

**APPLICATION REFERENCE: PL/2020/01235/MAOOT**

**Site Address:** Kingshurst Village Centre & Former Mountford Public House  
Marston Drive, Overgreen Drive, Gilson Way & Church Close Kingshurst Solihull

<b>Proposal:</b>	Outline planning application with all matters reserved except access for demolition of existing local centre and development of a new mixed use local centre including up to 86 residential dwellings (Use Class C3), up to 1,200 sq m of retail uses (Use Class A1-A5), up to 1,700 sq m of healthcare and community uses (Use Class D2) with open space, landscaping, parking and associated infrastructure.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	<b>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</b>
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<b>Recommendation:</b>	<b>APPROVAL/GRANT CONSENT SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY****Solihull Council Plan**

The Solihull Council Plan 2020-2025 sets out the Council's Vision for the Borough and identifies a number of key objectives to be achieved by 2025 including, revitalising towns and local centres. The Plan seeks to develop and implement plans for future success by bringing forward redevelopment of Kingshurst Village Centre including a multi-purpose health & community hub.

**Economic Recovery Plan**

The Council's Economic Recovery Plan outlines the Council's approach to supporting residents, businesses, and high streets, focusing on key areas that will ensure the local economy recovers and returns to the strong position it held before Covid-19. Action P15 of the Plan seeks to implement town and local centre recovery plans including bringing forward Kingshurst Village Centre redevelopment.

## Solihull Local Plan December 2013

Kingshurst Village Centre is located within the North Solihull Regeneration Area and the Local Plan identifies a number of challenges and objectives with respect to this Area, most notably: A (Reducing Inequalities), B (Addressing Affordable Housing Needs), C (Sustaining the Attractiveness of the Borough), G (addressing imbalance in the Housing Offer Across the Borough) and H (Increasing Accessibility and Encouraging Sustainable Travel).

Prior to the submission of this application pre-application discussions took place, as well as consultation with the local community and stakeholders. During 2017 the applicants held a number of workshops with the local community and stakeholders, the purpose of which was to develop a shared 'vision' for the site which would in turn shape a site 'masterplan'. The result of these workshops is the Kingshurst Village Centre 'Planning Brief' which was endorsed by SMBC in February 2019 and now provides a framework around which the proposed development has been prepared. The Kingshurst Village Centre 'Planning Brief' was subject to further pre-application discussions and consultation with the local community and stakeholders in 2019 and 2020.

The result is the submission of a scheme that provides for a quantum of development and mixture of land uses that accords with the designation of the site as a local centre and has been designed and laid out broadly in accordance with the Planning Brief. The application is submitted in outline form with matters relating to the access submitted with full details. Appearance, landscaping, layout and scale are all reserved for future approval (reserved matters).

This scheme delivers up to 1200 sq m of town centre uses and up to 1700 sq m of leisure and community uses. The scheme delivers up to 86 residential dwellings, which equates to a net gain of 48 dwellings within the site boundary. The regeneration of Kingshurst Village Centre has the potential to provide 83.5 full-time equivalent jobs and £3.18m of investment.

The proposal has an ambition to achieve net zero carbon. The ambition of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national standards and supports the actions of the Council's Climate Change Emergency statement.

This report will demonstrate that the proposal will have a neutral or positive impact on the planning matters relevant to the assessment and determination of this application.

The proposal therefore represents an acceptable scheme that will provide a Village Centre with employment and community facilities and delivery of a significant amount of housing when the Council cannot demonstrate a five year housing supply. It will help secure the delivery of key objectives of the Solihull Council Plan and help tackle challenges and objectives identified within the Local Plan.

The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The

development therefore benefits from the presumption in favour of sustainable development and the planning balance is firmly in favour for this proposal.

## **PROPOSAL**

### **Detailed Elements**

This planning application seeks full detailed permission for access into the site.

#### **Existing access arrangements**

Current vehicular and pedestrian access into the site is shown on the Existing Site Plan. In summary, access into the site is via:

1. Gilson Way / Marston Drive;
2. Gilson Way / Colling Walk junction;
3. Over Green Drive / Church Close junction;
4. Over Green Drive / Silver Birch Road junction;
5. Over Green Drive / Broomcroft Road junction (raised table traffic calming feature); and
6. Over Green Drive / Marston Drive mini-roundabout junction.

Raised traffic calming features are located between Over Green Drive / Church Close junction & Over Green Road junction / Silver Birch; and Over Green Drive / Broomcroft Road & Over Green Drive and Marston Drive.

A pedestrian refuge is located on Over Green Drive adjacent to the southern pedestrian entry to the centre.

A pedestrian access runs between School Close and Church Close (adjacent to number 44 School Close and number 6 Church Close).

Marston Drive provides a through-route linking Gilson Way and Over Green Drive.

#### **Proposed access arrangements**

Proposed vehicular and pedestrian access into the site will be via:

1. Gilson Way / Marston Drive;
2. Gilson Way / Central Boulevard junction (new raised table traffic calming feature proposed);
3. Over Green Drive / Church Close junction (retained as existing);
4. Over Green Drive / Silver Birch Road junction (new raised table traffic calming feature proposed);
5. Over Green Drive / Broomcroft Road junction (retained as existing);
6. Over Green Drive / Marston Drive (mini-roundabout junction removed and new junction with raised table traffic calming feature proposed); and
7. New Over Green Drive / development parcel one (DP1) in the south-west corner of the application site.

The raised calming features located between Over Green Drive / Church Close junction & Over Green Road junction / Silver Birch; and Over Green Drive / Broomcroft Road & Over Green Drive and Marston Drive will be removed.

The pedestrian refuge located on Over Green Drive adjacent to the southern pedestrian entry to the centre will be removed.

The pedestrian access which runs between School Close and Church Close (adjacent to number 44 School Close and number 6 Church Close will be retained and enhanced.

Marston Drive is to be severed and removed as a through-route.

The planning application submission has provided full detail to allow a thorough and robust assessment to be made of this element.

### **Outline Elements**

The remainder of the application proposals have been submitted in outline, with all matters reserved for future consideration (appearance, landscaping, layout and scale). These elements are set out in the table below.

<b>Use Class</b>	<b>Quantum</b>
Residential (Use Class C3)	up to 86 residential dwellings
Town centre uses (Use Class A1-A5)	up to 1,200 sq m
Leisure and community uses (Use Class D2)	up to 1,700 sq m

The Illustrative Masterplan submitted in support of the application provides details of how the site might be developed. The site consists of seven development parcels which are detailed in the Development Parcels Plan and set out in the table below.

<b>Development Parcel</b>	<b>Use Class</b>
DP1	Ca. 25 residential (Use Class C3)
DP2	Town centre uses (Use Class A1-A5) and leisure and community uses (Use Class D2)
DP3	Ca. 28 residential (Use Class C3)
DP4	Ca. 20 residential (Use Class C3)
DP5	Ca. 9 residential (Use Class C3)
DP6	Ca. 4 residential (Use Class C3)
DP7	Town centre use (Use Class A1-A5)

### **Town centre and leisure and community uses**

The town centre and leisure and community uses provide an opportunity to create a high quality, community focussed centre at the heart of a proposal which will provide wide ranging benefits to existing and future residents and the wider community.

The town centre and leisure and community uses are located within development parcels 2 and 7, which are situated to the west of Kingshurst Primary School, east of St Barnabus' Church and north of Kingshurst Park. The town centre will therefore act as the interface between these important community facilities with the residential development parcels spreading out from the centre to provide new and enhanced pedestrian and vehicular links between established facilities and the new centre.

### Residential

The aspiration of the proposal is to create a new town centre offering an exemplar standard of high quality homes and associated uses. The outline application allows for up to 86 dwellings which will be focused in development parcels 1, 3, 4, 5 and 6. This will equate to a net gain of 48 dwellings within the site boundary. The proposal will provide a mixture of 1 bed maisonettes and 2, 3 and 4 bed housing with 40% of the housing affordable to meet local need.

### Public Open Space

Whilst landscaping is not submitted in detail, an illustrative Public Realm Plan has been submitted in support of the application which provides details of how public open space might be incorporated within the site. The plan illustrates how the proposal could incorporate public open space in the form of landscaped corridors between existing community facilities such as Kingshurst Primary School, St Barnabus' Church and Kingshurst Park and the new centre, thereby reinforcing and enhancing the links between established facilities and the new centre. Opportunities also exist to incorporate landscaping and street trees throughout the development.

## **PROCEDURAL MATTERS**

The proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval.

As the application is submitted in outline with all matters except access reserved for subsequent approval, the plans on which the application should be determined are:

- Gilson Way Site Access (002 A)
- Gilson Way / Central Boulevard (003 A)
- Over Green Drive / Central Boulevard / Silver Birch Road (005 A)
- Over Green Drive Site Access Junction (006)
- Existing Location Plan (18023\_BDS-XX-XX-DR-A-S0-0100-P02.02)
- Existing Site Plan (18023\_BDS-XX-XX-DR-A-S0-0101-P02.02)

A number of plans have been submitted for illustrative purposes, including:

- Masterplan (18023\_BDS-XX-XX-DR-A-S0-0158-P02.03)
- Development Parcels Plan (18023\_BDS-XX-XX-DR-A-S0-0155-P02.02)
- Public Realm Plan (18023\_BDS-XX-XX-DR-A-S0-0154-P02.04)

- Building Heights Plan (18023\_BDS-XX-XX-DR-A-S0-0159-P02)

Whilst not formally part of the scheme, officers have treated the details relating to the matters reserved for future approval submitted with the application as a guide to how the site might be developed, but not as matters for formal determination as part of this application.

In addition, the application is supported by a number of reports and technical information in accordance with the Council's validation requirements. They include an Arboricultural Impact Assessment, a Biodiversity Assessment, a Design and Access Statement (DAS), an Ecological Assessment, a Flood Risk Assessment & Drainage Strategy, a Contamination Report, a Planning Statement, a Statement of Community Involvement, a Transport Assessment, a Travel Plan, a Housing Need Statement, Open Space Statement and Bat Survey.

### Use Classes Order

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987 and introduce significant changes to the system of 'use classes'. In force from 1 September 2020, subject to certain transitional provisions, the core changes include the recalibration of the classification of uses of property. However, the 'transitional provisions' mean that applications for planning permission, which are submitted before 1 September 2020 and refer to the existing use classes (as is the case with this application) must be determined by the local planning authority using the existing use classes rather than the new ones.

### **MAIN ISSUES**

- Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance
- The effect of the proposal on the character and appearance of the area
- The effect of the proposal on highway safety and the free flow of the road network
- Other Material Considerations
  - Drainage
  - Landscape
  - Public open space
  - Ecology
  - Living conditions
  - Housing
  - Environmental benefits
  - Social-economic benefits
  - Other matters
  - Conditions

- Public sector equality duty
- Human rights
- Planning Balance and Conclusion

## **CONSULTATION RESPONSES**

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

Kingshurst Parish Council – No observations

**Non Statutory Consultees** the following Non-Statutory Consultee responses have been received:

SMBC Affordable Housing – No objection subject to condition

SMBC Drainage – No objection subject to conditions

SMBC Economic Regeneration Business Development - No objection The proposed development of Kingshurst will play a crucial role in maintaining and enhancing the economic vitality of North Solihull and will act as a catalyst for investment and growth and supporting further development as well creating a significant number of local jobs.

SMBC Education – No objection

SMBC Ecology - No objection subject to condition

SMBC Highways – No objection subject to condition

SMBC Landscape - No objection subject to condition

SMBC Policy and Spatial Planning – No objection. The aims and policies in the national and local policy framework are supportive of the regeneration of local centres to ensure that they are economically successful and able to continue to provide day to day services of an appropriate scale that will support sustainability.

SMBC Public Protection – No objection subject to condition

SMBC Public Health – No objection

SMBC Rights of Way – No objection

SMBC Urban Design – No objection

West Midlands Fire Service – As these are illustrative plans, West Midlands Fire Service would request detailed plans if this application is granted.

West Midlands Police - Recommendation that all work carried out to be to the standard laid out in the Secured by Design 'New Homes 2019'.

Warwickshire County Council Planning Archaeologist – No objection

## **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 states 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 redevelopment 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, providing opinions on the use of the site and to ask questions about intentions for regeneration.

### 2016

To progress change at Kingshurst, a draft masterplan was prepared in 2016 to consider capacity and focus redevelopment aims. Engagement with the community and stakeholders on this scheme has helped define objectives and key challenges.

### January 2017

Community consultation undertaken in January 2017 generated over 400 responses. Five different design approaches were presented including complete demolition, partial demolition and retention with refurbishment. The most supported approach was complete demolition and the least popular option retention and refurbishment, suggesting the community would like to see a high level of change.

### June 2017

Four masterplan concepts were developed following early engagement, each proposing demolition of the existing centre and new residential use, retail, health uses for a GP and dentist, community centre including library, office space and flexible areas for community uses. Of these four concepts, option 2 consisting of the siting of village uses directly to the north of the park and to the south of a newly aligned Marston Drive, was endorsed by Cabinet in June 2017 as the preferred option.

## 2017

Following identification of the preferred option, further public consultation was undertaken to focus feedback on design elements and confirm support. This consultation also sought to make early contact with residents and businesses that may be directly affected.

Two drop-in sessions at Kingshurst Library and an online forum reinforced strong support for the proposals with 76% either agreeing or strongly agreeing with the masterplan approach. A number of issues were raised, the key items being parking, retail servicing, how the village centre interacts with the park and community facility provision.

In addition to the positive response from the community, the businesses that were engaged also responded positively to the principles of the scheme indicating that, subject to the negotiation of terms, they would like to stay within the centre post-development.

## February/March 2019

Two consultation events were held on the 25th February and the 7th March at Kingshurst Library. Approximately 80 residents attended and were invited to consider presentation material and complete a questionnaire.

To ensure the consultation event was attended by as many interested parties as possible, the event was advertised online and via a letter to approximately 400 homes and local businesses in the local area. Local councillors were also invited.

A clear majority of residents supported the redevelopment of the centre and preference for total redevelopment of a larger site than previously consulted to maximise opportunity for change. The majority agreed, or strongly agreed a larger site area (extended from the site consulted on in 2017) would help deliver transformational change.

## February 2020

Following public consultation on the Planning Brief in March 2019, additional technical work and on-site surveys were undertaken to inform development of an illustrative masterplan. Two consultation events were held on the 25th February and the 27th February at The Space in Kingshurst to present this work to the local community and gather feedback.

The event was advertised online and via a letter to homes and businesses in the local area. Local councillors were also invited.

The consultation material was presented as a number of boards explaining the objective of the proposal to create a high quality, community focussed centre, the illustrative masterplan, indicative amount of retail, community and residential

floorspace, and proposed timeframes. Prior to the event interested parties could request to receive a copy of the information that was to be displayed on the day. A total of 180 people attended the events over the two days and in total 150 responses were received.

The consultation produced a similar conclusion to the 2019 events, with the clear majority of residents being in support of the redevelopment of the centre with residents agreeing that the proposed development would be beneficial to themselves and the wider community.

Drawing matters together, the applicant has undertaken a thorough and robust consultation exercise in accordance with the Council's adopted Statement of Community Involvement and guidance in the Framework.

## **PUBLICITY**

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

144 individual neighbour letters were sent to households around the perimeter of the site. Five site notices were posted around the site and a press notice was placed in the local newspaper.

No responses were received.

## **PLANNING ASSESSMENT**

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

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

The 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 Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the Framework and the National Planning Practice Guidance (PPG).

### **Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance**

Development Plan

The statutory development plan includes the Solihull Local Plan 2013 . The Local Plan, adopted in December 2013, is currently the principal relevant development plan document for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The planning policies which are most relevant to this application are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policies.

The Local Plan sets out that Solihull has a strong reputation for its high quality built and natural environment, economic success and prosperity, excellent transport links, as well as being a desirable place to live. However, the Local Plan recognises there are significant problems and challenges facing the Borough and identifies 12 key challenges which include:

Challenge A refers to the North Solihull Regeneration Area setting out a number of issues that include significant levels of deprivation, crime and worklessness, poor quality urban environment, green space and public realm, lack of variety of tenures, lack of market and affordable housing. The objective from this is given as closing the gap of inequality between the most and least affluent wards of the Borough such as between the Regeneration Area and the rest of the Borough.

Challenge B acknowledges there is a need to widen the housing offer in the North Solihull Regeneration Area to meet the aspirations of local households. The objective from this is to accommodate additional development to help meet the Borough's local housing need, whilst ensuring high quality places across the Borough through continuing to improve the quality of the environment in the North Solihull Regeneration Area (Objective A).

Challenge C acknowledges the challenge of accommodating more development while improving the environment in the North Solihull Regeneration Area, conserving the qualities of mature suburbs that make them attractive and ensuring residential and other amenities are protected. Where impact is unavoidable satisfactory mitigation should be incorporated (Objective C). One of the stated objectives from this is to ensure high quality design and development that integrates with surroundings and creates safer, inclusive, adaptable and sustainable places that make a positive contribution to the borough's sense of place, attractiveness and to quality of life.

Challenge G identifies a shortage of smaller and family sized homes, particularly affordable housing, that prevents many households satisfying their housing needs, particularly in the mature suburbs. One of the objectives from this is to provide an adequate amount and variety of homes that are affordable by local people, including homes for rent, purchase and immediate tenure.

Challenge H identifies difficulties of access to services, facilities and employment leading to social exclusion, in the North Solihull Regeneration Area. The objective from this is to improve accessibility and ease of movement for all users to services, facilities, jobs and green infrastructure and reduce the need to travel (Objectives A & B).

Policy P19 (a) (Range and Quality of Local Services) of the Local Plan explains 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. The policy identifies 13 local centres including Kingshurst. Paragraph 12.5 of the supporting text identifies the challenges and objectives which the policy seeks to address, including Challenges A and C.

The policy advises 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 (such as housing). All new development will need to be sensitive to local character and enhance the public realm.

The policy seeks to promote the vitality of local shopping centres through a variety of facilities that could benefit the local community, including those to meet cultural needs and the needs of diverse groups such as youth facilities. 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.

### Local Plan Review

The Local Plan Review remains at an early stage of production, however Kingshurst Local Centre is identified as an appropriate location for 100 dwellings. The site boundary is similar to that of the application site, although not identical. The Local Plan Review is at an early stage and is yet to be examined. Accordingly although the Local Plan Review, as currently published, can carry some weight, it is limited. As limited weight can be attributed to Local Plan Review, no further reference to it will be made in the assessment of this application.

### Supplementary Planning Guidance

The North Solihull Strategic Framework (2005) SPG and 2009 Addendum both pre-date the Local Plan and the Framework. However, the aims of the SPG are reflected in the Local Plan's Vision for the borough and North Solihull Regeneration Area which advises:

The North Solihull regeneration programme will have made a real difference to people's lives where there will be an increased choice in the housing stock through widening the housing mix, size, type and tenure and improved quality, improved opportunities and access to employment, a more highly skilled workforce and a better range of jobs. Local communities will have become healthier, safer and mixed with easier access to thriving community hubs and village centres, enhanced greenspace and public realm.

### National Guidance

Paragraph 11 of the Framework explains that there is a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted. This matter is explored in more detail in the Housing section of the Report.

Paragraph 85 of the Framework explains that the term town centre includes local centres and planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 93 of the Framework explains that planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

### Summary

Drawing matters together, the proposal seeks to address a number of challenges and objectives identified in the Local Plan with respect to the North Solihull Regeneration Area, specifically Challenges A, B, C, G & H.

The principle of the redevelopment of this site to provide a new local centre is supported by Policy P19 (a) of the Local Plan providing the development is sensitive to local character and enhances the public realm.

Finally, the proposal meets key national objectives in providing a centre that is viable, vibrant and multi-faceted and will deliver significant social, economic and environmental benefits through the regeneration of an existing local centre.

This should be accorded significant weight in the planning balance.

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

Policy P15 of the 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.

### The current situation

Kingshurst Village Centre is an early 1960's local shopping centre that supports a range of uses including flats & dwellings (Use Class C3), retail uses (Use Class A1-A5) and healthcare and community uses (Use Class D2). The centre complex is

arranged in a restrictive inward facing layout so that the façade of the shops and plaza area that should form the heart of the community are invisible from the outside. This results in a lack of natural surveillance throughout the current site layout and lack of integration between the centre and the community it serves.

The exterior façade of the 1960s centre is uninviting and largely composed of retail service yards, garages, the rear of flats and anti-vandal infrastructure on top of walls. It is clear that the complex is in poor condition with increasing operational and maintenance costs.

St Barnabas' Church is located to the north west of the site which acts as a visual node / local landmark when viewed from the adjacent streets. Kingshurst Primary School is to the north east with pedestrian access navigating through the centre and is very restrictive at present. Kingshurst Park is located to the south and provides good amenity space for the surrounding area.

The site is not in a conservation area, has no formal designation of protection or preservation, and none of the trees are subject to a tree preservation order (TPO).

### The proposal

The proposal seeks outline planning permission with all matters reserved except access for the demolition of the existing local centre and the development of a new mixed use local centre including up to 86 residential dwellings retail uses, healthcare and community uses with areas of open space, landscaping, parking and associated infrastructure.

Whilst not formally part of the scheme, officers have treated the details relating to the matters reserved for future approval submitted with the application as a guide to how the site might be developed, but not as matters for formal determination as part of this application.

The proposal for the new centre in Kingshurst will deliver a community hub in its existing location. The new village centre will contain a range of uses and the focus for investment and regeneration in the area. Residential development will make up the largest part of the development with retail development at varying scales to provide a range of convenience and comparison retail accommodation. The centre will also be complemented with community facilities including a health centre, dentist and a pharmacy. This is important to ensure that the role of the neighbourhood is met in terms of providing day-to-day requirements as well as acting as a focal point for the community in terms of community facilities and services

To create a diverse and adaptable village centre the proposal includes building types, scale and sizes that offer the potential to adapt changing requirements. The Illustrative Building Heights Plan indicates a mixture of 2 and 2.5 storey dwelling area proposed and 2 and 3 storey retail, health and community buildings are proposed.

The Illustrative Masterplan demonstrates that the proposal will create a centre with its own identity, which has a strong sense of place by creating a distinct Boulevard

and High Street where individual development creates a new landmark frontage buildings, which will raise the image and profile of the centre. The character of the place will also be established by the mix of uses and activities.

A perimeter block layout is proposed, which delineates between public and private spaces with a range of house types suggested including maisonette, semi-detached, terraced arrangement and mansion block. The buildings are arranged to create a strong frontage onto Kingshurst Park and the Boulevard with a mixture of frontage and tandem parking.

Within the central section of the site a landscaped corridor will be established. The corridor will run between Kingshurst Park to the south of the site and existing landscape area to be retained in the northern section of the site. The corridor will link established landscaped areas in and around the site and will be supported by enhanced landscaping and tree planting framed by strong building frontages. The building layout will provide natural surveillance to key public spaces, including the landscape corridor, which will enhance the quality of the public realm in that area.

The Council's Landscape Architect has commented that the attempt to link the development with the park does not quite succeed, as a group of three dwellings and their associated access and parking have created barriers to what could be a robust landscape corridor. In this regard, it is important to note that 'layout' and 'landscaping' are reserved for future determination and native planning, hedges and trees could be incorporated to reduce the urbanising impact of parking vehicles in this area and thus enhance the landscape corridor. This matter can be investigated further at reserved matters stage.

### Summary

Drawing matters together, the outline application is supported by a comprehensive Design and Access Statement which provides the narrative behind the development of the illustrative Masterplan. The redevelopment of Kingshurst Village Centre is complex, issues of ownership, land assembly and phasing along with development viability are evident in the numerous iterations of the masterplan that have been considered. The outline permission seeks that of access only, however the illustrative Masterplan demonstrates how the development can bring forward the quantum of development required. The illustrative Masterplan seeks to integrate the new Kingshurst development into the existing neighbouring urban fabric, reinforce the links with Kingshurst Primary School, St Barnabas' Church and Kingshurst Park, and increase the visibility of the community assets and amenities that the Centre has to offer.

The Illustrative Masterplan demonstrates that the quantum of development proposed can be accommodated within the site boundary in a form which is sensitive to local character and enhances the public realm in accordance with guidance in Policy P15 of the Local Plan.

This should be accorded significant weight in the planning balance.

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

Paragraph 109 of the Framework explains 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.

Policy P8 of the Solihull Local Plan explains that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P7 of the Solihull Local Plan explains all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access and encourage walking and cycling. Policies P7 and P8 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policies.

This planning application seeks full detailed permission for access into the site.

The Local Highway Authority, whilst not opposed to the principle of development, initially raised an objection to the development proposals due to a number of concerns with the design and geometry of the junctions proposed. The Highway Authority has since been in discussions with the applicant, the applicant's transport consultant and the Local Planning Authority to address the concerns previously raised resulting in amendments being secured to detailed areas of junction design, to the satisfaction of the Highway Authority.

A Transport Assessment (TA) and Technical Note (TN) prepared by Hub Transport Planning Ltd have been submitted in support of the application. The following provides an assessment of the development proposals and the information provided in the TA and TN.

### **Accessibility**

Table 2 of the TA provides a summary of the existing key local facilities and amenities located within a reasonable walking distance of the application site. The development proposals include the provision of new retail units and healthcare units, which will improve the accessibility of the development site and will also be of benefit to the existing residential area.

The development proposals include the provision of traffic calming features (in the form of raised tables) at the proposed junctions. The provision of the traffic calming features and the implementation of a 20mph speed limit should reduce vehicle speeds within the application site and surrounding area. The lower vehicle speeds should provide a safer environment for pedestrians and cyclists. A new cycle link is also proposed between Meriden Drive and Chester Road to further encourage cycling in the area.

There are currently two existing bus stops within the application site boundary; one along Marston Drive and another along Over Green Drive. As part of the development proposals, the existing bus stops will be removed and new bus stops

will be provided within the development site. Following discussions with Transport for West Midlands (TfWM) regarding the diversion of the existing bus services and provision of new bus stops within the site, the Highway Authority will require the delivery of two new bus stops, bus shelters and associated works.

### Traffic Generation

Chapter 5.0 of the TA sets out the number of vehicle trips the development proposals could generate. Table 4 indicates that the proposed dwellings will generate approximately 48 two-way vehicle trips during the AM peak period (08:00-09:00) and approximately 47 two-way vehicle trips during the PM peak period (17:00-18:00). The proposals will result in less than one additional vehicle trip per minute during the peak periods.

With regards to vehicle trips being generated by the proposed retail and health units, a separate traffic generation assessment has not been carried out. This is due to the number of existing retail and health uses that will be replaced as part of the development proposals, so the new units will not necessarily generate additional vehicle trips compared to the existing units. It is also anticipated that the proposed retail and health units will predominantly be used by local residents and future occupants of the new residential dwellings, who will make use of sustainable modes of transport (i.e. walking, cycling, public transport, etc.). It is also likely that the majority of vehicle trips to the retail and health units will be pass-by trips, so visitors will be visiting the units on their way to/from another destination.

### Traffic Impact

Chapter 6.0 of the TA provides details of the junction modelling that has been carried out to establish whether the traffic generated by the development proposals will have an impact on the operation or capacity of the local highway network. Tables 5 to 12 summarise the impact the additional vehicle trips generated by the development will have at the proposed junctions and nearby existing junctions, most notably the Over Green Drive / Silver Birch Road T-junction. The results demonstrate that the proposals will have a negligible impact on the operation and capacity of the junctions in both the 2020 base scenario and the 2036 future scenario.

### Site Accesses

The development proposals include the retention of five existing junctions off the public highway to serve the development site, comprising three junctions off Over Green Drive and two junctions of Gilson Way. A new junction will also be provided off Over Green Drive to serve the parcel of land to the south-west corner of the application site (DP1).

Details of the proposed junctions have been provided including swept path drawings to demonstrate that cars and refuse vehicles can manoeuvre into/out of each junction. Swept path drawings for a bus have also been provided for the two central junctions that will serve the new 'Boulevard' that is proposed to run through the centre of the development site.

Raised tables are proposed at some of the junctions in order to reduce vehicle speeds in and around the application site. This will require alterations or the removal of existing traffic calming features to accommodate the new traffic calming features. The Highway Authority is satisfied that safe and suitable access into the site can be achieved.

### Site Layout

The application is submitted in outline with all matters except access reserved for subsequent approval. The illustrative Masterplan only provides a 'guide' to how the site might be developed and is not a plan for formal determination as part of this application.

Careful attention will be required at reserved matters stage in terms of the 'layout' of the site to ensure the design / alignment of the central Boulevard is satisfactory and the level of parking provision is suitably arranged so as to meet the needs of the Village Centre whilst not discouraging suitable mode of travel, such as walking and cycling. This is a matter for consideration at reserved matters stage, rather than as part of this application.

Drawing matters together, having undertaken a full assessment of the development proposals, the response of the Local Highway Authority to the proposal is one of no objection.

The proposal therefore accords with Policies P7 and P8 of the Local Plan and guidance in the Framework.

This should be afforded neutral weight in the planning balance.

### **Other Material Considerations**

#### **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. 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. Policy P11 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policy.

The Framework confirms that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a sustainable drainage system (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system; and
- to a combined sewer.

The application has been supported by a Flood Risk Assessment & Drainage Strategy (June 2020). Having reviewed this documentation, the Council's Drainage Engineers, whilst not opposed to the principle of development, raised a number of technical issues which meant the proposal did not satisfy the requirements of Policy P11 of the Local Plan as first submitted.

Following discussions between the applicant and the Council's Drainage Engineers the scheme has been amended and the now incorporates SuDS features including green roofs, bioretention areas, permeable paving and swales. The amended drainage plan is detailed in Appendix G of the updated Flood Risk Assessment & Drainage Strategy (August 2020).

The Council's Drainage Engineers have reviewed the updated documentation and have confirmed that, subject to conditions, the original technical issues have been addressed and the proposal satisfies the requirements of Policy P11 of the Local Plan. This therefore demonstrates that the development site and the quantum of development proposed within it could be built out to meet required standards of sustainable drainage. The conditions proposed will ensure that at reserved matters stage, the scheme put forward can, and shall be policy compliant.

The proposal therefore accords with Policy P11 of the Local Plan and guidance in the Framework.

This should be afforded neutral weight in the planning balance.

### **Landscape**

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.

An Arboricultural Impact Assessment has been submitted in support of the application. The proposals necessitate the removal of 23 individual trees, nine groups of trees, three hedges and the partial clearance of a further group of trees and two hedges. The location of the trees to be removed is shown on the in Appendix C of Arboricultural Impact Assessment and detailed in the table below.

<b>Category A</b>	<b>Category B</b>	<b>Category C</b>
Norway Maple (T19)	Silver Birch (T13 and T14) Norway Maple (T15 and T17)	Lime (T1, T2 and T3) Norway Maple (T16, T20, T21, T22 and T23) Ash (T18 and T42)

		Sycamore (T24) Lime (T25 & T26) Paper-back Birch (T27) Goat Willow (T28) Tree of Heaven (T29) Purple Cherry Plum (T30) Cherry (T40) Balsam Poplar (G10) Privet (H8)
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With the exception of five early mature/mature ornamental plantings (T13, T14, T15, T17 and T19), the trees which are to be removed are of low arboricultural quality. Subsequently, it will be possible to readily mitigate for the majority of losses through the introduction of replacement planting of a comparable scale and assemblage. Any future replanting strategy will need to demonstrate how the loss of category A and B trees has been addressed through the use of larger tree stock and strategic placement commiserate to the role and canopy coverage of the trees to be removed.

The need for replacement planting has been recognised during design. While landscape is reserved for future determination, an illustrative Public Realm Plan has been submitted in support of the application which sets out how landscaped areas within the site might be developed. Accordingly, significant areas of landscape areas are provided throughout the interior that is capable of receiving new high quality planting, most notably the landscape corridor which runs between Kingshurst Park to the south of the site and the existing landscape area to be retained in the northern section of the site. Opportunities also exist to incorporate landscaping and street trees throughout the development.

A detailed landscaping strategy can be secured by conditions to ensure appropriate mitigation and guarantee integration into the new public realm that would be created by this development.

The proposal therefore accords with Policy P10 of the Local Plan and guidance in the Framework.

### **Public Open Space Provision**

The application site falls within the area referred to as Zone 6 in the Solihull Green Spaces Strategy Review 2014.

The Review highlights the total amount of accessible green space per thousand people for the Zone falls slightly below the average for Solihull, but this masks large differences between the wards. Smith's Wood has only 2.4 ha of space per thousand, with Castle Bromwich being little better. However both Chelmsley Wood and Kingshurst & Fordbridge have a large amount of space, 7.5 ha and 5.8 ha per thousand respectively. The major issues however for this Zone are concerned with the design of the space. There are a large number of small, poorly designed and poorly linked spaces that people are frightened to use, and which cost large amounts of money to maintain.

The overriding priority is therefore to seek ways to enable the redesign of some of the green spaces within the Zone. These new spaces should be; larger, provide more for sport, more local playgrounds, and have areas of 'natural green space'. They should be well linked by safe cycling and walking routes to other spaces, and to the town centres and new residential areas.

Policy P20 (b) of the Local Plan explains that the Council will require provision for and maintenance of appropriate open space, sports and recreational facilities as an integral part of new development. This should address identified shortfalls in local provision, outlined in adopted Council strategies and provide for the resultant increase in population from the development. Provision should accord with the local standards and priorities for action outlined in the adopted Green Spaces Strategy.

Public open space requirements are 2.86ha per 1000 population, based on 2.3 people per dwelling. The proposal seeks outline permission for up to 86no. dwellings, which equates to a net gain of 48 dwellings within the site boundary. On this basis the open space requirement would be 3157.44 sq m. The illustrative Public Realm Plan indicates the proposal will provide ca. 3350 sq m of open space.

Given the proximity of the site to Kingshurst Park and the landscape corridor which runs from the Park to the north of the site, officers consider it necessary for the park to be enhanced given the additional foot-fall and expected use as a result of the proposal. The park should be for improved play and leisure, footpath improvements, additional/improved seating and potential fitness equipment.

The illustrative Public Realm Plan demonstrates that the necessary quantum of open space can be accommodated within site boundary so as to accord with Policy P20 (b) of the Local Plan.

This should be afforded neutral weight in the planning balance.

## **Ecology**

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

## **Biodiversity**

A Phase 1 Habitat Survey and Biodiversity Impact Assessment (BIA) have been submitted in support of the application. The accompanying BIA report states that a positive result of +0.06 units can be achieved within the site boundary subject to appropriate mitigation for the habitats on site. Therefore no off-site compensation is required for this element of the scheme.

The BIA shows that removal of functional hedgerow without appropriate replacement gives a negative hedgerow connectivity figure of -0.43units, equivalent to £57, 361 in offset compensation required through the Warwickshire offset scheme. As an alternative to these compensation measures offsite or through a financial payment

(as described above), design modifications can be provided on site. For example, additional hedgerow planting and enhancement could be provided and this would reduce the negative impact currently shown.

In this regard, it is important to note that as this application is submitted in outline with all matters reserved save access a detailed landscape plan or strategy has not been submitted. Accordingly, officers are satisfied that the impact could be reduced through habitat creation as part of an on-site landscaping strategy, thereby mitigating the need for an off-site solution. This can be secured by condition.

### Bats

A Bat Roost Assessment has been submitted in support of the application which identified that a number of buildings were suitable to support roosting bats, with presence confirmed within a number of buildings. As such, in accordance with best practice guidance, further dusk emergence and dawn re-entry survey work will be requested for each of these buildings to further evaluate the presence/ absence of roosting bats. The Council's Ecologist has confirmed this can be dealt with via condition.

There were several residential dwellings and other buildings where access was not obtained. Whilst it would be beneficial to have survey data for these buildings prior to determination, officers recognise it may be difficult to obtain full access to buildings, especially residential dwellings, in the current Covid climate. The Council's Ecologist has confirmed if this information cannot be provided prior to determination, this can be dealt with via a further condition which requires a hand strip of roofing materials under the supervision of a qualified bat ecologist to all buildings that have not been inspected.

The proposal therefore accords with Policy P10 of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

### **Living conditions – existing neighbours**

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

This planning application seeks full detailed permission for access into the site. However, the impact of the proposal on the amenity of existing residents living around the perimeter of the site requires careful consideration. In this regard, whilst not formally part of the scheme, officers have treated the illustrative Masterplan and Building Heights Plan as a guide to how the site might be developed.

Numbers 39, 41, 43, 45, 74, 49, 51, 53, & 55 Gilson Way

Considering the impact of the proposal on the amenity of the occupiers of these dwellings, the illustrative plans indicates 2 & 2.5 storey residential units and a 2 storey retail unit (Use Class A1 – A5) will be sited adjacent to dwellings on Gilson Way. The illustrative siting retains a separation distance of ca. 20 and 25 metres between the main front elevations of these dwellings and new residential dwellings and retail unit, which exceeds minimum standards. This relationship ensures the new residential dwellings and retail unit do not appear overbearing or cause any material harm to the amenities of residents of Gilson Way.

#### Numbers 73, 75, 77 & 84 Over Green Drive and 89 Broomcroft Road

In terms of the impact of the proposal on the amenity of the occupiers of these dwellings, the illustrative Masterplan indicates 2-storey residential units will be sited adjacent to dwellings on Overgreen Drive and Broomcroft. The illustrative siting retains a separation distance of ca. 23 and 30 metres between the main front / side elevations of these dwellings and new residential dwellings. Number 84 Over Green Drive is located adjacent to the western boundary of the site. The illustrative plans indicates 2-storey residential units will be sited adjacent to the boundary with this neighbour. The illustrative siting retains a separation distance of ca. 2.5 and 4 metres between the flank elevations of the new residential units and the boundary with number 84 Over Green Drive.

This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 73, 75, 77 & 84 Over Green Drive and 89 Broomcroft Road.

#### Numbers 29, 30, 31 & 32 Holliars Grove

With respect to the impact of the proposal on the amenity of the occupiers of these dwellings, these dwellings are located adjacent to the western boundary of the site and the illustrative plan indicates 2-storey residential units will be sited adjacent to the boundary. The illustrative siting retains a separation distance of ca. 1 and 2 metres between the flank elevations of the new residential units and the rear boundaries of these neighbours. The illustrative siting retains a separation distance of ca. 17 metres between the main rear elevations of these dwellings and flank elevations of the new residential dwellings. This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 29, 30, 31 & 32 Holliars Grove.

The illustrative plans indicate a residential parking area would be created adjacent to the rear boundaries of 29 to 32 Holliars Grove to serve 12 one bed maisonettes. Officers' recognise that the parking will bring activity in terms of vehicle movements in close proximity to the boundary. Careful attention at the reserved matters stage will be required to ensure a buffer strip with this boundary is provided. On the basis of the illustrative Masterplan, officers are satisfied that sufficient area does exist in this part of the site to mitigate this impact and provide the necessary buffer strip and planting.

#### Numbers 62, 64 & 66 Overgreen Drive and 28 Holliars Grove

Turning to the impact of the proposal on the amenity of the occupiers of these dwellings, these dwellings are located adjacent to the northern boundary of the site where the illustrative plans indicates 2-storey residential units will be sited adjacent to the boundary. The illustrative siting retains a separation distance of ca. 4 and 6.5 metres between the rear and flank elevations of the new residential units and the northern boundary. The illustrative siting retains a separation distance of ca.8 metres between the flank elevations of number 62 and flank elevations of the new residential dwellings; ca. 21 metres between the rear elevations of the new residential units and front elevations of numbers 64 and 66; and ca. 12 metres between the rear elevations of the new residential units and flank elevation of number 28. This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 62, 64 & 66 Overgreen Drive and number 28 Holliars Grove.

#### Numbers 1, 2, 3, 4 & 5 Church Close and 47 Over Green Drive

Considering the impact of the proposal on the amenity of the occupiers of these dwellings, these dwellings are located adjacent to the northern boundary of the site where the illustrative Masterplan indicates there will modifications to Church Close and the parking area between St Barnabas' Church and the existing centre. The existing landscaped area to the front numbers 1, 2, 3, 4 & 5 Church Close will be retained. Two-storey residential units will be sited adjacent to the boundary beyond the retained landscape area, ca. 33 metres from the front elevations of numbers 1, 2, 3, 4 & 5 Church Close. This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 1, 2, 3, 4 & 5 Church Close.

A new parking area (10no. spaces) will be created to the south of number 47 Over Green Drive. Considering the scale of the car park separation distance (ca. 8 to 10 metres to the boundary), officer do not consider vehicular movements and activity associated with its use would have any undue impact on the amenity of the occupiers of number 47 Over Green Drive.

#### Numbers 40, 42 & 44 School Close

In terms of the impact of the proposal on the amenity of the occupiers of these dwellings, these dwellings are located adjacent to the northern boundary of the site where the illustrative plans indicates 2-storey residential units will be sited. The illustrative siting retains a separation distance of ca. 21 and 23 metres between the rear elevations of the new residential units and the main rear elevations of these dwellings. This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 40, 42 & 44 School Close.

The existing pedestrian route between School Close and the site will be retained and enhanced, although it should be noted that as this route also provides vehicular access to the rear of number 6 Church Close, any enhancements will need to ensure vehicular access to this dwelling is maintained.

#### Number 6 Church Close

With respect to the impact of the proposal on the amenity of the occupiers of this dwelling, this dwelling is located adjacent to the northern and western boundary of the application site. The illustrative plans indicates 2-storey residential units will be sited adjacent to this boundary. The illustrative siting retains a separation of distance of ca. 2 and 4 metres from the new dwellings and boundary with number 6 and ca. 5.5 metres between the flank elevation of the new residential units and flank elevation of number 6. The illustrative plans indicates that the vehicular access from School Close to the rear of number 6 Church Close will be retained.

This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of number 6 Church Close.

### Kingshurst Primary School

Kingshurst Primary School is located adjacent to the eastern boundary of the site. The illustrative plans indicates a mixture of 2-storey residential units, 2 & 3 storey retail / community units, and a parking and service area will be located adjacent to this boundary. The main school buildings are located ca. 20 metres from the boundary with the application site with car parking, hard surfaced areas and a landscaped area sited immediately adjacent to the boundary. This relationship ensures the built form adjacent to the boundary does not appear overbearing or cause any material harm to those using the school.

Officers' recognise that the parking and service area serving the new centre will bring activity in terms of vehicle movements and associated activity in close proximity to the boundary. Careful attention at the reserved matters stage will be required to ensure a buffer strip with this boundary is provided. On the basis of the illustrative Masterplan, officers are satisfied that sufficient area does exist in this part of the site to mitigate this impact and provide the necessary buffer strip and planting.

### Summary

Drawing matters together, on the basis of the illustrative plans, officers are satisfied that the relationship with neighbours is acceptable and the quantum of development proposed can be accommodated on the site to ensure the amenities of existing residents living around the perimeter of the application site is protected. Careful attention will be required at the reserved matters stage in terms of the appearance of the residential units and the location of habitable room windows to ensure that there is no undue overlooking of private rear gardens, but officers are content the relationship is acceptable.

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.

### **Living conditions – future occupants of the development**

In terms of the amenity of future occupants of the development, the illustrative Masterplan demonstrates that the quantum of development proposed can be accommodated on site so as to provide suitable amenity space in the form of private gardens. The illustrative Masterplan also demonstrates appropriate separation distances can be achieved between residential dwellings and other buildings. Careful attention will be required at the reserved matters stage in terms of the appearance of the residential units and the location of habitable room windows to ensure that there is no undue overlooking of private rear gardens, but officers are content that the relationship is acceptable.

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.

## **Housing**

### **Five year land supply**

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 five 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 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 4.19 years (as of 1st April 2020) and therefore the tilted balance is engaged. This shortfall is considered to be modest on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be modest this can have a bearing on the weight attached to the tilted balance

### **Affordable housing and housing mix**

On the 19 May 2016 the Government announced changes to PPG in respect of the thresholds at which affordable housing contributions may be sought and a vacant building credit, which applies where developments re-use existing buildings or include the demolition of existing buildings. Solihull has adopted an Addendum to Solihull 'Meeting Housing Needs' Supplementary Planning Document.

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

In terms of affordable housing, the Housing Need Statement submitted in support of the application confirms that the proposal provides 34 affordable units which equates to 40% affordable housing.

With regard to housing mix, the proposed housing mix is shown in the table below.

<b>Accommodation Type</b>	<b>Private</b>	<b>Private (mix %)</b>	<b>Social</b>	<b>Social (mix %)</b>	<b>Total</b>	<b>Mix (%)</b>
1 bed maisonette	0	0%	12	35%	12	14%
1 bed flat	0	0%	0	0%	0	0%
2 bed house	16	31%	2	6%	18	21%
3 bed house	33	63%	16	47%	49	57%
4 bed house	3	6%	4	12%	7	8%
<b>Totals</b>	<b>52</b>	<b>100%</b>	<b>34</b>	<b>100%</b>	<b>86</b>	<b>100%</b>

The application site is located in the Regeneration Housing Market Area where the Council's Meeting Housing Needs SPD advises the Council will seek 30 % of new housings development to be 1 or 2 bed dwellings. The proposal provides 86 dwellings on site of which 12 (14%) would be 1 bed dwellings and 18 (21%) would be 2 bed dwellings. The proposal provides at total of 30 (35%) 1 or 2 bed dwellings and thus meets the requirements of the Meeting Housing Needs SPD.

The proposal therefore accords with Policy P4 of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

### **Environmental benefits**

#### **Climate change**

Paragraph 178 of the Framework relating to climate change explains that the planning system should support the transition to a low carbon future in a changing climate and it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.

On 8th October 2019 Members of Solihull Metropolitan Borough Council declared a Climate Change Emergency recognising the gravity of the climate change and committing, through its Climate Change Prospectus, to minimise the environmental impacts of its own activities, whilst contributing to the improvement of the wider environment through local action.

The Planning Statement submitted in support of application advises that the proposal has an 'ambition to achieve net zero carbon' and this will be further considered at detailed design stage (reserved matters).

The ambition of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national standards and supports the actions of the Council's Climate Change Emergency statement. An

energy strategy condition is recommended which sets out the methodology and measures by which 'zero emissions' will be achieved.

This should be accorded significant weight in the planning balance.

### **Social-economic benefits**

The Framework supports sustainable development and identifies three overarching objectives, including social and economic objectives. The social objective seeks to support vibrant, healthy communities in a well-designed safe built environment with appropriate accessible services and open spaces. The economic objective seeks to create a strong responsive, competitive economy supported by necessary infrastructure.

### **The current situation**

Solihull is a broadly affluent Borough with generally above average levels of school performance and low crime rates compared to the West Midlands Levels and extent of deprivation. However, the Borough is challenged by a prosperity gap and performance indicators within the North Solihull Regeneration Area significantly lag behind the rest geographically. Solihull can be split into the northern area (including the regeneration zone), the urban west (including Solihull town centre), the rural east and the semi-rural south. Ward profile data collated by SMBC gives an indication of socio-economic circumstances and specific issues at a local level. The latest profiles were produced in 2016 with some measures updated in 2019.

There are considerable issues in respect of deprivation, skills, employment and health in the local area compared to both Solihull and England averages. Kingshurst Village Centre is located within Smith's Wood ward, on the boundary with Kingshurst & Fordbridge. Compared to both the Solihull and England average there are considerable issues in respect of deprivation, skills, employment and health. Despite improvement in absolute terms there has been persistent low performance against comparators.

The existing Village Centre is outdated and the poor quality environment and there is too much retail floorspace. Smaller sized units have not adapted to changes in the retail sector or the needs of retailers and vacancy rates and overall lack of investment add to the physical impact. Village Centres like Kingshurst have generally seen significant decrease in occupancy as customers shop in different ways.

The Village Centre currently provides a GP surgery within a converted residential house, dentist, pharmacy and optometrist. There are also a number of community uses including a library and Solihull Connect service, Solihull Community Housing (SCH) facility. Community facilities are dated, poor quality, and not fit for purpose.

### **The proposal**

The proposal will provide a new mixed use local centre including up to 86 residential dwellings, retail uses, healthcare and community uses with areas of open space, landscaping, parking and associated infrastructure. The proposal would provide

appropriate space of the right type to support growth, including modern retail floorspace that responds to market requirements, health and community uses and open market and affordable residential development.

The 1,200 sqm of new retail floorspace will provide direct employment opportunities to the local community. The planning statement submitted in support of the application advises the regeneration of Kingshurst Village Centre has the potential to provide 83.5 full-time jobs and £3.18m if investment. The proposal would support a significant number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify that number jobs created, the proposal would support a significant number of trades that would be involved in the construction process.

### Summary

Drawing matters together, the Framework confirms decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and decisions makers should consider the social, economic and environmental benefits of estate regeneration.

The existing social-economic condition of the application site and wider area is a key driver for the regeneration of the village centre. Regeneration has the potential to bring about long term sustainable benefits through changes to the tenure mix and types of housing available to local people, improvements to community facilities, retail, leisure and the natural environment, and access to employment and a better range of jobs.

Having regard to the guidance in the Framework, significant weight should be given to the social and economic benefits of the scheme.

### Other matters

#### Air quality

The Council Public Protection Officer recognise that an air quality assessment will need to be balanced against the impacts that are currently and historically presented by the existing use of the site as a local centre including residential development. Given this context it is unlikely that significant air quality impacts will be presented by the proposed scheme and no air quality recommendations or conditions have been requested. The Council Public Protection Officer has requested details of any Electric Vehicle (EV) charging facilities are provided at reserved matters stage.

#### Noise

The application has not been accompanied by a noise impact assessment. The Council's Public Protection Officer is satisfied that a noise impact assessment is not required prior to determination of the outline application and can be secured by condition.

#### Contaminated land

A Phase 1 Geo-Environmental Assessment has been submitted in support of the application which recommends additional work in undertaken prior to development commencing. The Council's Environmental Protection Officer is satisfied this information is not required prior to determination and can be secured by a condition.

### CIL contribution

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016 and the proposed development is CIL liable. However, as the application is submitted in outline with all matters reserved save access, the CIL payment will be calculated at reserved matters stage.

These matters should be accorded neutral weight in the planning balance.

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

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

### **Planning Balance and Conclusion**

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 Framework is an important material consideration. It advises that applications involving the provision of housing should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date Development Plan (as in Solihull) means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. This is often referred to as the 'tilted balance'.

The outcome of this application therefore depends on:

- Whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and
- Whether the overall planning balance would be in favour or against the scheme.

In terms of the benefits of the scheme, the development would accord with Policies P1, P3, P4, P5, P7, P8, P9, P10, P11, P14, P15, P18, P19, P20 and P21 of the Local Plan and relevant criteria therein.

The existing social-economic condition of the application site and wider area is a key driver for the regeneration of the village centre. Regeneration has the potential to bring about long term sustainable benefits through changes to the tenure mix and types of housing available to local people, improvements to community facilities, retail, leisure and access to employment and a better range of jobs. The proposal would also support a significant number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify the number jobs created, the proposal would support a significant number of trades that would be involved in the construction process. Having regard to the guidance in the Framework, significant weight should be given to the social and economic benefits of the scheme.

Regeneration of the village centre has the potential to bring about long term sustainable benefits to the natural environment through enhancements to biodiversity, public open space and new tree planting and landscaping. The ambition of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national standards and supports the actions of the Council's Climate Change Emergency statement. Significant weight should be given to the environmental benefits of the scheme.

In terms of adverse impacts, subject to conditions, the development would not conflict with Policies within the Local Plan or guidance in the Framework. This should be accorded neutral weight in the planning balance.

In conclusion, for the reasons outlined above, the proposed development would benefit from the presumption in favour of sustainable development and the overall planning balance must be in favour for this proposal.

The proposal is therefore recommended for approval subject to appropriate conditions.

## RECOMMENDATION

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

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

(1) Prior to the commencement of a phase or combination of phases of the development details of the following matters for that phase or combination of phases (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (a) the scale of the development;
- (b) the layout of the development;
- (c) the external appearance of the development;
- (d) the landscaping of the site;

The development shall be carried out in accordance with the approved details.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

(2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

(3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the approved plans:

- Gilson Way Site Access (002 A)
- Gilson Way / Central Boulevard (003 A)
- Over Green Drive / Central Boulevard / Silver Birch Road (005 A)
- Over Green Drive Site Access Junction (006)
- Existing Location Plan (18023\_BDS-XX-XX-DR-A-S0-0100-P02.02)
- Existing Site Plan (18023\_BDS-XX-XX-DR-A-S0-0101-P02.02)

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

5) The development hereby approved shall not exceed the following specified uses as defined in the Town and Country Planning Act (Use Classes) Order 1987 as amended:

- 86 residential dwellings (Use Class C3)
- 1,200 sq m of retail uses (Use Class A1-A5)

- 1,700 sq m of healthcare and community uses (Use Class D2)

Reason: To ensure compliance with the approved plans and the Local Plan allocation for the site in accordance with Policy P19 of the Solihull Local Plan 2013.

(6) Before the development hereby approved commences a phasing plan identifying all phases of development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all phases of the development shall be completed and carried out in accordance with the phasing plan unless agreed in writing with the Local Planning Authority.

Reason: In order to secure a comprehensive development of the site in an appropriate timescale in accordance with Policy P14 & P15 of the Solihull Local Plan 2013.

(7) The development hereby approved shall be implemented either as a whole or in phases, in accordance with a phasing plan to be submitted to and agreed in writing by the Local Planning Authority and wholly in accordance with this permission. All phases of the development shall be completed to the satisfaction of the Local Planning Authority unless agreed in writing.

Reason: In order to secure a comprehensive development of the site in an appropriate timescale in accordance with Policy P14 & P15 of the Solihull Local Plan.

(8) 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 be based on the designs within the consented Flood Risk Assessment and should include, as a minimum:

- a) Technical design report confirming overall SuDS features being utilised and wider design principles – the scheme must incorporate multiple dispersed SuDS features as shown within the Flood Risk Assessment including permeable paving, green roofs and bioretention areas.
- b) Drawings showing overall site concept design principles
- c) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- d) Surface Water Drainage Design including:
  - i. Confirmation of the lifetime of the development
  - ii. 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’),
  - iii. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;

- iv. Confirmation of discharge rates and volumes (both pre and post development), ensuring run-off is restricted to 2l/s/ha.
- v. Confirmation of proposed discharge location including necessary approvals.
- vi. Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC 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.
- vii. Engineering details for all surface water drainage features
- viii. 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;
- ix. Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- e) Extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding

Reason: To ensure the satisfactory drainage of the site in accordance with Policy P11 of the Solihull Local Plan 2013.

(9) No above-ground work shall commence until such a time as a scheme to manage the existing and future surface water flood risk, based on the designs in the Flood Risk Assessment (FRA), has been submitted to and approved in writing by the Lead Local Flood Authority, with no occupation until the scheme is operational. The submitted details shall include:

- a) Provision of surface water flood storage
- b) Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- c) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- d) Finished floor levels are set no lower than the 1 in 100 year plus allowance for climate change plus 300mm freeboard

Reason: To ensure the satisfactory drainage of the site in accordance with Policy P11 of the Solihull Local Plan 2013.

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

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i. on-going inspections relating to performance and asset condition assessments
- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

Reason: To ensure the satisfactory drainage of the site in accordance with Policy P11 of the Solihull Local Plan 2013.

(11) No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Lead Local Flood Authority. The details shall include:

- a) Any departure from the agreed design is in keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the satisfactory drainage of the site in accordance with Policy P11 of the Solihull Local Plan 2013.

(12) No dwelling or retail, healthcare or community use shall be occupied or used until the junctions and traffic calming features have been laid out and constructed in general accordance with the following plans:

- Gilson Way Site Access (002 A)
- Gilson Way / Central Boulevard (003 A)
- Over Green Drive / Central Boulevard / Silver Birch Road (005 A)
- Over Green Drive Site Access Junction (006)

The junctions and traffic calming features shall be laid out and constructed to the standard specification of the Local Highway Authority.

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

(13) No dwelling or retail, healthcare or community use shall be occupied or used until details of the internal carriageways, footways, footpaths, verges and service strips have been submitted to and approved in writing by the Local Planning Authority.

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

(14) No dwelling or retail, healthcare or community use shall be occupied or used until details of car parking and cycle parking have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory parking is provided in accordance with Policy P8 of the Solihull Local Plan 2013.

(15) No dwelling or retail, healthcare or community use shall be occupied or used until adequate turning areas to accommodate refuse vehicles and emergency service vehicles have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory turning areas are provided in the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

(16) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; details of vehicle routing; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

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

(17) No dwelling or retail, healthcare or community use shall be occupied or used until a scheme has been approved in writing by the Local Planning Authority and implemented to amend the existing Traffic Regulation Order to introduce a 20mph speed limit within red line boundary and the installation of associated infrastructure.

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

(18) No dwelling or retail, healthcare or community use shall be occupied or used until details of a bus strategy have been submitted to and approved in writing by the Local Planning Authority. The bus strategy shall include details of the closure of existing bus stops; the installation of new bus stops including temporary bus stops; and the diversion of existing bus services.

Reason: To ensure adequate bus stops are provided to promote more sustainable transport choices in accordance with Policy P8 of the Solihull Local Plan 2013.

(19) Before the development is occupied (or at such later time as may be agreed in writing with the Local Planning Authority) a Travel Plan and a Travel Information

Pack shall be submitted to and approved by the Local Planning Authority. Thereafter, the Travel Plan shall be reviewed on a biannual basis. The review report shall be submitted biannually to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To promote more sustainable transport choices in accordance with Policy P8 of the Solihull Local Plan 2013.

(20) No development shall commence until a details including a phasing programme for a new cycle link between Meriden Drive and Chester Road has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when new cycle link shall be delivered. Thereafter works shall be completed and carried out in accordance with the approved details and phasing programme unless agreed in writing with the Local Planning Authority.

Reason: To ensure delivery of the development hereby approved in a satisfactory manner in accordance with Policy P20 of the Solihull Local Plan 2013.

(21) The site shall be landscaped strictly in accordance with the details approved pursuant to Condition 1 details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(22) Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(23) Notwithstanding the current plans, before development hereby approved commences, an updated Arboriculture Impact Assessment shall be submitted to and approved by the local planning authority.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(24) Prior to the commencement of work on site, a detailed Arboricultural Method Statement (AMS) and an Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority with particular regard to trees T414 and T299 (and T368 Option A). To include a schedule of works to retained

tress e.g. access facilitation pruning and details of all special engineering works within the Root protection area (RPA) and other relevant construction details.

All tree work must be carried out in accordance with British Standard 3998: 2010 Recommendations for tree work.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(25) Prior to the commencement of work on site a schedule of all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated shall be submitted to and approved in writing by the local planning authority. No tree, hedge or shrub on the site indicated in the approved schedule for retention shall be topped, felled, lopped or root pruned except with the prior written consent of the Local Planning Authority

The work hereby approved must be carried out in accordance with British Standard 3998 for tree work

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(26) Prior to the commencement of work on site all existing trees/hedges and large shrubs except those agreed for removal, shall be protected by barriers as specified within BS5837. Details of the specifications and methodologies for tree protection measures, type of fencing and its siting, including a methodology for any proposed works that encroach within the root protection areas of retained trees shall be submitted to and approved, thereafter the tree barriers shall be implemented and maintained on site as approved. The protected areas shall be kept free of all materials, equipment and building activity during the site development, and ground levels within the protected areas shall not be raised or lowered.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(27) No works or development shall take place until a scheme of supervision/site monitoring for the tree (landscape/ecological) protection measures and working practices during construction has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction, training and personnel awareness of arboricultural (ecological/landscape) matters to all construction personnel on site.
- Identification of individual responsibilities and key personnel.
- Statement of delegated powers.
- Phasing, timing and methods of site visiting, inspection and record keeping, including updates.
- Procedures for dealing with variations and incidents; and
- Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;

Reason: In the interests of protected species and habitats in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

(28) No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(29) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(30) Not later than 1st October in each of the 5 calendar years following the planting of any trees, hedges or shrubs on this site in connection with the development hereby permitted the operator shall submit to the Local Planning Authority a written statement detailing;

- a) the number, location and species of any trees, shrubs, hedge plants which have died, become diseased or seriously damaged in the preceding 12 months, and
- b) proposals for the replanting and maintenance of any such failures with plants of similar size and species within the following six months

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

(31) No development shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

1. Proposals for on-site mitigation and/or for offsite offsetting;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have

been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

Reason: To secure no net loss to biodiversity in accordance with NPPF and Policy P10 of Solihull Local Plan.

(32) A landscape (and Ecology) management plan, including medium (5-10 years) and long term (10-25 years) design objectives, management actions, responsibilities, future monitoring and maintenance schedules for all landscape, habitat mitigation and compensation works, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape and/or ecology management plan shall be carried out as approved

Reason: In the interests of protected species and trees in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

(33) No development shall commence until a phasing programme for enhancements to Kingshurst Park has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when improved play and leisure, footpath improvements, additional/improved seating and potential fitness equipment shall be delivered. Thereafter works shall be completed and carried out in accordance with the phasing programme unless agreed in writing with the Local Planning Authority.

Reason: To ensure delivery of the development hereby approved in a satisfactory manner in accordance with Policy P20 of the Solihull Local Plan 2013.

(34) No development shall take place until a detailed mitigation strategy has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation strategy.

Reason: To secure the protection of protected species in accordance with Policy P10 of the Solihull Local Plan 2013.

(35) Buildings B2, B3, B6, B7 and B4 as detailed in the Bat Roost Assessment Report prepared by Aspect Ecology and dated August 2020 shall be hand stripped of roofing materials under the supervision of a qualified bat ecologist unless otherwise agreed in writing with the local planning authority.

Reason: To secure the protection of protected species in accordance with Policy P10 of the Solihull Local Plan 2013.

(36) No use of the development hereby approved shall commence until a noise impact assessment, prepared by a suitably qualified and technically competent individual, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall establish and quantify noise impacts presented by the site (commercial, retail and community use and activity noise including car park use, plant and machinery noise etc.) on existing and proposed noise sensitive receptors. It shall include assessment of off-site noise affecting the development site

(and its future occupants). The noise impact assessment shall identify necessary noise mitigation measures, to ensure suitable control of noise impacts (for both onsite and offsite sensitive receptors) and to secure appropriate internal and external noise levels at residential units. The assessment shall meet with the procedural requirements of BS8233:2014, BS4142:2014+A1:2019 and other recognised national standards, where appropriate. All approved mitigation measures shall be carried out before the occupation and use of the development and be thereafter retained.

Reason: In order to protect future occupants and nearby noise sensitive receptors from external noise in accordance with Policy P14 of the Solihull Local Plan.

(37) Before the development hereby approved is brought into use a scheme for the use and installation of any cooking / odorous extract ventilation systems, incorporating grease and odour filtration or other such mitigation, shall be submitted to and approved by the Local Planning Authority. Installation and thereafter use and maintenance of such equipment, shall be in accordance with the approved scheme. Note: The scheme should specify in detail the provisions to be made to control grease and odour. Plans showing internal layout of ducting etc. will not be required except where they are relevant to grease and odour control equipment.

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

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

Reason: In order to protect future occupants and nearby noise sensitive receptors from external noise in accordance with Policy P14 of the Solihull Local Plan.

(39) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts (1) to (4) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part (4) has been complied with in relation to that contamination.

#### (1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- (a) human health,
  - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - (c) adjoining land,
  - (d) groundwaters and surface waters,
  - (e) ecological systems,
  - (f) archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

## (2) Submission of Remediation Scheme

Where necessary following (1) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and

site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## (3) Implementation of Approved Remediation Scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## (4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

#### (5) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of any proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority before the development hereby approved is first used or occupied.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P14 of the Solihull Local Plan 2013.

(40) Demolition and construction work shall not begin until a Demolition and Construction Environmental Management Plan has been submitted in writing for approval by the local planning authority. The plan shall detail control measures to minimise noise, vibration and dust emissions escaping beyond the development site boundary. Specific safeguards relating to the burning of waste, and other items on site, shall also be sought and all agreed works which form part of the scheme shall be adopted and maintained throughout the demolition and construction phases of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring are minimised in accordance with Policy P14 of the Solihull Local Plan 2013.

(41) Prior to the commencement of development an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development. Once approved, the scheme shall be implemented in full.

Reason: To ensure that recruitment and training is maximised for the local community, in accordance with Policy P1 of the Solihull Local Plan 2013.

42) Prior to commencement of the development, a proposed dwelling mix for the development shall be submitted to and agreed in writing by the Local Planning Authority. The proposed dwelling mix shall be in broad accordance with the table in Appendix 1 of the Housing Needs Statement prepared by Cushman & Wakefield

dated June 2020. Any deviation from this mix shall be justified in accordance with Policy P4 of the Solihull Local Plan 2013. The reserved matters shall come forward in accordance with the agreed mix.

Reason: To ensure an appropriate dwelling mix is provided on site in accordance with Policy P4 of the Solihull Local Plan 2013.

(43) Prior to commencement of the development, a proposed affordable housing strategy for the development shall be submitted to and agreed in writing by the Local Planning Authority. The affordable housing strategy shall be in broad accordance with the table in Appendix 1 of the Housing Needs Statement prepared by Cushman & Wakefield dated June 2020. Any deviation from this strategy shall be justified in accordance with Policy P4 of the Solihull Local Plan 2013. The reserved matters shall come forward in accordance with the agreed strategy.

Reason: To ensure appropriate provision of affordable housing is provided on site in accordance with Policy P4 of the Solihull Local Plan 2013.

(44) Prior to the commencement of development, a strategy shall be submitted and approved in writing by the Local Planning Authority indicating the methodology and measures (including EV charging provision) by which the proposed development will seek to achieve 'net zero carbon' as detailed in the Planning Statement prepared by Cushman & Wakefield dated June 2020 will be achieved. Unless otherwise agreed in writing with the Local Planning Authority the development shall take place in accordance with the approved details.

Reason: To assist and promote the move to a low carbon future and to promote sustainable forms of transport in accordance with guidance in the NPPF.

(45) Before any phase of the development hereby approved is brought into use a detailed scheme for the storage of refuse for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a management and maintenance plan for the lifetime of the development. Thereafter, the approved scheme shall be implemented and retained in accordance with approved details.

Reason: To minimise the effect of the proposal on the neighbourhood in the interests of the character of the site and amenities of the area in accordance with Policies P14 and P15 of the Solihull Local Plan 2013.

(46) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.

Reason: To safeguard amenity and the quality of the environment in accordance with P15 of the Solihull Local Plan 2013.

(47) No deliveries shall be taken at or despatched from the service area in DP2 on the Development Parcels Plan (18023\_BDS-XX-XX-DR-A-S0-0155-P02.02) outside the hours of 0700 to 2200 Monday to Friday, 0900 to 2000 Saturday and 0900 to 1800 on Sundays.

### **Statement in accordance with Article 35(2) Town and Country Planning Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority has worked positively and proactively with the applicant during the application process to check and/ or identify any required solutions to ensure that the proposal is sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. Any solutions identified have been incorporated into the proposal and/or have been secured by planning condition(s). On this basis the Local Planning Authority have therefore implemented the requirements in Paragraphs 186-187 'Decision taking' of the National Planning Policy Framework.

The following policies of the Solihull Local Plan 2013 were considered relevant:

- P1 - Support Economic Success
- P3 - Provision of Land for General Business and Premises
- P4 - Meeting Housing Needs
- P5 - Provision of Land for Housing
- P7 - Accessibility and Ease of Access
- P8 - Managing Demand for Travel and Reducing Congestion
- P9 - Climate Change
- P10 - Natural Environment
- P11 - Water management
- P14 - Amenity
- P15 - Securing Design Quality
- P16 - Conservation of Heritage Assets and Local Distinctiveness
- P18 - Health and Well Being
- P19 - Range and Quality of Local Services
- P20 - Provision for Open Space, Children's Play, Sport, recreation and Leisure
- P21 - Developer Contributions and Infrastructure Provision

### Informative Notes

#### **EN01**

Noise During Construction: Noise from construction and associated works has the potential to cause disturbance to neighbouring residents. In order to minimise this, this Authority would normally recommend that any work audible beyond the boundary of the site should only be carried out between the hours of 8.00am to 6.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays; there should be no noisy works carried out on Sundays or Bank Holidays. Best practicable means to prevent noise from the site should also be employed as defined in British Standard BS 5228 Part 1: 1984 (or its successors/revisions). Failure to keep these hours or to employ best practicable means to control noise could lead to the service of an enforcement notice under Section 60 of the Control of Pollution Act 1974. We would

encourage applications for prior consent under Section 61 of the Act, particularly where the construction and/or demolition phase(s) may be prolonged or if work may be undertaken beyond the aforementioned hours. Please contact the Contact Centre (0121 704 8008) for further details.

**Burning or Refuse on Demolition and Construction Sites:** Because of the potential for nuisance to neighbours, burning of refuse prior to or during the construction phase is not generally acceptable and may be contrary to waste regulation legislation. If you do have special circumstances, such as a requirement to dispose of wood infected by disease or insects, please contact the Contact Centre (0121 704 8008) for further details.

**Dust Control on Demolition and Construction Sites:** Because of the potential for nuisance to neighbours and damage to property, reasonable steps to reduce dust emissions should be employed, particularly during any demolition works and in periods of dry weather.