

APPLICATION REFERENCE: PL/2020/01379/PPFL**Site Address:** 354 Stratford Road Shirley Solihull B90 3DN

Proposal:	Demolition of existing building and erection of 48 No. retirement living apartments for older people (Sixty years of age and/or partner over fifty-five years of age), guest apartment, communal facilities, access, car parking, and landscaping.
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:	Called in by Councillor Hodgson, & requirement for a S106 legal Agreement
---	--

Recommendation:	APPROVAL SUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 AGREEMENT
------------------------	--

EXECUTIVE SUMMARY

This application follows on from a previous application (PL/2019/02521/PPFL) at the site which was reported to Members of the planning committee on 22nd July 2020 where Members approved the application subject to a S106 Agreement in respect of an off-site affordable housing contribution. The legal agreement has not been completed. However, the scheme represents the fallback position for the applicant which carries significant weight in the planning balance.

This application seeks consent for the same development, albeit the parking provision under this application would seek 16 parking spaces, rather than the previously accepted 17 spaces, and a reduced financial contribution towards off-site affordable housing is proposed. The proposal in terms of the design and relationship with neighbours is identical to that which Members were minded to approve (PL/2019/02521/PPFL), and thus no material change in circumstances has occurred in respect of these matters since that decision. Having regard to the proposed amendments set out above it is considered that these are acceptable.

This application represents the redevelopment of a redundant A1 retail site for a C3 residential development to create 48 retirement living apartments for older people. The site is located within an existing mixed use commercial and residential area. The development would create 48 retirement living apartments and the principle of residential in this location is acceptable and in compliance with Policy P5 of the Solihull Local Plan and would assist in the provision of housing within the Borough.

The design and layout is acceptable in terms of scale, design and appearance. The development has been designed to prevent any undue overlooking, overshadowing or overbearing effect and the amenities of nearby residents and occupants of businesses are considered to be adequately safeguarded. The proposal is therefore in accordance with Policy P14 and P15 of the Solihull Local Plan.

The development is considered acceptable in terms of highway safety, landscaping, ecology and drainage in accordance with Local Plan policies.

The proposal is therefore considered to be acceptable in all other aspects, subject to appropriate conditions and this will comply with relevant SLP policies.

MAIN ISSUES

The main issues in this application are:

- Whether the proposed development provides an appropriate use in accordance with relevant planning policy;
- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposal on neighbouring amenities;
- The effect of the proposal on highway safety and the free flow of the road network; and
- Other Material Considerations.
 - Affordable housing;
 - Landscape;
 - Drainage;
 - Ecology;
 - Community Infrastructure levy.
 - Other matters; and
- The Planning Balance.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

LLFA & SMBC Drainage – no objection subject to conditions

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

SMBC Highways – No objection subject to conditions

SMBC Housing Policy - No objection subject to financial contribution

SMBC Landscape - No objections subject to conditions

SMBC Urban Design – No objections

SMBC Pubic Protection – No Objection subject to conditions

Warwickshire CC - Archaeology – no objection subject to conditions

PUBLICITY

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

6 responses were received including a response from Cllr Tim Hodgson who called-in the application to Planning Committee for consideration of the highway matters in relation to the application. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Design/Character of area

- Scale and mass is inappropriate in that location;
- Height is excessive; and
- Communal areas poorly located.

Highways

- Insufficient parking; and
- Traffic congestion.

Amenity

- Overlooking to properties on School Road; and
- Overbearing and loss of light to neighbouring properties.

Other issues

- Over provision of accommodation for older people;
- Additional noise and disturbance, dust etc;
- Covid has led to reduced need for this form of development;
- Pollution; and

- Loss of landscape.

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 proposed development provides an appropriate use in accordance with relevant planning policy

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

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

- (a) Accessibility

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

	Policy P7 distance requirement	Local Authority Calculation of distances
Bus Stop	400m	20m
Rail Station	800m	1900m (Shirley Train Station)
Food Store	800m	600m (Aldi)
Primary School	800m	250m (St James School)
GP Surgery	800m	260m (Shirley Medical Centre)

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) “unless justified by local circumstance”. It is recognised that the development falls outside the ideal distance for access to a Train Station that Policy P7 aspires to, but complies with all other criteria. Importantly, it should be noted that the site is located within a highly accessible location and there is no material difference in walking times to facilities from this application site when compared to neighbouring homes at School Road and its surrounds and, as such, the application proposal is considered to accord with Policy P7.

For the reasons set out above, the spirit of Policy P7 is met, and the principle of the redevelopment of this site for residential purposes within the 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 Framework indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is often referred to as the ‘tilted balance’. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 4.19 years (as of 1st April 2020) and therefore the tilted balance is engaged. This shortfall is considered to be modest on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be limited this can have a bearing on the weight attached to the tilted balance.

The principle of the redevelopment of 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 Local Plan provides guidance on Securing Design Quality. Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment.

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area is set out in the next section of this Report. Your officers have concluded that the 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.

This should be accorded neutral weight in the planning balance.

The effect of the proposed development on the character and appearance of the area

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

The proposed development is located within a mixed environment comprising retail, commercial and residential uses. The building would be four storeys in height for the main block, reducing down to three stories at the junction with School Road and the slip road. During the lifetime of the application amended drawings were submitted and have altered the roof design to the element on the corner of School Road and the slip road to create a flat roof design. It was considered that this would be more in keeping with the character of the block as a whole, and would also reduce the bulk and massing at this junction closest to residential properties. A flat roof design also echoes that of the reputable 1960s flat roof shopping parade that is located on the opposite corner of this roundabout facing Stratford Road. The main access by vehicles would be accessed off the School Road slip road and the existing vehicular access on Stratford Road would be closed off.

The submitted design has focused on delivering a high quality place to live and the submitted Design and Access Statement draws out the characteristics of the building which have been taken from neighbouring and nearby buildings. The building shape and design takes account of the location of the site on the junction of Stratford Road and offers a statement frontage to this section of the road. It is noted that the built form would be brought closer to the highway than the existing footprint of the

redundant retail until, however this would ensure that the new building would be given presence within the area.

The apartment block has been designed to be contemporary in style, reflecting the commercial positioning of the site fronting Stratford Road, whilst also paying regard to the residential uses to the rear of the site on School Road. A mix of materials is proposed to help break up the massing of the building and the use of the recessed courtyards and recessed sections helps to break up the massing of the building, yet also give the building a strong and coherent identity of its own.

Whilst it is accepted that the building would be greater in height than the building it replaces it is considered acceptable given its context and would not appear as over dominant or obstructive when viewed within the streetscene and is a contextually appropriate height given its location. Furthermore it is considered that the new building would represent an enhancement to the streetscene as a whole, removing the existing single storey retail unit and large areas of hardstanding, replacing it with a new building which would better address its corner plot location and have due regard to the character of the area through elevational treatment and enhanced landscaping features.

The design approach is identical to that which Members were minded to approve under planning application reference PL/2020/02521/PPFL subject to the completion of a s106 Agreement. There have been no change in material circumstances since that decision. This represents the fallback position for the applicant which carries significant weight in the planning balance. Thus, it is considered that the chosen design approach would not prejudice the character and appearance of the area to the extent that local distinctiveness would be compromised. The proposal would create a coherent development that would integrate successfully and enhance the locality. SMBC Urban Design raise no objection to the proposal. The proposal would therefore be in accordance with Policy P5 and P15 of the SLP and as such moderate weight can be attached to this matter in the planning balance.

The effect of the proposal on neighbouring amenities

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses.

The proposed building would sit on a site which is currently occupied by the single storey A1 un-occupied retail building. The building would be built on a bigger footprint than the existing, coming further forward onto Stratford Road, however it is noted that on the opposite side of Stratford Road is a parade of shops/takeaways with residential above. These units are separated by Stratford Road and would be separate by a distance of 38m, with the dual carriageway of Stratford Road between and therefore it is not considered that the development would have a detrimental impact on the amenities of these units.

To the north of the site is a run of existing commercial properties, and due to the orientation of the building in relation to these units it is not considered that there would be a detrimental impact in terms of loss of light, privacy or overbearing impact.

To the south and west of the site are residential properties on School Road. The minimum separation to no.22 School Road to the west would be 18m between the two elevations and the properties opposite would be 22m from elevation to elevation. The separation to no.22 School Road would be such that it would increase significantly as the building steps back towards Stratford Road. It is considered that the separation between the proposed building and existing buildings is sufficient to avoid concerns regarding overlooking and loss of privacy to existing occupants of residential properties and occupants of the proposed new building.

Whilst it is accepted that the use of the site would alter from the existing retail to residential relationship to one of residential facing residential, and would be greater in height, it is considered that sufficient separation is afforded between windows and into private areas to avoid overlooking, and the separation would not result in an overbearing impact or loss of light through overshadowing.

The relationship of the building is identical to that which Members were minded to approve under planning application reference PL/2020/02521/PPFL subject to the completion of a s106 Agreement. This represents the fallback position for the applicant which carries significant weight in the planning balance. There have been no change in material circumstances since that decision. Thus, the siting and relationship of the proposed residential building and its associated infrastructure would not have an unreasonable impact on the amenities of the neighbouring properties and thus the development would accord with Policy P14 in this regard. This carries neutral weight in the assessment and determination of this application.

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 seeks to focus new development in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access and has been considered above. Policy P8 of the Solihull Local Plan requires all development proposals 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 Highway Authority were previously consulted on planning application PL/2019/02521/PPFL at the above site for similar proposals. The Highway Authority had no objections to the previous application, and the application was approved by members of the planning committee on 23rd July 2020. The current planning application is very similar to the proposals recently considered to be acceptable however; the current proposals include the provision of 16 off-street car parking spaces rather than the 17 car parking spaces previously accepted. The principle of the development has already been accepted therefore, the main purpose of the current planning application is to assess whether the provision of one off-street car parking less than that previously approved is considered to be acceptable.

Full details of the comprehensive 2014 and 2016 Lodge Parking Surveys have been provided, which indicate that the maximum average demand for parking across the eight sites surveyed is 0.28 parking spaces per unit. A total of 16 off-street car parking spaces are currently proposed to serve the 48 retirement living apartments, which equates to a provision of 0.33 spaces per unit.

Multiple parking surveys have also been carried out along School Road and the Library car park. The surveys indicate that there is some spare parking capacity, which could accommodate any overspill parking generated by the development proposals. It is unlikely that the proposals will generate a significant increase in demand for on-street car parking to have a detrimental impact on public highway safety, or on the operation or capacity of the local highway network. Any additional on-street parking generated, particularly along School Road, could however have an impact on the amenity of existing residents as their parking is displaced further from their dwellings.

The Highway Authority also acknowledges that the application site is located in a highly accessible location, with a number of local facilities and amenities available within an acceptable walking distance. There is also a bus stop fronting the application site along Stratford Road (A34), which serves a number of frequent bus services. It is anticipated that future occupants of the proposed apartments will make use of the public transport facilities available within the vicinity of the application site. With a limited number of off-street car parking spaces proposed to serve the development, this should further encourage future residents to make use of the public transport facilities available.

The Transport Statement prepared by Paul Basham Associates Ltd indicates that the development proposals could generate a significant reduction in the number of vehicular trips generated at the application site, compared to the existing use. This could be considered a betterment to public highway safety as fewer vehicle trips are generated within the vicinity of the application site, which in turn contributes towards a reduction in greenhouse gas emissions.

Taking account of the sustainable location of the application site, the low car ownership evidence from other similar McCarty and Stone developments, and the parking provisions allocated to this development (16 spaces), the parking proposed is considered acceptable to serve the 48 apartments proposed under this scheme, and account it had to the nature of the scheme for residential development for older people which indicate lower car ownership than standard C3 developments.

- Other Material 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.

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 size of this application for 48 Residential apartments 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 Council's 'Meeting Housing Needs SPD' (5.65) recognises the difficulties of achieving on site affordable housing with developments such as this where there is a high element of communal facilities and warden control, and therefore it is necessary to provide a full contribution towards an offsite commuted sum. As there is existing built form on the site, this figure is able to see a reduction as it takes account of the vacant building credit.

The applicant contended that it was not financially viable for them to provide a full contribution towards affordable housing and as such they provided a Viability Assessment to justify this matter. The Council instructed Cushman and Wakefield to carry out an independent detailed analysis of the applicants Viability Assessment on behalf of the Local Authority.

The previous application on the site identified an off-site affordable housing contribution of £461,884. An updated Financial Viability Assessment (FVA) was prepared on behalf of the applicant, which was assessed by Cushman and Wakefield.

Following recent market changes, the viability of the site was re-evaluated under this application, and a revised figure of £312,000 was accepted by Cushman and Wakefield. This reduced figure takes account of the residual land value, construction costs, and sales timings.

It was considered by Cushman and Wakefield that the applicant has successfully demonstrated that the affordable housing cannot be delivered on site via a full contribution. Therefore the independent viability appraisal sets out a commuted sum of £312,000 in lieu of the affordable housing being provided on site and this will be secured via a section 106 agreement as an off-site contribution, subject to the S106 contribution.

This is in accordance with Policy P4 which 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'. Our policy basis to accepting the offsite contribution'.

SMBC Housing Officers have confirmed that the offer of £312,000 based on the above calculation per unit, for an off-site affordable housing contribution is acceptable.

Having regard to the above, it is considered the proposal would accord with Policies P4 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the assessment and determination of this application.

- Landscape

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

To the frontage of the site with the boundary with Stratford Road there are five TPO Lime trees. The proposed building would be situated close to the current canopy of these trees, and the applicant has been made aware that as these trees are TPO, each pruning work will need a planning application for the works. A landscape management plan will be required for the retained trees and planting carried out as part of the application.

The Landscape Strategy demonstrates the intent to use a variety of shrubs, some native and some ornamental, the final plan should look to maximise the biodiversity of the plants and provide for seasonal interest. This is considered acceptable subject to a condition to secure a detailed planting plan.

SMBC Landscape Architects consider the general landscape proposals to be acceptable, subject to conditions. The proposal would accord with SLP Policies P10 and P14 and this carries neutral weight in the in the planning balance.

- 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 Lead Local Flood Authority and reviewed the submitted information. Whilst they have no objections to principle of the development or the 5l/s discharge, additional information is required to be submitted to indicate a review of the appropriate SuDS storage components that can be incorporated into the strategy by means of a SuDS assessment. This information must focus on breaking up the storage throughout the site and ensuring more storage is located above ground by designing for multifunctionality and making good use of the site space. Taking account of this the Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of suitable conditions to ensure the development does not commence until details of the SUDs measures are submitted and approved by the LPA.

The proposal would comply with Policy P11 of the Local Plan and this carries neutral weight.

- Ecology

Policy P10 of the Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight.

SMBC Ecologist has reviewed the proposal and advised that the Ecological Assessment submitted includes an assessment of the building for its suitability for roosting bats and subsequent activity surveys. The building has been confirmed as a bat roost and it is agreed that no further survey effort is required at this stage, provided that works proceed under a licence and a precautionary method statement. It is considered that a replacement bat roost should be provided in the form of a bat box mounted on or integrated into the new building at a suitable location. Furthermore external lighting should be restricted along the site boundaries to ensure that the site continues to be used by bats.

The report also concludes that the existing site holds negligible value for wildlife and that a landscape scheme which includes native species hedges will enhance the biodiversity of the site. A Landscape Strategy Plan has been provided which indicates suitable species of hedged to bolster biodiversity.

Subject to the attachment of the above conditions and notes, the Council's Ecology Officer has no objection and therefore the proposal would comply with Policy P10 of the Local Plan and this carries neutral weight.

Head of Terms S106 Agreement

Paragraph 56 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 Local Plan accord with and re-affirm 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 £312,000 in lieu of the affordable housing being provided on site and this would be secured via a section 106 agreement.

In all other respects namely, affordable housing provision, this accords with the policy set out in paragraph 54 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Community Infrastructure Levy (CIL)

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at council on 12th April 2016. The development is subject to CIL if planning permission is granted. This would amount to £315,095.04 based on 3419 square 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

This application follows on from a previous application (PL/2019/02521/PPFL) for the same development (except car parking provision and off-site affordable housing contribution) at the site which was reported to Members of the planning committee on 22nd July 2020. Members approved the application subject to a S106 Agreement in respect of an off-site affordable housing contribution. This represents the fallback position for the applicant which carries significant weight in the planning balance.

The application represents the redevelopment of a redundant A1 retail site for a C3 residential development to create 48 retirement living apartments for older people. The site is located within an existing mixed use commercial and residential area. The development would create 48 retirement living apartments and the principle of residential in this location is acceptable and in compliance with Policy P5 of the Solihull Local Plan and would assist in the provision of housing within the Borough.

Having regard to the reducing parking layout and the reduced financial contribution towards off-site affordable housing it is considered that the amendments are acceptable as set out above.

The design and layout is acceptable in terms of scale, design and appearance. The development has been designed to prevent any undue overlooking, overshadowing or overbearing effect and the amenities of nearby residents and occupants of businesses are considered to be adequately safeguarded. The proposal is therefore in accordance with Policy P14 and P15 of the Solihull Local Plan.

The development is considered acceptable in terms of highway safety, landscaping, ecology and drainage in accordance with Local plan policies.

The proposal is therefore considered to be acceptable in all other aspects, subject to appropriate conditions and this will comply with relevant SLP policies.

RECOMMENDATION

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

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

1. CS00 – Compliance with plans
2. C05 – Commencement within 3 years
3. CS06 – Materials to be submitted
4. No development shall take place until:
 - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

5. The development shall not be occupied until the existing public highway footway crossings have been closed, and the dropped kerbs and footways have been reinstated 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 not less than 4.5 metres in width for its entirety, as measured from the near edge of the public highway carriageway.

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

7. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole distance, as measured from the near edge of the public highway carriageway.

In the interests of the convenience and safety of the users of the building 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 Plan shall be strictly adhered to and shall provide for: the anticipated number 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; turning area 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.

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

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

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

(1) Site Characterisation

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

by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) detailed and site specific further investigation relating to the historical use of the site and in particular the siting of and status of any current or previous underground storage tanks associated with the historical petrol filling station
- (ii) an assessment of the gas regime on site
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(2) Submission of Remediation Scheme

Where necessary following (1) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

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

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

(4) Reporting of Unexpected Contamination

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

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

11. A scheme detailing ventilation systems proposed (including all those servicing plant rooms, roof mounted equipment, commercial food / drink preparation areas and other mechanical heating, cooling and forced ventilation systems) shall be submitted in writing for approval by the Local Planning Authority. The scheme shall detail information relating to the cumulative noise impacts presented by the development and where necessary shall detail grease and odour filtration / suppression

capabilities. The ventilation scheme shall be implemented and thereafter retained, used, serviced and maintained to ensure compliance with details submitted.

To protect the neighbourhood from dust, fumes, odour and noise emissions in accordance with policy P14 of the Solihull Local Plan 2013

12.

The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

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

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

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

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

14. No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority. The scheme must include all aspects of landscaping including details of lake/pond creation. The agreed scheme to be fully implemented before/during development of the site as appropriate.

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

15. CL04 – Hard and Soft landscaping to be submitted

16. CL11 – Landscape management plan to be provided

17. CL10 – Details of boundary treatments to be provided

18. The occupation of the residential development hereby approved shall be limited to persons who have reached the age of 60 or over and/or a partner over 55 years of age.

In the interests of highway safety and the amenity of neighbouring occupiers given the relatively low level of car parking provided for the development in accordance with Policies P7 and P8 of the Solihull Local Plan 2013

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

- Drawings showing overall site concept design principles
- SuDS Assessment that discusses the proposed site uses and appropriately matches these to different above ground SuDS storage components.
- Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- Surface Water Drainage Design including:
 - Confirmation of the lifetime of the development
 - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice [Flood risk assessments: climate change allowances](#)'),
 - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
 - Confirmation of discharge rates and volumes (both pre and post development)
 - Confirmation of proposed discharge location.
 - Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
 - Engineering details for all surface water drainage features
 - Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
 - Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- Surface Water Drainage adoption and maintenance strategy
- On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

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

To secure the satisfactory drainage of the site in accordance with policy P11 and P15 of the Solihull Local Plan 2013.

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

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

Confirmation that the system is free from defects, damage and foreign objects.

To secure the satisfactory drainage of the site in accordance with policy P11 and P15 of the Solihull Local Plan 2013.