFERENCE: PL/2022/01784/PPFL**Site Address:** Prince Of Wales, High Street, Solihull Lodge, Solihull. B90 1JW.

Proposal:	Demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of former agricultural land at the rear to ancillary amenity space for residents including the provision of Green Care Farming with landscaping, and associated works (Cross boundary application - Solihull and Bromsgrove).
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The approval of an application which in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity
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Recommendation:	RESOLUTION TO GRANT CONSENT SUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 AGREEMENT
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EXECUTIVE SUMMARY

This full planning application seeks consent for the redevelopment of a brownfield site consisting of a derelict public house and beer garden on the edge of the Solihull borough to create a 72-bedroom care home facility. This purpose-built care home is intended to meet the needs of all aspects of elderly care provision including nursing, personal and dementia care

An identical full planning application has been submitted by the same applicant to Bromsgrove District Council for consideration – this is a cross boundary planning application and consent from both local planning authorities is required for the development to complete in full. Bromsgrove District Council is considering the part of the scheme which falls within their jurisdiction; this is the rear of the site which will provide amenity space for the future residents of the proposed care home.

The applicant will enter into a Section 106 agreement. This S106 legal agreement will ensure that the applicant must implement both planning approvals – from Solihull Metropolitan Borough Council and Bromsgrove District Council – in order to achieve a comprehensive development. It is understood that Bromsgrove District Council will be determining, at planning committee, their application imminently but first will await

the outcome of the determination of this application which contains the majority of the development.

This report will demonstrate that the principle of a care home development on this site, within Use Class C2, is acceptable and in compliance with the adopted Solihull Local Plan 2013 Policy P5. The development would assist in the provision of housing in the Borough.

The proposed development is acceptable in terms of scale, design and appearance. The development has been designed to prevent any undue overlooking, overshadowing or overbearing effect. The amenities of nearby residents and future residents are considered to be adequately safeguarded. A large amenity space, within the jurisdiction of Bromsgrove District Council and sited within the Green Belt, is provided to the rear of the proposed building for use by future residents of the proposal. The proposal is considered to be in accordance with Policies P14 and P15 of the adopted Solihull Local Plan 2013.

The development is considered acceptable in terms of highway safety, landscaping, ecology and drainage subject to the imposition of suitable planning conditions.

This report will demonstrate that the overall development is considered to be policy compliant subject to planning conditions and the completion of a Section 106 legal agreement.

MAIN ISSUES

The main issues in this application are:

- Whether the redevelopment of the site is in accordance with relevant planning policy;
- The need for elderly care in the Borough;
- The effect of the proposal on the character and appearance of the area;
- The impact of the proposed development on highway safety and the free flow of the highway network;
- The impact of the proposal on neighbour amenity.

Other Material Considerations

- Affordable Housing
- Landscape
- Ecology
- Drainage
- Climate Change
- CIL and S106 Legal Agreement

CONSULTATION RESPONSES

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

Lead Flood Authority – no objection subject to conditions.

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

Bromsgrove District Council – No response received but liaison on-going due to cross boundary application.

SMBC Adult Social Care – need assessment concentrates on Brough as whole even though there has been a concentration of care homes in Shirley in recent times. There are vacancies in existing care homes across the Borough, and it is unclear what additional care this facility will provide. Concerns re local GP capacity to support future residents of the development and workforce levels.

SMBC Affordable Housing – No objection, suggestion that applicant enters into S106 legal agreement to secure a proportion of care beds to be prioritised for residents of Solihull, and a proportion of the care beds to be provided at local authority rates.

SMBC Ecology – No objection subject to conditions.

SMBC Highways – No objection subject to conditions.

SMBC Landscape - No objection subject to conditions.

SMBC Public Protection – No objection subject to advisory note.

SMBC Spatial Planning – No objection, in principle the proposal can contribute towards specialised housing needs, subject to consultation comments from other specialists including Bromsgrove District Council.

SMBC Rights of Way – no objection.

SMBC Urban Design – no objection raised.

PUBLICITY

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

4 responses were received, all were objections to the proposed development. All correspondence has been reviewed and the main issues raised are summarised below:

Need:

Too many care homes proposed when existing ones are not full.
Shirley has become dominated by care homes, there is a lack of starter homes and affordable homes

Loss of existing facility:

Loss of public house should not be encouraged, these facilities are still required

Matters regarding detail of proposal:

Proposal is too large
Not in-keeping with the scale of the area
Insufficient parking provided on-site
Loss of trees and nature unacceptable
Will result in an increase in traffic
Loss of light to neighbouring properties

Other matters:

Insufficient amenities to support another care home i.e. GP surgeries and dentists
Greenspace to the rear of the site should not be developed, its sets a precedent.
Specific comments about the submitted Arboricultural Impact Assessment on land outside of the application site.

PLANNING ASSESSMENT

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

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

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

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

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

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

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

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

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

The proposal

This full planning application falls within the jurisdiction of two local planning authorities – Solihull Metropolitan Borough Council and Bromsgrove District Council (BDC). This is known as a cross boundary planning application, with the larger part of the application site falling within the Solihull Borough. The applicant has therefore submitted an identical planning application to Bromsgrove District Council for determination and it is understood that BDC will determine their application at committee once the outcome of this application is known.

To ensure a comprehensive development and assuming that both planning applications are granted consent, it is necessary to require that both schemes are implemented. This requires a Section 106 legal agreement to be signed by the applicant and both local planning authorities.

The application seeks planning permission for the demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of agricultural land at the rear to ancillary amenity space including the provision of Green Care Farming with landscaping, and associated works.

The applicant has submitted a detailed planning statement in support of the application, which states the following;

The care home would provide 72 rooms/beds with facilities for staff, residents and visitors on the ground floor including café, covid secure areas (to enable visitors to visit relatives safely), dining room, hairdressing salon, cinema room, gym and library.

Offices for administration and a kitchen is also provided. Further dining rooms, activity rooms, lounges and libraries are provided on the first and second floors. Plant and equipment as well as staff changing rooms and a laundry is provided at lower ground level.

The design of the building has evolved to respond to its surroundings as well as being fit for purpose which is to provide specialist care to meet the needs of all aspects of elderly care provision including nursing, personal and dementia care, for which there is an identified need.

The building covers 3 storeys (with additional underground servicing). The front elevation along the High Street consists of a 3 storey central flat roof element sitting over the entrance to the building flanked on either side by two pitched gables. Each of these prominent elements is linked together by subservient glazed corridors. The palette of materials chosen is simple comprising of dark and light buff with matching mortar, pitched and vertical terracotta finished cladding, bronze colour metal window frames and bronze coloured louvres.

The courtyard garden is located directly to the rear of the building, providing an active spill out space from the dining rooms. This area is not located within the Green Belt and would feature seating and tables to encourage social interaction.

The former agricultural land to the rear, within the Green Belt and within the jurisdiction of Bromsgrove District Council, will be used as an ancillary amenity space for residents of the care home. It will contain areas of landscaping and lawns and an element of Green Care Farming. This involves the growing of fruit and vegetables and the keeping of livestock such as pigmy goats, Berkshire pigs, miniature cattle, Babydoll Southdown Sheep, chickens and potentially bee hives. For facilities such as this proposed care home, the addition of Green Care will provide stimulus to residents; it encompasses a number of therapeutic strategies such as farm-animal related therapy, horticultural therapy and general farm-based therapy. The livestock area is only for therapeutic purposes, where animals are essentially pets. The additional stimulus from the animals (including odours from hay, silage and food being prepared, sound from animals, touch, petting animals and tastes from fruit and vegetables grown) is regarded as an important facility/treatment which sets the proposed care home apart from anything else currently offered by care homes within the area.

The southern half of the site falls within the jurisdiction of Bromsgrove District Council and is designated as Green Belt. The development does not propose any built-form on the southern section. The proposals seek consent to change the use of the land from agricultural (it's last known use) to ancillary amenity space, which will include Green Care Farming for the residents of the care home. The existing 1.8m high timber fence which encloses the garden associated with the pub (which does project into the Green Belt) will be removed. The existing steps down from the pub garden will be removed and replaced with a ramped access to the garden beyond. Gravel paths will weave through the rear space which will comprise a mixture of informal lawned areas/herbaceous perennials and grasses with some raised planters, a kitchen garden, and area for livestock. The use of tarmac and paving will be kept to a minimum. The existing boundary post and rail fence enclosing the site is in a very poor

condition, with large parts of the site open. This will be replaced by similar post and rail fencing with hedgerows or similar planted behind.

Whether the redevelopment of the site is in accordance with relevant planning policy

The Framework sets out Government policy which is underpinned by the presumption in favour of sustainable development. 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.

Paragraph 119 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Further paragraph 120 establishes that planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

Policy P18 – Health and Well Being – of the Solihull Local Plan 2013 (SLP 2013) states that the loss of community and social infrastructure will be resisted unless it can be demonstrated that:

- It can no longer continue for commercial or operational reasons;
- There are identified benefits of the use being discontinued;
- Adequate alternative provision can be made in a manner which meets the needs of the community affected.

Policy P5 of the SLP 2013 supports new housing on unidentified sites in accessible locations where they contribute to meeting borough wide needs and towards enhancing local character and distinctiveness. Policy P5 of the SLP 2013 is consistent with policies set out in the Framework and full weight can be attributed to this SLP Policy.

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

- (a) Accessibility

In terms of the first test, Policy P7 of the SLP 2013 provides accessibility criteria in relation to local circumstances. Policy P7, amongst other things, seeks to ensure that new development is focused in the most accessible locations and promotes ease of access. When looking at housing development, this Policy sets out criteria of walking distances that new development should seek to achieve and comments on distances from primary schools; doctor’s surgeries and food shops as well as distances from bus stops and railway stations. The intention is that development should be easily accessible and linked to existing amenity facilities that are capable of being arrived at on foot. Policy P7 of the SLP 2013 is consistent with policies set out in the Framework and full weight can be attributed to this SLP Policy.

	Policy P7 distance requirement	Local Authority calculation of distance
Bus stop	400m	< 50m
Rail station	800m	2200m
Food store	800m	160m
Primary school	800m	640m
GP surgery	800m	320m Grafton Road Surgery

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 falls outside the ideal distance for the railway station at Shirley that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within the existing mature suburbs of Shirley, specifically within the Solihull Lodge ward and, as such, the proposal is considered to accord with Policy P7.

For the reasons set out above, the spirit of Policy P7 is met, and the principle of the redevelopment of this site for residential purposes within the C2 Class of the Use Classes Order (1987) (as amended) meets the accessibility test in Policy P5.

- (b) Contribute to meeting borough wide housing needs

Turning to the second test, Paragraph 11 of the Framework 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 Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole. This is often referred to as the ‘tilted balance’. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 3.60 years (as of 1st April 2021) and therefore

the tilted balance is engaged. This shortfall is considered to be substantial on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be substantial this should be given significant weight.

The principle of the development on this site for residential purposes within the C2 Class of the Use Classes Order (1987) (as amended) would contribute to meeting borough wide housing needs and therefore meets the housing test in Policy P5.

- (c) Enhancing local character and distinctiveness

Finally, considering the third test, Policy P15 of the SLP 2013 provides guidance on Securing Design Quality. Policy P15 of the SLP 2013 requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment.

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

- Summary

The principle of the redevelopment of this site for residential purposes within the C2 Class of the Use Classes Order (1987) (as amended) would contribute to meeting borough wide housing needs and therefore meets the housing test in Policy P5, which gains positive weight in the planning balance.

With regard to the loss of the existing public house, the applicant has confirmed that this ceased trading 3 years ago and never reopened following the Covid-19 pandemic. The impact of the pandemic on the hospitality sector has been widely reported. The site – both when open and now when closed – attracts anti-social behaviour which has a negative impact on the locality. It is considered that the proposed development complies with the principles of Policy P18 of the SLP 2013. This should be attributed limited positive weight in the planning balance.

The need for elderly care in the Borough

The proposal is for a 72-bed purpose-built care home to meet the needs of all aspects of elderly care provision including nursing, personal and dementia care. This proposal falls within Use Class C2.

The National Planning Policy Framework (NPPF, July 2021, paragraph 60) sets out the need for local authorities to identify a sufficient amount of land to ‘..support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed..’.

Local planning authorities must determine the minimum number of homes needed using the standard method (paragraph 61) and within this context, the size, type and tenure of housing needed for different groups in the community – including older people - should be assessed and reflected in planning policies (paragraph 62). Annex 2 of the NPPF says that older persons housing needs ‘..can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.’

Planning Practice Guidance (PPG), ‘Housing for Older and Disabled people’ was published in June 2019 and provides important guidance. Paragraph 001 states that ‘The need to provide housing for older people is critical’ (Reference ID: 63-001-20190626).

Quantification of need is covered in Paragraph 4 (ID: 63-004-20190626) and sets out how the need for older and disabled persons can be assessed. It states the evidence which plan-makers should consider when identifying the housing needs of older people.

Paragraph 006 (Reference ID: 63-006-20190626) says that ‘Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people’.

The different types of specialist housing designed to meet the diverse needs of older people are identified in paragraph 10 (Reference ID: 63-010-20190626).

There are no policies in the adopted Solihull Local Plan 2013 that deal with the requirement and the Framework requires local authorities to plan for the needs of different groups, including older people. There is no definitive method for assessing care bed need.

The Councils assessment of need for this application is consistent with the approach taken to assessing need in the work to develop on the emerging Solihull Local Plan.

Solihull’s population is older than the regional and England average. In 2020, 21% of Solihull’s population was aged 65 and above compared to 18.5% in the West Midlands and 18.2% in England. The projection of older people in Solihull is expected to significantly increase by 2036.

The Council does not take a ward-by-ward approach to the assessment of need this because they are less robust. Further need can’t always be met where they arise and so a Borough wide approach is taken.

The Councils assessment of the current gross need for care bed spaces is 1,913 on a Borough wide basis. The current care bed supply, including schemes in development now, is 1,850. This results in a small current Borough wide shortfall of 63 care bedspaces.

Projecting forward to account for the growth in the elderly population to 2036, the need for care bed spaces will rise from 1,913 to 2,520. This would mean that if no new care bed spaces were to be provided in this period, need would rise from 63 to 670.

Policy P4E in the emerging Local Plan provides a Plan-led policy to deliver additional care bed spaces, but this can be only attributed limited weight as unresolved objections still exist to the policy and the status of the emerging plan. Therefore, this application needs to be assessed on its own merits.

Subject to the approval of the emerging Plan, it is forecast that allocated sites will deliver between 417 and 515 care bed spaces in the period to 2036.

This would result in an outstanding need to 2036 of between 155 and 253 care bed spaces. This is a modest need to be met over this period. On the basis of recent care bed developments, the Council would also expect that this need could be met through care bed development on windfall sites during this period. This current application, if approved, would provide 72 care bed spaces towards the 155/253 need. This proposal, constituting a windfall site, would therefore assist in meeting need in the period to 2036.

This proposal would contribute significantly towards the current identified shortfall and that identified within the future emerging plan period. The PPG sets out that the need to provide housing for older people is critical, and therefore positive significant weight is given to this matter.

It should be also recognised that specialist accommodation for the elderly brings significant benefits to those who require it in terms of their physical, emotional and mental health (social benefits). The PPG recognises such benefits, stating that *“offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems”*. The social benefits from a reduced sense of isolation for elderly people would be therefore positive. Significant positive weight is given to this matter.

Additionally, there would also be a consequential effect of freeing up existing, potentially under occupied (downsizing), housing to the general market from older people moving into the development from within the Borough. This also weighs in limited favour of the proposed development.

The effect of the proposal on the character and appearance of the area

Policy P15 of the Solihull Local Plan 2013 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 Solihull Local Plan 2013 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 2013 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 Solihull Local Plan 2013 are consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

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 users; 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 site is located within Shirley, specifically within the Solihull Lodge ward, and is sited within the mature suburbs. The site is sustainably located within a predominantly residential area. The application site is located on the boundary of the Solihull borough, with part of the rear of the application site falling under the jurisdiction of Bromsgrove District Council.

The site is surrounded by residential development to the north and east. A public right of way runs parallel to the western boundary of the site. To the south lies the Green Belt within Bromsgrove District Council, encompassing predominantly open space and open countryside beyond.

The existing built form comprises of the former Prince of Wales public house, which is set back from the High Street, behind the hardscaped parking area. The existing pub is two storey in height and traditional in design with a gable feature. When open, it is understood that the existing pub attracted anti-social behaviour. Now closed for the past 3 years, the site continues to attract anti-social behaviour despite the applicant's best efforts to enclose the site on health and safety grounds. The existing building is now in a poor state and is dilapidated.

The proposal is for a 72-bed purpose-built care home to meet the needs of all aspects of elderly care provision including nursing, personal and dementia care. Each of the 72 rooms are en-suite. The proposed building form has been developed using the existing residential scale and form. A simple pitched roof responds to the suburban context, and the blocks have been arranged to reflect the rhythm of the existing street. This rhythm is also reflected in the ordered elevations of each block by grouping windows and limiting the number of treatments to facades. Windows have a simple mullion arrangement, which reflects the domestic nature of the area. The elevations have been designed to reflect the accommodation contained within the building. Bedrooms are grouped, and living rooms have a larger window. Creating separate blocks of accommodation by introducing breaks in the elevations, instils a residential 'feel' aligning with the wider suburban context. External terraces or balcony spaces have also been included to help articulate the elevations but also provide a variety of external spaces for residents and users of the building. This includes secure landscaping to the south, and a variety of lounge and communal spaces throughout the building.

The internal layout has been devised to ensure compliance with industry care standards and is specific to the type of care that the proposed development seeks to offer its residents. There are four floors in total; lower ground, ground, first and second floor.

The lower ground floor maximises the upper floor area for residents bedrooms and amenity by utilising the existing site levels. This strategy also accommodates a separate staff entrance.

At ground floor level, the entrance has been located within the site, visible from the site approach, to provide a clear destination and safe transition from the car parking area to the building. Drop off and turning is accommodated within the site with clearly defined areas of cycle parking and refuse storage within the new landscape. Surrounding the building are a number of garden spaces with terraces in front of lounge spaces and bedrooms, to address the varying topography of the site.

Within the ground floor is a reception area, cafe and salon, which form a social hub for residents, visitors and staff alike.

The first floor accommodation is comprised of resident bedrooms, lounge spaces and staff areas. Communal areas are spread throughout the floor to provide variation and choice for residents. As the upper levels are primarily dedicated to care of the residents, staff areas are centralised to bedrooms where ancillary facilities required for resident care, can be easily accessed.

Subtle variations in the corridor width have been used to remove the institutional feel of circulation spaces. This approach creates incidental spaces for residents and staff to meet or pass uninhibited.

Much like the first floor of accommodation, the second is composed of resident bedrooms, a central lounge and dining space, with all the supporting operational accommodation.

The Council's urban design officer has reviewed the proposals and is generally content with the design and layout of the proposed development. The Council's urban design officer commented that "*the proposal shows a potentially attractive site layout, with the larger part of the proposed buildings set back from the street, and a parking and access area that is well incorporated and unlikely to dominate the site frontage. Other very welcome elements are the provision of private patios and balconies and the inclusion of a large shared garden space to the rear.*"

The Council's urban design officer suggests that further detail relating to matters that are usually conditioned, i.e. soft landscaping and boundary treatment, is submitted prior to determination of the application. However, the Council's Landscape Architect has not raised this concern. This is not deemed necessary as the site is not located in any sensitive designations and it is considered that this information can therefore be secured post-determination via discharge of a suitably worded condition. The frontage of the site is an important feature of the proposed development, providing a key and easily identifiable building within the street scene.

In summary, it is considered that the proposed development would provide an appropriate response to the site context and would respect the local distinctiveness of the location in accordance with local and national planning guidance. The replacement

of the existing dilapidated public house by this proposal would provide enhancement to the street scene, where the use of symmetry and mixtures of a simple palette of materials and pitched and flat roofs allows the building to assimilate well into its surroundings. For above reasons there would be no conflict with the development plan policies, namely Policies P5 and P15 of the Solihull Local Plan 2013 which set out a requirement for good quality, inclusive and sustainable design. The proposal would also respect the design policies of the National Planning Policy Framework.

This matter should be accorded positive weight in the planning balance.

The impact of the proposed development on highway safety and the free flow of the highway network

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 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 2013 states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Solihull Local Plan 2013 is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

In respect of the accessibility of the site, Policy P7 of the Solihull Local Plan 2013 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) iii of Policy P7 is considered to be the most applicable to the proposed development, which states that proposed education, health and other public service facilities should be located where they are easily accessible on foot, by bicycle and bus by the local community they serve.

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 Framework.

- Accessibility

The Highway Authority acknowledges that the application site is within an accessible location, with a number of local facilities and amenities available within an acceptable walking distance. There is a bus stop fronting the application site along High Street, which serves a number of frequent bus services including 49 and 49S. Shirley Railway Station is along the 49 and 49S bus service route.

It is anticipated that future employees, visitors and occupants of the proposed care home will make use of the public transport facilities available within the vicinity of the application site. With a limited number of off-street car parking spaces proposed to serve the development, this should further encourage the use of the public transport facilities available.

- Access

The site currently has two existing accesses. Drawing no D1180-HSP-XX-XX-D-C-001 Rev P01 shows that it is the existing easternmost access that will be retained. Visibility splays of 2.4m by 43m have been provided and are considered adequate as they are commensurate with the posted speed limit of 30mph. As the westernmost access will be closed, the applicant will need to reinstate the kerb and this detail is required by Condition 5.

- Parking

The site plan originally submitted showed an overall provision of off-street car parking spaces of 27. To provide additional space around the oak trees on the eastern boundary, this number has reduced to 24 spaces. This is 22 spaces plus 2 designated disabled bays and an area for an ambulance pull. Due to the site being in an accessible location and after careful consideration, including comparing parking provision for similar care home developments, the amount of car parking proposed is considered sufficient. In addition, 10 secure and covered cycle spaces are proposed, with 4 additional cycle spaces for visitors.

In addition to the Design and Access statement, a Transport Assessment (TA) dated July 2022, has also been submitted in support of the application. This TA included details regarding trip generation and parking accumulation. The Highway Authority recommended that a Parking Management Plan condition is included to manage and monitor parking at the site, and provide mitigation measures should any issues arise. This is proposed Condition 6.

The Highway Authority consider it unlikely that the development will result in indiscriminate overspill car parking and unlikely that proposals will generate a significant increase in demand for on-street car parking to have a detrimental impact on public highway safety, or on the operation or capacity of the local highway network. It is therefore considered that the proposals accord with Policy P8 of the Solihull Local Plan 2013.

- Refuse Collection

Details for refuse collection have been submitted with the planning application. The plan POW-HSP-00-00-DR--C-803 Rev P02 has been reviewed by the Highway

Authority and demonstrates that there is sufficient manoeuvring space within the site to enable the refuse vehicle to turn and exit the site in a forward gear.

The Highway Authority have raised no objection to the proposal subject to the imposition of planning conditions. The site is in an accessible location and highway safety will not be compromised by the proposed development. The proposal therefore accords with Policies P7 and P8 of the Solihull Local Plan 2013. Neutral weight can be attributed to the matter in the planning balance.

The Impact of the proposal on neighbour amenity

Policy P14 of the Solihull Local Plan 2013 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 Solihull Local Plan 2013 is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The application site is located at the end of a linear development along High Street. As such, there is only one immediate residential neighbour to the application site at 293 High Street. This dwelling is sited further forward of the established building line and has recently been renovated and extended. The application site wraps around the rear of the dwelling. The application site abuts the rear garden of No.291 High Street on the eastern boundary.

The proposed development has been sensitively designed to ensure no overlooking, overbearing or loss of light is caused to the adjacent neighbour at No.293 High Street. Minimum distance requirements between principle windows are exceeded; there is a distance in excess of 23 metres between the rear of the nearest neighbour at No.293 High Street and the front elevation of the proposed care home.

Overlooking opportunities to the rear garden of No.291 are limited due to the orientation of the proposed development to this neighbour and the established screening from the two large oak trees which are to be retained. The proposed development has also been designed to ensure the building is over 4 metres from the boundary of the rear garden of No.291.

The existing car parking area to the front of the application site is to be retained. Given the previous use of the site as a public house with a large beer garden, it is anticipated that existing residents will notice a reduction in noise and disturbance from the proposed use.

For the reasons outlined above, the proposal accords with Policy P14 of the Solihull Local Plan 2013 and guidance contained within the Framework. This should be accorded neutral weight in the planning balance.

Other Material Considerations

- Affordable Housing

The proposal is for Use Class C2 development and therefore there is no requirement for an affordable housing provision under Policy P4A of the Solihull Local Plan 2013.

With regard to the application, the Council does not agree with rationale use in establishing the need in the assessment provided by the applicant. However the Council does accept that Solihull Borough needs more care bedspaces in the period to 2030 and beyond, and that some of these will be provided on opportunities presented by windfall housing land supply sites such as this one.

The Council's affordable housing officer recommended that the applicant aims to secure that the care bed provision for this development helps meet need in the Borough through a S106 legal agreement. However, the applicant responded and stressed that at this stage, the number of residents from within the Solihull borough is unknown and will somewhat be dictated by market conditions when the facility is ready to operate. It is understood that the Council's Adult Social Care team will liaise with the applicant on this matter post-consent to ensure the facility is able to provide care for some local residents if required.

- Landscape

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

Policy P10 of the Solihull Local Plan 2013 recognises the importance of a healthy natural environment in its own right and requires new developments to safeguard important trees, hedgerows and woodlands.

The applicant submitted an Arboricultural Impact Assessment (AIA) in support of the planning application. This detailed that a number of trees were to be removed from the site, including a mature Ash tree. Both the Council's Tree Officer and Landscape Officer raised concern at the number of trees to be removed as well as the impact of the proximity of the proposed development to two mature Oak trees on the eastern boundary.

The applicant revised the AIA in conjunction with their Arboricultural consultant. Whilst the Ash tree is still proposed for removal, a number of smaller trees will now remain. The proposed development has been revised and the car parking and hardstanding will be set back from the existing Oak trees in order to protect their root protection zones. The Council's Tree Officer and Landscape Architect are satisfied that the AIA is now acceptable and that on-site tree mitigation in the form of a planting scheme can be achieved via planning condition.

The AIA also detailed the extent of Japanese Knotweed (JKW) that exists on the site. This is extensive, and the invasive weed will need to be treated and eradicated on site

before the development can commence. This is to ensure the full development can be completed as without the eradication of the JKW, any hard and soft landscaping scheme will only be able to be partially implemented and this will affect the quality of the end development.

The applicant has confirmed that treatment to eradicate the JKW began in 2021, in accordance with the Japanese Knotweed Survey submitted in support of the planning application. The Council's Landscape Architect has reviewed this document and is satisfied that the proposed strategy for eradicating the JKW is acceptable subject to a pre-commencement planning condition.

It is considered that the proposal accords with Policy P10 and P15 of the Solihull Local Plan 2013 and guidance in the Framework. Neutral weight is attributed to the matter in the planning balance.

- Ecology

Policy P10 of the Solihull Local Plan 2013 seeks to protect habitats and to conserve, enhance and restore biodiversity. Policy P10 of the Solihull Local Plan 2013 is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The Council's ecologist raised concern, in agreement with the Council's Landscape Architect, at the number of trees to be removed as this would affect the biodiversity value of the site. Following the submission of the revised AIA, the applicant provided a Biodiversity Metric. This demonstrated that the site was achieving biodiversity net gain. The Council's ecologist has requested two planning conditions to ensure the biodiversity of the site is maintained and bolstered, this includes the request for the submission of a lighting scheme.

The proposed development is considered to be in accordance with the requirements of Policy P10 of the Solihull Local Plan 2013 and guidance within the Framework. Neutral weight should be attributed to this matter in the planning balance.

- Drainage

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

Policy P11 of the Solihull Local Plan 2013 advises that all new developments shall in corporate sustainable drainage systems, unless it is shown to be impractical to do so. Developers shall ensure that adequate space is made for water within the design layout of all new developments to support the full use of sustainable drainage systems, and shall demonstrate that improvements to water environment will be maximised through consideration of a range of techniques.

The applicant has submitted a drainage strategy in support of the planning application. The Lead Flood Authority has reviewed this and is satisfied that the development proposed meets the objectives of local and national planning policies and raises no objection subject to condition.

The proposal therefore accords with Policy P11 of the Solihull Local Plan 2013 and guidance within the Framework. Neutral weight can be attributed to the matter in the planning balance.

- Climate Change

The Council recognises the importance sustainable technology will play in transitioning to a low carbon society as evidenced by the publication of the Climate Change Emergency Statement. Local Plan Policy P9 sets out measures to help tackle Climate Change but does not require the provision of the sustainable technology for the construction of the apartment block. However, Policy P9 point 3 (Mitigating and Adapting to Climate Change) of the emerging Local Plan review will require *all* new development to apply the 'energy hierarchy' to reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions and help the transition to a low carbon society. However, as this policy is yet to be tested at examination, and with regard to advice in paragraph 48 of the Framework which sets out the weight Local Planning Authorities can attach to emerging policies, this policy, as currently published, has limited weight in the planning balance.

The development will be constructed to modern Building Regulation standards and will therefore have a greater thermal efficiency than the existing dwellings and older apartments in the area. The homes are also located in a sustainable location with access to services and facilities by means other than the private car.

- CIL and S106 Legal Agreement

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016. The scheme would be liable for this charge. This would amount to £112,371.80 based on 3431.2 square metres of chargeable floor area for a residential institution (chargeable rate for 2023 - £32.75).

As detailed within this report, the application falls within the jurisdiction of two local planning authorities – Solihull Metropolitan Borough Council and Bromsgrove District Council (BDC). This is known as a cross boundary planning application, with the larger part of the application site falling within the Solihull borough. The applicant has therefore submitted an identical planning application to Bromsgrove District Council for determination and it is understood that BDC will determine their application at committee once the outcome of this application is known.

To ensure a comprehensive development and assuming that both planning applications are granted consent, it is necessary to require that both schemes are implemented. This requires a Section 106 legal agreement to be signed by the applicant and both local planning authorities.

- 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

The planning acts, require that 'regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

As a result of the housing land supply shortfall within the Borough, paragraph 11(d) of the National Planning Policy 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.

Planning policy in relation to both the Solihull Local Plan 2013 and the Framework establishes that reusing brownfield, vacant, derelict sites within urban areas to meet other housing needs where land is constrained and unavailable to meet identified needs should be supported and afforded substantial positive weight in the planning balance.

The delivery of 72-bed elderly accommodation on this site would significantly contribute to the housing land shortfall in the Borough and is afforded significant positive weight along with the social benefits such care facilities deliver to elderly people or those in need of additional support.

Positive 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.

Moderate weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping of the development in terms of the delivery of a good quality, inclusive and sustainable design at the site that responds to the local distinctiveness of the area. The regeneration of the site and removal of a building which continues to attract antisocial behaviour is also given moderate positive weight in the planning balance.

All other matters are neutral in the planning balance.

No adverse impacts have been identified which would significantly and demonstrably outweigh the significant benefits outlined above.

Therefore, in summary, the proposal accords with the development plan when taken 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 subject conditions and to the applicant entering into a S106 legal agreement.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal.

RECOMMENDATION

A resolution of approval is recommended subject to entering into a S106 Agreement and 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. CS05 – 3 year consent
2. CS00 – Drawing numbers
3. CS06 - materials to be submitted
4. Before the development hereby approved is occupied the existing access to be taken out of use to the site shall be permanently closed and the kerb/s made up in

accordance with details to be Submitted to and agreed in writing with the Local Planning Authority.

To ensure that the redundant access is closed, in the interests of traffic safety and in accordance with Policy P8 of the Solihull Local Plan 2013.

5. The development shall not be occupied until the access for vehicles has been provided to the site in accordance with the approved plan, drawing no D1180-HSP-XX-XX-D-C-001 Rev P01. The access shall thereafter be maintained, and the visibility splays should be kept clear from obstruction at all times.

In the interests of road safety and amenity in accordance with Policy P8 of the Solihull Local Plan 2013.

6. The development shall not be occupied until a Parking Management Strategy of the vehicle parking and cycle parking has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter only be operated in accordance with that 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.

7. Before the development hereby approved is first occupied the secure cycle provision of 10 cycle spaces and 4 visitor cycle spaces shall be provided at the development in accordance with the approved details submitted with the planning application (PL/2022/01784/PPFL)

To encourage sustainable modes of transport in accordance with Policy P7 and P8 of the Solihull local Plan.

8. The construction of the development shall be carried out in accordance with the Construction Management Plan and Construction Traffic Plan submitted in support of the proposals.

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

9. The development hereby approved shall be carried out in complete accordance with the Arboricultural Impact Assessment submitted in support of the application, reference Arboricultural Impact Assessment BS5837:2012 AEL-18561-AIA Rev B dated 30th November 2022 by Apex Environmental Ltd unless otherwise agreed in writing with the Local Planning Authority.

To minimise the impact of the development on trees and hedgerows of significance in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

10. CL04 – submission of hard and soft landscaping scheme
11. CL06 – Implementation of landscaping scheme
12. CL07 – Replacement trees
13. CL10 – Boundary treatment

14. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

Reason: In accordance with NPPF, ODPM Circular 2005/06

15. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for badger, bats, hedgehog and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development

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

- a) Drawings showing overall site concept design principles
- b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- c) Surface Water Drainage Design including:
 - Confirmation of the lifetime of the development
 - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice [Flood risk assessments: climate change allowances](#)),
 - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
 - Confirmation of discharge rates and volumes (both pre and post development)
 - Confirmation of proposed discharge location.
 - Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full

compliance with SMBC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.

- Engineering details for all surface water drainage features
 - Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
 - Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- d) Surface Water Drainage adoption and maintenance strategy
- e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- f) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

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

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

17. No development works, other than demolition, clearance of demolition waste, and site compound set up, shall proceed until the methodology for eradicating Japanese Knotweed from the site has been completed in full and complete accordance with the submitted document reference "Japanese Knotweed Survey dated 11th March 2021 job number PROJ587 by Knotweed Service (UK) Ltd". Upon completion of the measures set out therein, a report, prepared by a suitably qualified person, shall be submitted evidencing and confirming that the specified eradication measures have been fully and appropriately implemented. No built development works shall proceed until and unless that completion report has been approved in writing by the local planning authority. Any long-term mitigation and monitoring set out in those reports, shall be carried out in accordance with the approved details.

To prevent the spread of Japanese Knotweed which is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. To ensure a comprehensive end development in accordance with Policies P14 and P15 of the Solihull Local Plan 2013.