

APPLICATION REFERENCE: PL/2020/01547/PPFL

Site Address: 751 Warwick Road Solihull B91 3DQ

Proposal:	The replacement of the existing windows and partial over-cladding of the existing elevations. A 5 storey extension on the building frontage to enable 2 new modern lifts and a new accommodation staircase to be installed with a new reception at the ground floor level. The demolition of the existing rooftop plant room and the erection of additional office space partially covering the existing roof. The alteration of the existing vehicular access to form a new central combined entry and exit point and dedicated disabled parking together with new soft landscaping along the street frontage.
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 application has given rise to a substantial amount of public concern.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS.
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EXECUTIVE SUMMARY

The proposal has been amended during the lifetime of the application with the anthracite cladding materials proposed on the east, south and west elevations of the building omitted, and the existing brickwork retained and made good. Anthracite material panels are still proposed for the front extension (facing Warwick Road) and rooftop extension.

The proposal (as amended) would cause a low / moderate level of 'less than substantial harm' to the setting of the Grade II Solihull School. National Planning Policy Framework (the Framework) requires any harm to designated heritage assets to be weighed against the public benefits of the proposal. The public benefits in this case are the economic and social benefits associated with bringing a vacant commercial (Use Class B1 (a)) back into use, and benefits both directly and indirectly from the scheme in terms of job creation and supporting the vitality and

viability of Solihull Town Centre. The proposal would also deliver environmental benefits through enhancing the energy performance of the existing building, thereby helping to reduce its carbon footprint. There would also be some landscape and ecological enhancement when compared to the existing situation.

In terms of 'other material considerations' pertinent to the determination of this application, subject to conditions, your officers have concluded that the proposal is acceptable in all other aspects.

The public benefits of the proposal (as amended) are sufficient to outbalance the identified low / moderate level of less than substantial harm to the significance of the identified designated heritage assets bearing in mind statutory duties and the Framework.

PROCEDURAL MATTERS

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 (Class B1(a)) rather than the new ones.

MAIN ISSUES

The main issues in this application are:

- Whether the proposal provides an appropriate use in accordance with relevant planning policy;
- The effect of the proposal on the character and appearance of the area, having regard to listed buildings including the Grade II Solihull School and Bradford House;
- The effect of the proposal on the amenities of the occupiers of neighbouring properties; and
- The effect of the proposal on highway safety and the free flow of the road network.
- Other Material Considerations
 - Economic benefits;
 - Drainage;
 - Landscape
 - Ecology;
 - Other matters ;

- Conditions;
 - Public sector equality duty; and
 - Human rights.
- Planning Balance and Conclusion

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Local Flood Authority – No objection subject to condition

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

SMBC Ecology – No objection subject to condition

SMBC Economic Development and Business Investment Team - The proposal contributes to the future economic health of Solihull Town Centre and, from an economic development and regeneration perspective, should be supported

SMBC Highways – No objection subject to condition

SMBC Historic Environment Advice - The proposal (as amended) will cause a low / moderate degree of less than substantial harm the setting and therefore to the significance of Solihull School. This will need to be balanced against the public benefits considered to arise from the proposal

SMBC Landscape – No objection subject to condition

SMBC Policy and Spatial Planning – No objection

SMBC Urban Design – No objection subject to condition

PUBLICITY

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

16 responses were received. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Amenity

- Loss of light;
- Loss of privacy;
- Overlooking;
- Overshadowing;

- Adverse effect on living conditions and wellbeing of residents;
- Darker and damper environment for all residents;
- Increase noise and disturbance; and
- Noise, vibration, dust/debris and disturbance disruption during construction phase.

Highways

- Insufficient parking provision.

Other matters

- This proposal will create a poor view for all residents;
- This proposal will devalue the property for any leaseholders;
- Right to light; and
- There are currently a large number of vacant office blocks in Solihull Town Centre.

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 use in accordance with relevant planning policy

This planning application is seeking permission to extend and modernise an existing vacant commercial building within Use Class B1 (a) office fronting onto Warwick Road, which is a main route into Solihull Town Centre. The site is not shown to be allocated for any specific use on the Local Plan Proposals Map (p188) and is located outside, albeit on the edge of the defined boundary for Solihull Town Centre (the boundary of Solihull Town Centre is the Warwick Road).

Paragraph 86 of the Framework advises that *“local planning authorities should apply a sequential test to planning applications for main town centre uses which are*

neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered”.

In terms of the requirements of paragraph 86 of the Framework, this planning application is not seeking permission for a new town centre use, it is seeking permission to extend and modernise an existing town centre use. Furthermore, the gross internal floor area of the existing building will only be increased by 30.4% (678 sq m), and the net lettable office space area will only be increased by 25% (560 sq m), the remaining area is taken by circulation, welfare and services uses.

In summary, while the application site is not located within the defined Town Centre, this planning application is not seeking permission for a new town centre use. Planning permission is sought to extend and modernise an existing commercial building within Use Class B1 (a). On this basis, the requirements of paragraph 89 of the Framework are not engaged and the application should be determined on its own planning merits.

The effect of the proposal on the character and appearance of the area, having regard to listed buildings including the Grade II Solihull School and Bradford House

Character & Appearance – Heritage Assets

The 1990 Planning (Listed Buildings and Conservation Areas) Act, as amended, confirms that in reaching planning decisions, the local planning authority should have special regard to preserving listed buildings and their settings and preserving or enhancing the character and appearance within conservation areas.

Policy P16 of the Solihull Local Plan explains 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. Policy P16 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

There is a mix of development abutting the application site. This includes the designated heritage of Solihull School (Grade II listed) which is located to the east. The relationship between the application Site and Solihull School is shown on the submitted Location Plan (drawing number 01 A). It is acknowledged that it is only the Grade II listed Grammar School building east of the site which may be effected by the proposals.

In line with guidance in paragraph 189 of the Framework, the application has been accompanied by a Heritage Impact Assessment (HIA) prepared by BSA Heritage Limited. The HIA describes the significance of heritage assets affected and the level of detail is proportionate to the assets’ importance and is sufficient to understand the potential impact of the proposal on their significance.

The HIA concludes that *“given that there is minimal change to the building’s massing and height, it is not considered that proposed changes to the rooftop, entrance or*

cladding are factors which influence the significance of Chatwin's building in heritage terms. The proposals would also not lead to any perceptible increase in traffic on Warwick Road or other environmental changes which might harm heritage significance. The proposals do not harm the heritage significance or appreciation of that significance of either the nearby Grade II listed Grammar School building or any more distant assets. The proposals for 751 Warwick Road would therefore accord with relevant legislation, policy and guidance" (paras 5.10 & 5.11).

Your Conservation Planner disagrees with the conclusion of the HIA for the following reasons.

The building the subject of the application lies about 90 metres west of, and in officers view, within the wider setting of, the grade 2 listed Solihull School. This building by J. A. Chatwin forms the historic core of Solihull School to the east, with the grade 2 listed Bradford House to its south east. Its significance lies in its representation of a grand Victorian Gothic style school house complete with a bell tower feature typical of late 19th century statement buildings. It is a red brick school house with plain tiled roofs, richly detailed and with a rear wing with first floor accommodation served by dormer windows. Both elevations are highly detailed and the school deliberately presents itself confidently to both the south and west, rather than having only a single detailed façade facing the road. Some distance to the east lies the grade 2 listed Bradford House, sufficiently distanced and separated by the main school house and other buildings not to be affected by this scheme.

The building to be extended is already substantial at four storeys high, and set back some distance from the road. Its horizontal bands of windows with brick bands between and the largely open ground floor with pilotis supporting the first floor all contrast with the traditional town building forms, but the extensive use of red brick gives an appropriate continuity with the vernacular and other building materials of Solihull. This means that it is a reasonably successful transition from the post-war buildings nearby and in Mell Square to the Chatwin building, Bradford House, and inter war quadrangle in the school grounds.

The extension on the building frontage would be a substantial and prominent projecting element fronting the five storey main building as extended. The proposed cladding rainscreen in anthracite grey combined with dark reflective glazing will strongly emphasise the scale of the extended building, and would contrast with the locally typical red brick of the grammar school and other school buildings, as well as with numerous other large nearby buildings.

At present a group of cypress trees on the school boundary impede views of the listed building looking east along Warwick Road, and from some points south and east too. Behind and to the east of those trees are deciduous trees including sycamore and horse chestnut which will be seasonally bare. The extension on the building frontage would intrude to some extent upon that glimpse of the listed building, with the large cadet force building currently seen at the western edge of the school car park area. This intrusion would be greater if tree cover diminished.

With or without the current tree cover at this corner the extension on the building frontage would be visible as a tall and prominent addition. Planting included in the

space to the pavement edge could offer an enhancement of this limited part of the frontage, but this would do nothing to diminish the scale of the addition. At present the side elevation of the grammar school is glimpsed between the school cadet force building and the conifer trees at its frontage and the addition would partly intrude upon this view. From the Warwick Road between New and George Roads, the frontage trees conceal parts of the application site building and frontage. Parts of the new upper floors and the extension on the building frontage would be glimpsed at all times, especially once leaf fall occurs. The remaining tree structures and evergreen trees should not be relied upon to conceal the additions.

- *Summary*

Drawing matters together, paragraphs 195 and 196 of the Framework clarify that harm must be quantified as 'substantial' or 'less than substantial', and the public benefits of proposals must be weighed against this. For the reasons outlined above, your officers consider that the proposal (as amended) would cause a low / moderate level of 'less than substantial harm' to the setting of the Grade II listed Grammar School building. This will need to be balanced against the public benefits considered to arise from the proposal, namely the delivery of environmental benefits through enhancing the energy performance of the existing building, thereby helping to reduce its carbon footprint and landscape and ecological enhancement when compared to the existing situation.

Character & Appearance – Urban Design

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. Developments will be expected to create a sense of place. Policy P15 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

There is a mix of development abutting the application site. This includes the six storey residential development at 18 Union Road, which is located to the north of the application Site, two / three storey development at 745 Warwick Road (Solihull Women's Institute), which is located to the west, and Solihull School and its grounds, which is located to the east. To the south of the application Site beyond the Warwick Road is a petrol filling station and multi-storey car park, House of Fraser department store, and large surface level car park serving Morrison's Supermarket.

The relationship between the application Site and these buildings is shown on the submitted Location Plan (drawing 01 A). The immediate surroundings to the site are therefore characterised by a mix of buildings in a variety of styles and uses. All these therefore form the context in which the building is most closely associated.

The existing building is four storeys in height and of low-grade office space in need of significant improvement. The overall design and appearance of the building is very much typical of a 1970's construction. The building is set back from the highway, with a landscaped area to the front framing vehicular circulation at the front of the building. Further parking provision is available at the rear of the Site along the

western boundary. The boundaries of the Site are all well-established through a mixture of hard and landscaping treatments. Neither the existing building nor the application site is subject to any heritage or townscape designations. There is therefore no objection in principle to the site's redevelopment.

- *Scale, massing and layout.*

The layout of the site remains relatively unchanged and to a large extent is dictated by the scale and shape of the application site and surrounding land uses. The proposal allows sufficient space in front of the building for the retention of most of the existing trees on the frontage as well as allowing for additional planting and landscaping. A new five storey extension is proposed on the main elevation fronting Warwick Road, which accommodates a new reception area at ground floor level and a new staircase/new lifts to all upper floors. The proposals included the demolition of a plant room at roof level to provide a new upward extension comprising new roof level / fourth floor office space.

- *Design.*

The elevation treatment has been revised in order to have better regard for the use of materials in the locality. The retention of the brick core of the building is therefore welcomed. The architect has chosen a limited palette of glass and anthracite cladding materials to complement the brick. The addition of the modern service core and additional floor which are predominantly glass create a contemporary design response to the refurbishment and extension of the building. This approach reflects an understanding of context whilst adapting to the changing needs and expectations of future occupiers. The Council's Urban Design Officer raises no objection the design proposed and materials to be used.

- *Landscape.*

With the exception of three small flowering cherries in a grass strip along the site frontage, which will be removed when the site frontage is re-modelled, all the trees are to be retained. The proposals will provide new landscaping to screen the retained undercroft parking and revised parking provision to the front of the building from Warwick Road.

- *Summary*

Drawing matters together, it is important to note that a certain degree of change or diversity is inevitable as reflected in the wording of Policy P15 of the Local Plan. The site is located within an accessible location where the principle of development is supported. The proposal would not detract from the character and appearance of the area, rather the development would be a respectful addition to the street scene responding acceptably to its surroundings. The proposal, whilst introducing a more contemporary material's palette to the original building, would not be out of place within the street scene, rather, in purley urban design terms, it would provide a welcome addition to this site, improving its appearance and that of its immediate surroundings.

The proposal would therefore be appropriate in terms of its scale, massing, layout, design and landscaping and fully accords with Policy P15 of the Local Plan.

This should be accorded neutral weight in the planning balance.

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

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.

- Impact on occupiers of apartments at 18 Union Road

The Council's Planning Guidelines for Housing Developments (1994) provides guidance on spaces between dwellings and lengths of private rear gardens. This document does not include any guidance on separation distances between residential apartments and commercial premises. It is therefore for the decision-maker to reach an informed judgment on whether suitable separation distances are retained having regard to the context for the development.

- *Sunlight and daylight*

The Government's PPG offers advice on assessing appropriate levels of sunlight and daylight stating "*all developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design*" (Paragraph: 007 Reference ID: 66-007-20190722).

In terms of the context for the development, it is reasonable to expect buildings to be more closely related to one another in edge of town centre locations than other urban areas such as the mature suburbs. On this point, officer note that there are numerous examples of residential uses adjacent to business uses in and around Solihull Town Centre which are closely related to one another. That being said, it is important to ensure that proposals located at edge of town centre locations do not result in development which fails to protect the amenity of existing and potential occupiers of houses and businesses.

The nearest residential development to the application Site is 18 Union Road, which comprises of two six-storey residential buildings and associated car parking and communal area. The application has also been accompanied by a Topographical Survey (drawing number 190512) which indicates apartment block A is located ca. 14 and 15.9 metres from the existing office building at 751 Warwick Road, while apartment block B is located ca. 12.2 and 13.2 metres from this building.

The application has been accompanied by survey drawings (drawing numbers 190512 FP & 190512 ELE) which indicate the existing building is three storeys in height and measures ca. 14.9 metres in height (ca.17.7 metres including the roof top plant room). The proposed elevations (drawing numbers 09 H & 10 G) submitted in

support of the application indicate a further storey will be added to the building taking the overall height from ca. 14.9 metres to 17.4 metres, an increase of ca.2.5 metres.

There are number of apartments which face the application site which have habitable room windows. A number of residents have raised concerns that the proposal will result in loss of light and overshadowing which will adversely affect their living conditions and wellbeing. It therefore falls to consider whether the increase in height of the building (ca.2.5 metres) and separation distances are sufficient to ensure the proposal would not have an adverse effect on the amenity of the occupiers of these apartments.

The Governments PPG offers advice on how daylight and sunlight is regulated stating "*where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers*" (Paragraph: 006 Reference ID: 66-006-20190722).

The application has been accompanied by a Daylight, Sunlight & Overshadowing Report prepared by Syntegra Consulting Ltd. The report assesses the daylight, sunlight and overshadowing effect of the proposed development on the surrounding buildings. The assessment is undertaken in accordance with "BRE 209 Digest: Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice". The assessment concludes that the levels of daylight and sunlight at the surrounding buildings at 18 Union Road will not be adversely affected by the proposed development; and existing amenity area/garden/open space located at 18 Union Road will also not be adversely affected by the proposed development.

Drawing matters together, considering the modest increase in the overall height of the building of ca 2.5 metres; your officers are satisfied that the separation distances are sufficient to ensure the proposal would not result in an unreasonable level of overshadowing or a loss of light for the occupiers of the apartments at 18 Union Road.

- *Privacy and overlooking*

Residents have also raised concerns regarding loss of privacy and overlooking as a result of the proposal. In this regard, it is important to note that the existing office building could be brought back into use at any time without the need for planning permission. The fenestration of the existing office incorporates 40 windows per floor which face 18 Union Road. By contrast, the proposal incorporates 19 windows per floor which face 18 Union Road. The additional floor will only incorporate nine windows which face 18 Union Road. The proposed panel and window arrangement utilises the existing structural openings, but reduces the amount of windows and introduces some relief into the elevation. Finally, apartment block A is located ca. 14 and 15.9 metres from the existing office building at 751 Warwick Road, while apartment block B is located ca. 12.2 and 13.2 metres from this building.

Drawing matters together, considering the lawful use of the application Site, modest increase in the overall height of the building of ca 2.5 metres; your officers are satisfied that the separations distances are sufficient to ensure the proposal would

not result in a loss of privacy or any undue overlooking for the occupiers of the apartments at 18 Union Road.

Impact on 745 Warwick Road (Solihull Women's Institute)

The Topographical Survey (drawing number 190512) which indicates 745 Warwick Road is located ca. 7.9 and 9 metres from the existing office building at 751 Warwick Road. The Daylight, Sunlight & Overshadowing Report has assessed the daylight, sunlight and overshadowing effect of the proposed development on 745 Warwick Road. The assessment concludes that the levels of daylight and sunlight at the surrounding buildings at 753 Warwick Road will not be adversely affected by the proposed development.

Drawing matters together, considering the modest increase in the overall height of the building of ca 2.5 metres; your officers are satisfied that the separation distances are sufficient to ensure the proposal would not result in an unreasonable level of overshadowing or a loss of light for the occupiers of the 745 Warwick Road.

The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

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

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.

- *Accessibility*

The application site is located off Warwick Road to the north of Solihull Town Centre, which is considered to be a highly accessible location. Four bus stops are available within 200m of the application site, which provide services throughout the Borough of Solihull and to Coventry and Birmingham. Further high frequency bus services can also be accessed from the bus stops provided along Station Road, which are located approximately 500m walking distance from the application site. Solihull Train Station is located approximately 1,200m to the west of the application site, which offers services to Birmingham, Worcester and London. There are also a number of local facilities and amenities available within an acceptable walking distance, including

Touchwood Shopping Centre, Waitrose, Aldi, and a number of food outlets and retail units.

- *Traffic Impact*

A Transport Statement (TS) prepared by The Transportation Consultancy has been submitted in support of the development proposals. Chapter 5 of the TS provides an assessment of the impact the development proposals will have on the local highway network. The application site is currently occupied by a vacant office building, with a floor area of 2,197m². Table 5.1 of the TS indicates that the existing offices could generate approximately 9 two-way vehicle trips during the AM peak period (08:00-09:00) and approximately 7 two-way vehicle trips during the PM peak period (17:00-18:00). Table 5.2 of the TS indicates that the proposed offices with a floor area of 2,902m² could generate approximately 12 two-way vehicle trips during the AM peak period and approximately 8 two-way vehicle trips during the PM peak period. The proposed office extension could therefore generate an additional 3 two-way vehicle trips during the AM peak period and approximately 1 additional two-way vehicle trip during the PM peak period. It is unlikely that the slight increase in vehicle trips will have a detrimental impact on the operation or capacity of the local highway network.

- *Car Parking*

A total of 50 car parking spaces are currently provided at the application site, and the proposals include a slight increase in the level of parking provided to 52 parking spaces. The Councils Vehicle Parking Standards and Green Travel Plans SPD would require a maximum of 97 parking spaces to be provided based on the proposed floor area. The 52 parking spaces proposed are within the maximum number of spaces prescribed. The Highway Authority also notes that there are a number of public car parks available within Solihull Town Centre, and parking restrictions are in place within the vicinity of the application site to prohibit any on-street parking from occurring. The Highway Authority notes that cycle storage for up to 38 bicycles will also be provided within the application site.

- *Access*

The development proposals include the closure of the two existing vehicular accesses onto Warwick Road which currently provide an In-Out arrangement, and the creation of a new central vehicular access which will accommodate two-way vehicle movements. According to Drawing Number 02.E (Proposed Site Plan), the proposed vehicular access will measure approximately 8.4m wide, with a barrier set back approximately 8m from the public highway carriageway. Due to the layout of Warwick Road within close proximity to the application site, vehicles will only be able to turn left into and left out of the vehicular access. The drawings provided in Appendix C of the TS (p.44) demonstrate that sufficient visibility can be achieved at the proposed vehicular access, and the Councils refuse vehicle can also manoeuvre within the access.

Drawing matters together, the Highway Authority has undertaken a thorough and robust assessment of the proposal. Based on this assessment, the Highway Authority has no objections to the proposal.

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

This should be accorded neutral weight in the planning balance.

Other Material Considerations

- Economic benefits

Paragraph 80 of the Framework advises that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

The Local Plan identifies twelve key challenges facing the Borough, together with objectives for how each can be addressed. This includes Challenge D – Securing Sustainable Economic Growth. The Local Plan identifies a key economic asset as *“maintaining Solihull’s important regional and sub-regional role”* (p.20). Objective B of Challenge D seeks to *“support the continued success of Solihull Town Centre, whilst maintaining the quality of its environment and managing congestion”* (p.21).

Policy P3 of the Local Plan recognises that sustainable economic growth is important to making Solihull a success place as an attractive place to live, work and invest. The policy seeks to ensure that an adequate supply of land remains available for employment purposes, sites will be protected for their allocated purposes. For Non allocated sites, as in this case, they also will be protected for employment use.

The Council’s Economic Development and Business Investment Team have advised Solihull is home to many multi-national companies and thousands of Small and medium-sized enterprises that contribute to the economy. It is crucial that Solihull has a plentiful provision of commercial space in locations throughout the Borough, by ensuring that it provides suitable sites to meet existing and future needs and capitalises upon forecasted inward investment opportunities.

The Growth Strategy team recorded 22 investments in Solihull for the period April – December 2020, plus 70 new commercial property enquiries. Solihull Town Centre needs to develop and enhance its Grade A Office offer ensuring it remains a business destination for Strategic companies. The proposal contributes to the future economic health of Solihull Town Centre and, from an economic development and regeneration perspective, should be supported.

Drawing matters together, the principle of this application is clearly supported by both Government Policy set out in the Framework, and supported by Local Plan Policy with the site retained in employment use. The proposal supports sustainable

economic growth which carries significant weight in the planning balance as outlined in paragraph 80 of the Framework.

- 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.

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 LLFA has reviewed the application and are satisfied that the proposal would not give rise to flood risk or drainage issues that cannot be reasonably mitigated by condition. Consequently, the proposal would not have a detrimental effect in terms of flood risk and there is no conflict with Policy 11 of the Local Plan or guidance in the Framework.

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

This should be accorded neutral weight in the planning balance.

- Ecology & 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.

The application has been accompanied by a Detailed Planting Proposals Plan (drawing 01 B) which confirms the retention of most of the existing trees, with the exception of the three flowering cherries. Although the application site is relatively constrained with limited opportunity for landscape and ecological enhancement, the planning proposals demonstrate there is some opportunity for landscape and biodiversity enhancement when compared to the existing situation. These will be secured through the imposition of conditions.

The proposal therefore accords with Policies P10 and P14 of the Local Plan and guidance in the Framework.

This should be accorded moderate weight in favour of the proposal the planning balance.

- Other matters

In terms of concerns raised regarding noise, vibration, dust/debris and disturbance disruption during construction phase, whilst regrettable, any such disturbance will be temporary and relatively short lived. In addition, a condition is recommended which requires a Construction Management Plan to be submitted to the local planning authority for approval.

With regard to concerns regarding loss of a property values and loss of private views, these matter fall outside the control of the planning system and, as such, are not material planning considerations.

- Conditions

Paragraphs 54 of the Framework states that decision makers should consider whether unacceptable development could be made acceptable through the use of conditions. Paragraph 55 of the Framework stipulates that planning conditions should only be imposed where they are: (i) necessary, (ii) relevant to planning, (iii) relevant to the development permitted, (iv) enforceable, (v) precise and (vi) reasonable in all other respects.

Conditions 1, 2 and 3 are standard conditions relating to timeframe for implementation, approved plans and materials to be submitted.

Condition 4 is required to ensure the provision of satisfactory drainage systems.

Conditions 5, 6 and 7 are required to ensure appropriate vehicular access, footways, visibility splays and parking provision is provided. Condition 8 is required to ensure construction is undertaken in controlled manner in the interests of highway safety, neighbour amenity and the natural environment. Condition 9 is required to encourage sustainable modes of travel.

Condition 10 and 11 are required to ensure appropriate tree protection measures and hard and soft landscaping is provided. Condition 12 and 13 are required to ensure the hard and soft landscaping provided and maintained in an appropriate manner.

- 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

The proposal (as amended) would cause a low / moderate level of 'less than substantial harm' to the setting of the Grade II Solihull School. The Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

The Government's PPG states that "*public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework (paragraph 8)*" (Paragraph: 020 Reference ID: 18a-020-20190723).

This planning application is seeking permission to extend and modernise an existing vacant office building within Use Class B1 (a). The application site fronts onto Warwick Road, which is a main route into Solihull Town Centre, and is on the edge of the defined boundary for Solihull Town Centre (the boundary of Solihull Town Centre is the Warwick Road).

The proposal would deliver a number of public benefits, namely:

- Creation of ca. 200 jobs within the proposed development;
- Creation of jobs during the construction phase;
- Creation of jobs in the supply chain;
- Ca. £3.85 million pound investment to extend and modernise the existing commercial site and building;
- Bring a vacant commercial site and building back into use which is located in a sustainable location at the edge of Solihull Town Centre; and
- Landscape and biodiversity enhancements.

The proposal would therefore deliver economic benefits through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services. While footfall during the construction phase would be temporary, it is still a material planning consideration, and footfall during the operation phase would be for the lifetime of the scheme. Furthermore, the proposal would generate increased footfall to the application Site and there is a strong likelihood of encouraging additional life and activity in the area to promote greater viability and vitality within the town centre as a whole. In line with guidance in paragraph 80 of the Framework, significant weight should be attached to the economic benefits of the proposal.

The modernisation and refurbishment of the existing building will improve the energy efficiency of the building compared to the existing situation, enhancing its energy performance, and bringing it up-to current building regulations requirements. The proposal would also deliver landscape and ecological benefits when compared to the existing situation, as evidenced by the proposed landscaping plan. Officers consider that moderate weight should be attached to the environmental benefits of the proposal.

- *Overall Conclusion*

Drawing matters together, considerable importance and weight is to be given in the planning balance to any harm to the significance of a heritage asset. Officers have concluded that the harm to the significance of the heritage asset is towards the low / moderate level of less than substantial.

In terms of other adverse impacts, subject to conditions, the proposal 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 terms of the public benefits of the proposal, significant weight should be attached to the economic benefits of the proposal, and moderate weight should be attached to the environmental benefits of the proposal. In officers judgment, the collective public benefits of the proposal (as amended) are of sufficient weight to outbalance the identified low / moderate level of less than substantial harm to the significance of the identified designated heritage assets bearing in mind statutory duties and the Framework.

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 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>:

General

1. CS05 - Approved plans
2. CS00 - Three years
3. CC06 - Materials to be submitted

Drainage

4. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved

in writing by the Local Planning Authority, with no occupation until the scheme is operational.

The submitted details should include:

- i) Engineering details of all surface water drainage features.
- ii) Demonstration that the final design prevents water being discharged onto the highway
- iii) Maintenance plan for the proposed system.

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

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

Highways

5. The development shall not be occupied until the existing vehicular accesses have been closed, and the dropped kerbs and footways have been re-instated in accordance with the standard specification of the Highway Authority.

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

6. The development shall not be occupied until an access for vehicles has been provided to the site in general accordance with Drawing Number 02.E (Proposed Site Plan) and constructed to the standard specification of the Local Highway Authority.

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

7. The development shall not be occupied until the car parking spaces and cycle storage spaces have been laid out in general accordance with Drawing Number 02.E (Proposed Site Plan).

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

8. 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, visitors, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; and a HGV routing plan.

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

9. Within 3 months of occupation, a Green Travel Plan in general accordance with the Framework Travel Plan prepared by The Transportation Consultancy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

To encourage sustainable modes of travel in accordance with Policy P7 and P9 of the Solihull Local Plan 2013.

Landscape / Ecology

- 11. CL06
- 12. CL07
- 13. CL12

Informative Notes

- 1. Noise during Construction
- 2. Burning or Refuse
- 3. Dust Control
- 4. Condition numbers 5 & 6 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Section 278 Agreement. Applications should be made to the Highway Services Team, and can be contacted at duljit.madhar@solihull.gov.uk or 0121 704 6487