

APPLICATION REFERENCE: PL/2019/02766/PPFL**Site Address:** Development Site 20 To 66 Station Road, Solihull.

Proposal:	Erection of 48 No. one bedroomed apartments in two storey extension above existing retail parade and maisonettes, alterations to ground floor unit to create new residential entrance to development, cycle store and associated works.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

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

This full planning application seeks planning consent for the erection of a two-storey vertical extension to an existing building in Solihull town centre to create 48 one-bedroom apartments for private rent. The existing ground floor, first floor and second floor uses will remain unchanged by the proposal.

The principle of this residential development is considered to be policy compliant, creating 48 new residential units in an established Town Centre Location. The scheme would help to meet an identified need for dwellings in an accessible location within the Borough and is additionally beneficial given the Council is currently unable to demonstrate a 5 year housing land supply. The principle of development is acceptable and is in compliance with Policy P5 of the Solihull Local Plan 2013 (SLP). The design and layout respects the local distinctiveness of the area whilst creating a sense of place and the proposal therefore accords with Policy P5 and P15 of the SLP.

This report demonstrates that the proposal would cause 'less than substantial harm' to the setting of nearby Grade II Listed Building of St Augustine Church and to the character and appearance of the adjacent Solihull Conservation Area. This 'less than substantial harm' is outweighed by the public benefits delivered by the proposal, including the provision of 48 one bedroom units contributing towards the Council's 5 year housing land supply, an off-site affordable housing contribution of £485,000, associated construction job creation and the support occupier of the development

would provide to the vitality and viability of the town centre particularly during these uncertain times.

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

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

MAIN ISSUES

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

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

Other material planning considerations;

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

CONSULTATION RESPONSES

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

Lead Flood Authority – No observations.

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

West Midlands Police – no comments submitted.

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

SMBC Highways – No objection subject to conditions.

SMBC Policy and Spatial Planning – No objection in principle.

SMBC Heritage – The proposals would cause a moderate amount of ‘less than substantial harm’ to the significance of the Solihull Conservation Area, and a less than moderate amount of ‘less than substantial harm’ to the setting and significance of the church of St. Augustine.

SMBC Urban Design – No objection subject to materials being conditioned.

SMBC Public Protection – No objection subject to conditions seeking further noise assessment.

PUBLICITY

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

One planning objection has been received from the operators of the Flute and Flagon Public House at 28-30 Station Road. This is summarised as follows: -

The Flute and Flagon Public House is an established and successful late night entertainment venue which is open until 23:00 on Sundays to Thursdays, 00:00 on Fridays and 01:00 on Saturdays. The licenced venue has capacity for c200 with an outdoor area for c40 people, which operates the same hours. There are other successful venues in the local vicinity of the application site, which have been the cause of complaints from local residents on the grounds of noise and disturbance from lawful activities. The introduction of additional noise sensitive residential uses immediately above existing, lawful noise generating late night venues will only increase the potential for further complaints. Any complaints from future residential occupiers of the application site could lead to possible restrictions on the existing authorised late night entertainment use at the Flute and Flagon Public House and its respective operating hours. This in turn would adversely harm the profitability and viability of The Flute and Flagon PH which could threaten its operations and survival. Such potential declines conflict with the current national and local planning policies.

Whilst it is accepted that existing planning policies support residential developments in appropriate locations, due consideration must also be given to existing uses and businesses on adjacent sites. The 2019 Framework requires that planning policies and decisions ensure that new development can be integrated effectively with existing business and community facilities (including pubs and music venues). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on a new development in its vicinity, the applicant or ‘agent of change’ should be required to provide suitable mitigation before development has been completed.

In seeking to avoid potential conflict between established and active leisure uses, the current application must give sufficient consideration to potential noise issues and the requirements in the 2019 Framework on amenity issues created by established late night leisure uses and the important Agent of Change principle.

It is considered that the proposed residential accommodation must be constructed to meet maximum levels of living amenity. Providing additional residential accommodation in appropriate locations should be welcomed. However a random distribution of residential accommodation throughout an existing town centre containing important and long-established late night bars and entertainment uses can add to tensions and could result in entertainment activities being curtailed in the future through statutory nuisance action and enforcement. Late night entertainment and residential uses should be located and designed to minimise tensions and the risk of entertainment activities being curtailed in the future.

All activities at The Flute and Flagon PH are established and lawful and the nature of these uses must be taken into account in the assessment of the noise and vibration attenuation requirements of the adjoining proposed residential conversion. The proposed residential accommodation must demonstrate the inclusion of robust and appropriate noise attenuation from all existing noise sources.

There are recent cases where long established licensed premises have been forced to close due to complaints from new residents to long-standing lawful activities and noise generation at the premises. And other cases where a S106 has been required to prevent any changes to noise attenuation works following occupation of the building.

It is considered that the applicant has rightly identified the very real issue of noise and vibration pollution in the context of the proposed noise-sensitive residential units. However the noise impact assessment submitted with the application relies on non-attended noise monitoring from survey points immediately adjacent to busy roads and not adjacent to late night leisure premises. As a consequence, the assessment fails to assess noise levels emanating from existing late night entertainment venues which is masked by traffic noise due to survey points, including noise internally from amplified music and noise from external activities associated with the late night use, including the comings and goings to customers in the early hours and the use of al fresco eating and drinking areas. The results and recommendations of the applicant's noise report therefore fail to accommodate any proposed noise attenuation methods to protect proposed new residents from established, lawful, noisy, late night adjoining commercial uses.

There is a very real danger that the construction of the proposed residential units could lead to disturbance and a substandard living environment for future occupiers without a holistic noise strategy being incorporated into the design. The noise impact assessment's conclusion that internal noise standards "should be achievable" is insufficient to demonstrate that there will not be impact upon future residential amenity from existing, lawful late night leisure operations.

It is noted that Solihull Council's Public Protection team has had continued concerns about the inadequacies of the submitted technical information and the potential inadequacies of construction to attenuate against existing external noise.

The submitted vibration assessment merely assesses potential impact from passing vehicles, but does not assess vibration from music, particularly bass beats, from the late night ground floor leisure operations. This type of vibration disturbance travels up party walls and is highly likely to be the cause of additional complaints by new residents.

The established Agent of Change principle firmly puts the onus on developers to demonstrate that new uses and buildings can be accommodated into existing noisy environments without potential for future impact upon new occupiers. This has not been demonstrated in this case.

PLANNING ASSESSMENT

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

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

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

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2019, the National Planning Practice Guidance.

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

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

Paragraph 70 of the NPPF details where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to

the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.

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

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

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

Policy P2 (Maintain Strong, Competitive Town Centres) of the Draft Local Plan advises, amongst other things, that new development in the town centre could deliver 1400 new homes in the town centre. Although the draft Local Plan, as currently published, it carries very little weight. However, it provides a clear indication of the Council’s intention to significantly increase the quantum of residential development in the town centre.

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

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

- *(a) Accessibility*

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

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

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

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

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

Turning to the second test, Paragraph 11 of the NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. This is often referred to as the ‘tilted balance’. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 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.

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

- (c) *Enhancing local character and distinctiveness*

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

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

The principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would enhance local character and distinctiveness and therefore meet the test in Policy P5.

- *Summary*

For the reasons set out above, the principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) is compliant with Policy P5 of the Local Plan.

Overall, the proposal is policy compliant on this matter and this should be accorded moderate weight in the planning balance.

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

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

The NPPF at paragraph 127 advises that planning policies and decisions should ensure that developments:

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

Paragraph 130 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and

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

Policy P15 of the SLP is a wide-ranging design policy that sets out the relevant guidelines by which development proposals will be assessed, including that all development proposals will be expected to achieve good quality, inclusive and sustainable design. Developments will be expected to provide a sense of place. This local plan policy is consistent with the NPPF and therefore carries significant weight.

The proposal involves the erection of two additional floors of residential development above an existing three storey building located within the Solihull Town Centre. 24 one bedroom apartments are proposed on each storey; the proposed third and fourth storeys.

The current building is in mixed use. The end unit, until recently, was occupied by a late night entertainment venue – Revolution. This has now permanently closed. The ground floor units contain a mixture of Class E (previously Class A uses of retail uses) and predominantly food and drink outlets also Class E uses (previously Class A3) . The existing first and second floors are in varying uses; some of the units are kitchen or staff areas associated with the ground floor uses whilst other units are residential maisonettes or flats. One formal complaint had been received from residents of the flats/maisonettes above in relation to the Revolution Bar, but this has now ceased trading and the unit is empty.

Access to the first and second floor uses is via secure front and rear entry points. The existing building benefits from two access points – blue doors - on the south elevation which fronts onto Station Road. Three access points exist to the rear of the existing building which faces onto the service road for the Premier Inn hotel and the Lode Lane multi-storey carpark.

The proposal involves the acquisition of the former Laithwaites retail unit on the ground floor at No.62 Station Road. Part of this vacant unit will be utilised as a new entrance to the building, providing a new main access core from ground floor up to the proposed level 4 with a new lift which improves on the existing access arrangements.

The existing first floor contains a large roof deck used for accessing the existing maisonettes directly from the roof. The proposal seeks to create roof gardens on this existing area, increasing the wellbeing of both existing and proposed residents by creating external activity spaces with suitable planting and screening to provide privacy for residents from rear service areas.

The submitted design has focussed on delivering a distinct, high quality place to live which creates a sense of place and enhances the qualities and character of Solihull Town Centre. Following extensive pre-application discussion the chosen design of the

proposed two storey extension replicates elements of the existing building below by replicating the window rhythm and aligning the proposed new openings, whilst providing a contrast in design and proposed materials. This ensures that the extension is read as a new addition to the building, rather than seeking to blend into the existing form. There are other examples of similar designs to this as proposed within the Solihull Town Centre, closest to the application site is the John Lewis mansard roof.

In terms of overall height, the proposal seeks to add an additional two storeys to the existing three storey building, which will result in a 5 storey building in total. This increase will result in the application building being comparative in height to the 5 storey Premier Inn which is located to the north of the site, on the rear boundary of the application site. Views of the application building from some key public vantage points such as Herbert Road will be read against this backdrop.

During the lifetime of the application, amendments have been submitted to address the comments of the Council's Urban Design officer. These amendments have resulted in the number of one bedroom apartments reducing from 55 to 48 through the removal of the proposed 'pods' on the existing roof deck area at first floor. The scale of the additional storeys has been revised, and the overall height of the proposed two storey extension has been reduced by just under 1 metre. The applicant has demonstrated how the proportions of the proposed extension is now more in-keeping with the existing host building by providing dimensions of a similar scale to the existing ground, first and second floors. The existing ground floor is 4.13 metres in height, the combined height of the first and second storeys is 5.89 metres. The proposed two storey extension is 6.0 metres in height. This reduction in height has reduced the bulk of the proposal and has ensured that the existing host building will not appear dominated by the proposed additions.

For these reasons, the Council's Urban Design officer has concluded that the amendments have addressed the previous concerns raised and subject to the proposed materials being conditioned, the Council's Urban Design officer is supportive of the proposed scheme.

It is considered that the proposed development would enhance the character and appearance of the area and the local distinctiveness of the area of the Town Centre. The proposal would integrate successfully with the existing host building through the use of sensitive materials (which would be conditioned) due to the replication of key design features from this host building for example the window detail and alignment. The Council's Urban Design Officer has raised no objection to the proposal. It is therefore concluded that the proposal accords with the principles of Policies P5 and P15 of the SLP and the guidance in the NPPF, and as such moderate weight can be attached to this matter in the planning balance.

The impact of the proposed development on designated heritage assets

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S.66(1) requires the decision maker to ask whether there would be some harm to setting of listed buildings. If there would be, the Council shall refuse planning

permission unless that harm is outweighed by the planning benefits of the proposed development. This is a statutory presumption in favour of preservation (Barnwell Manor Wind Energy Ltd).

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

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

Paragraph 196 of the NPPF advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

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

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

The National Planning Practice Guidance says that:

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

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

Policy P16 'Conservation of Heritage Assets and Local Distinctiveness' of the SLP 2013 is consistent with national guidance on this matter. This policy states that the Council recognises the importance of the historic environment to the Borough's local character and distinctiveness, its cultural, social, environmental and economic benefits

and the effect this has on civic pride. Development proposals will be expected to demonstrate how these characteristics have been conserved. It seeks fully informed applications that conserve heritage assets and their settings to a degree proportionate to their significance, carefully managing change to local character and the sense of place.

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

The Council's Conservation Planner considers that the harm to the adjacent conservation area and Grade II listed church are caused by the scale, massing and appearance of the proposed extension on top of the well-designed and disciplined post war building that is a heritage asset in its own right. The proposal would conflict with this host building and with the character of the adjacent Conservation Area. Whilst the application site does not fall within the Solihull Conservation Area, the site adjoins the Conservation Area and the building is easily appreciated with views into and out of it. The Council's Conservation Planner considers that this proposed addition would adversely affect the experience of the Conservation Area as well as the significance of the church of St. Augustine, and seen in views towards and from these designated heritage assets the proposal would detract from the experience of them by being unduly prominent in these views.

The Council's Conservation Planner does accept that there are examples of similar mansard roofs within the Conservation Area and therefore within close proximity of the application site, however these roofs are less easily seen within their settings. An example would be the mansard roof on the John Lewis building. Whilst the applicant cites other examples of metal clad upper floor structures near or within the conservation area in support of this proposal, these are considered to be too dated to be valid as a comparison.

Furthermore the Council's Conservation Planner considers that the proposed extension would be less obtrusive as a single storey of new accommodation, not simply because of reduced bulk but also because the extension would then better relate to the horizontal character of the building. As proposed, the Council's Conservation Planner considers that the height of the two new floors exceeds that of the existing two floors of flats, creating a disproportionate and top heavy appearance out of context with the conservation area and the prevailing domestic scale of the town centre beyond the Mell Square and Touchwood cores. Whilst the mansard style sloping roof seeks to address this disproportionate appearance, the Council's conservation officer is not convinced that this would overcome this disproportionate appearance by giving an illusion of a similar or equal proportion.

In conclusion, it is considered that the proposed two storey extension would due to its scale, massing and appearance cause a moderate degree of 'less than substantial harm' to the significance of the Solihull Conservation Area and less than moderate

amount of 'less than substantial harm' to the setting and significance of the Church of St. Augustine.

In accordance with government policy, great weight is to be given to the conservation of heritage assets including if the harm is 'less than substantial harm'. This moderate amount and less than moderate amount of 'less than substantial harm' needs to be balanced in the planning consideration against public benefits delivered by the proposal, namely the proposal would provide 48 one bedroom units contributing towards the Council's 5 year housing land supply, an off-site affordable housing contribution of £485,000, associated construction job creation and the support occupiers of the development would provide to the vitality and viability of the town centre in terms of additional spend particularly during these uncertain economic times that Covid 19 has created.

In summary, the public benefits set out above clearly outweigh the moderate amount and less than moderate amount of 'less than substantial harm' to Solihull Conservation Area and the Church of St Augustine.

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

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

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

Policy P2 (Maintain Strong, Competitive Town Centres) of the Draft Local Plan advises, amongst other things, that new development in the town centre could deliver 1400 new homes in the town centre, with potential for over 100 additional homes on land near the train station. Although the draft Local Plan, as currently published, can carry some weight, it is very limited. However, it provide a clear indication of the Council's intention to significantly increase the quantum of residential development in the town centre.

The proposed extension is to be sited on top of an existing building. Whilst the ground floor contains a mixture of Use Class A units, predominantly food and drink outlets, the first and second floor consist mainly of residential maisonettes.

In terms of amenity, it is considered that the proposed extension of two storeys of residential apartments will not cause any overlooking, overshadowing or loss of light impacts to adjoining or neighbouring uses. The Premier Inn hotel to the northern elevation (rear) of the application site contains bedrooms with windows which face the application site. The separation distance between these windows in the Premier Inn

and the application site is approximately 11.5 metres. This relationship is an existing relationship given the first and second floors of the existing host building contain windows which interface with the Premier Inn. It is therefore concluded that this separation distance 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.

The Agent of Change Principle and whether the proposal accords with the NPPF in this regard

Paragraph 182 of the NPPF states that 'planning policies and decisions should ensure that new development can be integrated effectively with existing business and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'.

Part vii of Policy P14 of the Solihull Local Plan 2013 seeks to minimise the adverse impact of noise. It states that 'Development likely to create significant noise will be permitted only if it is located away from noise sensitive uses or it incorporates measures to ensure adequate protection against noise. Noise sensitive development will be permitted only if it is located away from existing sources of significant noise, or if no suitable alternatives exist, the development incorporates measures to reduce noise intrusion to an acceptable level'.

The application proposes additional residential development in close proximity to established entertainment premises including the now defunct Revolution bar in No.64-66 Station Road. As such, this scheme has presented the Council's Public Protection Officer with a number of concerns relating to noise during the life time of consideration of the planning application.

These concerns have been discussed with the applicant over an extended period of time, given that this planning application was first submitted in October 2019, and the Council's Public Protection Officer has requested additional information on this matter. However further monitoring opportunities have been curtailed from March 2020 onwards when lockdown measures relating to Covid 19 commenced. Therefore additional monitoring has not been undertaken to demonstrate that some glazing features on the adjacent premises at No.64-66 Station Road and the glazing specification proposed for the new apartments is satisfactory.

In response to the concerns raised by the Council's Public Protection Officer, the applicant has amended the design of the proposal. The 7 residential 'pods' to be sited on the first floor decking area have been removed, balconies have been removed and the western elevation overlooking No.64-66 Station Road has been redesigned to remove windows and openings. Whilst these amendments have been welcomed by the Council's Public Protection Officer, this has resulted in the noise impact

assessment being out of date given the initial proposal has changed from that which was originally modelled. Your Officer's have requested an update to the assessment. However, due to Covid 19 restrictions the applicant has re-iterated that an update cannot be provided.

The premises at No.64-66 Station Road, until recently occupied by Revolution, benefit from a retractable roof at first floor level. The rear windows to habitable rooms in the proposed apartments would overlook this feature, particularly those located to the western end of the proposal. The Council's Public Protection Officer has therefore requested a number of planning conditions to address the concerns detailed. It is considered that these planning conditions will ensure that further monitoring and assessment is undertaken as appropriate, and that the resultant glazing specification and acoustic treatment satisfies the outcomes of this further assessment.

The Council's Public Protection officer has recommended a specific planning condition to agree the methodology for any further assessment before any works are undertaken. This will ensure that the methodology proposed is appropriate to address the outstanding noise concerns, and will ensure that the statements submitted by the applicant and their noise consultant during the life of this planning application are substantiated. Such statements include that "acceptable internal noise levels should be achievable through the appropriate selection of critical façade elements".

Should it be the case that No.64-66 Station Road is vacant for the foreseeable future, the Council's Public Protection Officer has stated that acoustic professionals will need to use surrogate noise inputs to achieve representative noise levels. This approach has already been utilised for ground floor noise levels from this unit.

With regard to existing noise generated from ground floor units within the host building, and their associated use of the first and second floors, the Council's Public Protection Officer has requested a planning condition seeking confirmation of the uses of these first and second floor as well as the specification of any noise insulation measures which may be required.

Details relating to the use of external amenity spaces to the rear (north) of the application site have changed considerably since noise assessment has been completed. For example the proposed 7 residential 'pods' have been removed and these may have been providing acoustic barrier effects. The Council's Public Protection Officer therefore considers it necessary to request supplementary information and assessment via planning condition for these areas to be resurveyed. This will ensure that the proposed external amenity space on the first floor deck continue to comply with the outdoor amenity noise criteria cited in the submitted noise report and that the noise breakout from all new and relocated plant and machinery complies with acceptable noise control measures and limits and protects the amenity of existing and proposed residential receptors.

Furthermore, the Council's Public Protection Officer requires the proposed external layouts and arrangements of external amenity spaces on the first floor deck do not present a potential to create disturbance, loss of amenity issues or a potential for antisocial behaviour to affect existing or proposed residential occupiers. The use of landscaped features and furniture needs to be controlled to ensure that any use of

facilities or congregation of individuals is properly managed and supervised and similarly any 'bookable' features or facilities highlighted in submissions should be carefully considered and managed to mitigate such concerns. The Council's public protection officer considers that this matter can be controlled by the use of planning condition.

In terms of the 'agent of change' principle, as set out in paragraph 182 of the NPPF and clause vii of Policy P14 of the SLP, it is considered that the matters raised by the Council's Public Protection Officer can be adequately and appropriately controlled through the use of planning conditions. It is considered unreasonable to withhold the determination of this planning application until the adjacent unit at No.64-66 is occupied or to when lockdown is over for premises to be used as they were previously. By the use of reasonable and concise planning conditions, the issue of unacceptable noise for future residents and the 'agent of change' principle for existing neighbouring uses can be satisfied.

It is therefore considered that the proposal therefore accords with Policy P14 of the Solihull Local Plan and guidance in the Framework subject to imposition of conditions. This matter should be accorded neutral weight in the planning balance.

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

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

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

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

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

A Transport Statement (TS) has been submitted on behalf of the applicant in support of this planning application. The Council's Highway Engineer has reviewed this document and is satisfied with its content. As the development will be car-free, in line with the current parking arrangements for the existing apartments at the application site, the proposals will generate very few vehicle trips. It is therefore concluded that

the proposals would not have a detrimental impact on the operation or capacity of the local highway network.

The Council's Highway Engineer notes that should any of the future occupants own a vehicle, multiple car parks are available within close proximity of the application site. Seasonal permits can be purchased at the Lode Lane car park. On-street parking restrictions are also in place along roads/streets located within close proximity to the application site, prohibiting on-street parking from occurring. This would prevent any future occupants owning a vehicle being able to park their vehicle on nearby roads/streets. A total of 57 cycle storage spaces shall be provided for the proposed apartments. Subject to conditions, the Council's highway engineer raised no objection to the proposal.

The proposal is located in a highly sustainable location and causes no highway safety issues. The proposal therefore accords with Policy P7 and P8 of the Solihull Local Plan 2013 and guidance in the Framework. This matter should be accorded neutral weight in the planning balance.

Other material planning considerations

Affordable Housing

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

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

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

The site of this application for a proposal of 48 residential units is above the threshold where Policy P4a applies, therefore the Council's starting assumption is that the affordable housing should be provided on-site. The applicant has provided a detailed Viability Assessment which concluded that due to exceptionally high build and proposed material costs, an affordable housing contribution either on or off-site was not viable. The Council engaged the services of Cushman and Wakefield to review the submitted Viability Assessment. Cushman and Wakefield concluded that an affordable housing contribution could be made, however it was accepted that this would not be

viable at 40% and therefore a reasonable reduction would be a 25% affordable housing contribution. This exception was presented to the applicant who has accepted this reduced affordable housing provision at 25%, which would equate to 12 of the 48 units proposed. It is therefore considered that the affordable housing offer is therefore in accordance with the National Planning Policy Guidance which is welcomed.

It has not been possible for the applicant to contact Registered Providers to discuss the provision of the affordable housing units within the development. However the Council understands from previous apartment developments in the town centre such as Princes Gate, Registered Providers are unwilling to accept partial provision within a development for the following reasons: -

- Potential management issues due to the lack of self-contained areas for the affordable housing;
- The adverse impact on affordability of ground rent payments;
- The adverse impact on affordability of the service charge regime
- And for this particular development, the proposal is for 100% rented properties.

Policy P4a allows the applicant to agree a financial contribution in lieu of the affordable housing being provided on site.

The Solihull Local Plan, at Page 68, states; *“Where on site provision is not feasible or viable there will be a financial contribution towards the provision of affordable housing that would not otherwise be provided, elsewhere within the Borough.”* Where a commuted sum is to be provided, how it is calculated is set out at Paragraph 5.64 to 5.70 of the Solihull Meeting Housing Needs SPD. Paragraph 5.66 states:

“The principle for determining the developer contribution payment is that it is of broadly equivalent value to on-site affordable housing provision. The approach is therefore to establish the cost to the developer of the notional on-site affordable obligation. The developer will pay this value to the Council in place of the on-site affordable provision.”

The ‘broadly equivalent value’ will need to be agreed by the Council’s Development Surveyor and this amount will need to be agreed as part of the planning committee determination and secured via a Section 106 agreement.

The applicant and the Council have agreed a commuted sum of £485,000 (£40,416.67 per unit in lieu of the affordable housing being provided off site and this will be secured via a section 106 agreement.

The proposals therefore accords with National Planning Policy Guidance and Policy P4a in terms of off-site affordable housing contributions. This consideration carries significant weight in the assessment and determination of this application.

Drainage

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

The Council's drainage engineer has made no observations on the application, and therefore it is concluded that the proposal is compliant with Policy P11 of the Solihull Local Plan 2013.

Other matters

- Heads of Terms S106 Agreement

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

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

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

The proposed S106 agreement would have one element, namely;

- Affordable housing provision (to ensure delivery) – a commuted sum of £485,000 (40,416.67 per unit in lieu of the affordable housing being provide on-site and this has been secured via a Section 106 Agreement.

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

- Community Infrastructure Levy

The Council adopted the Community Infrastructure Levy (CIL) Charging Scheduled at Council on 12th April 2016. The development is subject to CIL if planning permission is granted. This would amount to £375,286.10 based on 2,030 sq metres of chargeable residential floor area within the mature suburbs.

- Public Sector Equality Duty

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

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

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

- Human Rights

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

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

CONCLUSION

The principle of this residential development is considered to be policy compliant, creating 48 new one-bedroom residential units for private rent in an established Town Centre Location, and would help to meet an identified need for dwellings in an accessible location within the Borough. The principle of development is acceptable and in compliance with Policy P5 of the Solihull Local Plan.

The proposal would integrate successfully with the existing host building through the use of sensitive materials, replication of key design features from this host building and window detail and alignment. The proposal therefore accords with the principles of Policies P5 and P15 of the SLP and the NPPF

It is considered that the proposal complies with Policy 14 of the Solihull Local Plan 2013 with regard to amenity of existing and proposed residents, and that the provision of formal amenity space on the first floor decking is a benefit of the scheme.

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

However, the proposal would, due to its scale, massing and appearance, cause a moderate degree of 'less than substantial harm' to the significance of the Solihull Conservation Area and less than moderate amount of 'less than substantial harm' to the setting and significance of the church of St Augustine. This matter must be considered in the planning balance to whether the benefits of the proposed development outweigh the less than substantial harm to the heritage assets. The benefits of the scheme would deliver include the provision of 48 one bedroom residential units in a Town Centre location which is considered highly sustainable location. This provision would significantly contribute to the Council's 5 year housing land supply which is currently in deficit. As a result of the housing land supply shortfall paragraph 11(d) of the Framework applies. The scheme would also provide a 25% off-

site affordable housing contribution of £485,000 which can be used within the Borough to provide much needed affordable housing. Finally, the economic benefits the scheme delivers in terms of support for construction jobs and the support future occupiers of the proposed development would provide to the vitality and viability of the town centre in terms of additional spend given the economic uncertainty that the Covid 19 pandemic has caused to the economy.

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

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

The outcome of this application therefore depends on whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and in terms of the schemes benefits. Significant weight is attached to the economic benefits of the development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services within the Town Centre given the uncertain economic times that Covid 19 has created. Significant weight is attached to the social benefits of the development through the provision of 48 new units, including the affordable housing contribution. Moderate weight is attached to the environmental benefits of the development as the layout, scale and appearance enhances the character and appearance of the development and the local distinctiveness of the Town Centre to the site and its surroundings. All other matters are neutral in the planning balance.

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

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

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

RECOMMENDATION

Approval is recommended subject to the completion of a S106 Agreement and the following précis of conditions a full list of standard conditions is available using the following link:

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

1. CS00 – compliance with plans
2. CS05 – commencement in 3 years
3. CS06 – materials to be submitted
4. CL04 – submission of hard and soft landscaping proposal
5. CL06 – landscaping scheme to be implemented
6. Prior to the occupation of the development, safe and secure cycle parking/storage facilities shall be provided within the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

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

7. No development shall take place until a Servicing and Delivery Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide for:
 - a. Type and quantity of servicing and deliveries;
 - b. Location of refuse collection points/areas;
 - c. Swept path analysis of service areas;
 - d. Vehicular access;
 - e. Delivery/servicing details; and
 - f. Servicing co-ordination

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

8. No dwelling shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall include details of:
 - a. Residential surveys
 - b. The role of the Travel Plan coordinator over the life of the plan
 - c. The implementation of Travel Plan measures over a period of five years and incentives to promote sustainable modes of transport

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

9. 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; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

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

10. Before any windows, doors or ventilation units are installed at the proposed development site, detailed noise assessment shall be undertaken to establish potential noise breakout from rear ground floor and first floor commercial uses and the impact of such noise on proposed residential units. In particular detailed assessment of the first floor roof and glazed elements and the two retractable roofs at 64 – 66 Solihull shall be carried out and submitted for approval by the local planning authority. Recommendations for acoustic treatments shall be made, based on third octave façade levels projected or realised at nearby noise sensitive premises (over appropriate assessment periods) and resultant internal noise levels. Composite (1/3 / octave band) façade calculations shall be undertaken to support submissions, to demonstrate that the total dimensions of doors, windows and vents and respective room dimensions have been calculated to give adequate protection. Where it is not possible to carry out real-time monitoring of events and activities of an A4 (or similar) use at 64 – 66 Station Road, assessment shall use reasonable and appropriate surrogate impacts to quantify likely noise breakout parameters and impacts at nearby noise sensitive receptors.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

11. The methodology for assessment shall meet with the prior written approval of the local planning authority before assessment takes place and shall be followed as agreed. Council officers shall be advised of assessment arrangements and be given an opportunity to attend during assessment exercise(s) if requested.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

12. Assessment of findings and recommendations shall be submitted for approval by the local planning authority and shall detail noise mitigation measures required to achieve appropriate internal noise levels and guard against unreasonable disturbance. Measures shall be implemented in accordance with approved details, prior to residential use of the development and shall thereafter be retained.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

13. The applicant shall prepare a letter for the local planning authority to enter onto the SMBC public portal, acknowledging levels used in the assessment of noise breakout from 64-66 Station Road, Solihull. The applicant shall confirm that future commercial occupants of 64-66 Station Road shall be in receipt of this letter (specifying those noise levels that have been used to assess acoustic protection to nearby noise sensitive receptors), so that tenants are aware of levels that the applicant states achieve adequate internal noise levels to nearby sensitive residential receptors.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

14. Prior to the installation and use of all window, door and ventilation elements to any façade of the proposed development, a scheme shall be submitted for approval by the local planning authority detailing the position, room uses (e.g. bedroom, living room or none habitable room) and acoustic performance of all elements. As such, no elements shall be installed, unless prior written approval has been provided by the local planning authority. The scheme shall be installed in accordance with the approved details prior to occupation / use of the building and thereafter maintained.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

15. Before the development hereby approved is brought into use, all residential units proposed above any properties in commercial use (or approved for commercial use) shall be insulated in accordance with a scheme agreed in writing by the Local Planning Authority. Approved works shall be implemented in accordance with the approved details prior to occupation and maintained thereafter.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

16. Before the development hereby approved is brought into use, information shall be submitted, for approval by the local planning authority, that demonstrates that all proposed external amenity spaces comply with BS8233:2014 / World Health Organisation Standards for outdoor amenity space (50 / 55 dB LAeq,T), as detailed in HTA 'Noise Impact Assessment Report 27098/NIA1 and that no further mitigation measures are necessary to achieve this standard. If requirements are needed, noise mitigation details shall be provided to supplement submissions and measures shall be installed, used and maintained in accordance with the approved scheme.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

17. Before the development hereby approved is brought into use, a scheme shall be submitted for approval by the local planning authority detailing all plant and machinery noise emission criteria to be applied to new and relocated items so as to achieve acceptable cumulative levels at nearby existing and proposed sensitive receptors. The scheme shall include details of the installation and re-routing of all external plant and machinery and the routing, direction and location of all ductwork and discharge points and evidence how the equipment complies with specified noise emission criteria. All air conditioning, electrical or mechanical ventilation shall be included in such a scheme which must be installed and thereafter used and maintained in accordance with the scheme submitted and approved in writing by the Local Planning Authority and should specify in detail the provisions made to control noise. The scheme shall also identify appropriate grease and odour filtration and/or suppression measures, where this is identified as necessary (i.e. extract systems servicing hot food or food preparation facilities). Thereafter the system shall be used and maintained in accordance with the approved scheme.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

18. Prior to the installation and use of any external amenity areas or facilities and prior to the installation of any hard or soft landscaping or fixed furniture, a scheme detailing the layout and intended uses of external amenity space shall be submitted for approval by the local planning authority. The scheme shall be supplemented by a management control document that shall detail control measures that shall be applied to the take-up and use of such areas and shall specifically recognise and address any noise impacts and disturbance potential that is presented by such uses, along with any necessary mitigation measures that address such impacts. Details of the uses and proposed hours of access and use of such areas and facilities shall be detailed in plans along with an indication of how 'out of hours' use shall be avoided / controlled.

External amenity areas shall be used in accordance with the approved scheme and shall be maintained thereafter.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.

19. Any demolition and/or 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 the hours of work proposed and the control measures to minimise noise, vibration and dust emissions and other issues associated with environmental impacts presented by the scheme. 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.

Protect residential occupants from noise/odour and disturbance in accordance with Policy P14 of the Solihull Local Plan 2013.