

**APPLICATION REFERENCE: PL/2020/01993/PPFL****Site Address:** Wyndley Garden Centre Warwick Road Knowle Solihull B93 0DX

<b>Proposal:</b>	Demolition of the existing garden centre and associated buildings, and the erection of an extra care facility (Use Class C2) comprising: a village care centre; 39 No. one and two bedroom care suites; 46 No. one and two bedroom care apartments; and associated works, including car parking, access, landscaping and associated engineering works
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <b><u><a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a></u></b>

<b>Reason for Referral to Planning Committee:</b>	<b>The proposal has given rise to substantial weight of public concern and in the opinion of the Head of Development Management should be referred to Planning Committee.</b>
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<b>Recommendation:</b>	<b>REFUSAL</b>
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**EXECUTIVE SUMMARY**

This application seeks consent for the demolition of an existing garden centre and associated buildings, and the erection of an extra care facility (Use class C2) comprising; a village care centre, 39 no. one and two bedroom care suites, 46 no. one and two bedroom care apartments and associated works including car parking, access, landscaping and associated engineering works.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The application development is inappropriate and would cause harm by definition to the Green Belt, and have a significant greater impact to the openness of the Green Belt compared to the existing development on the site contrary to Policy P17 of the

Solihull Local Plan, Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and the NPPF. The overall harm to the Green Belt is given substantial weight in the planning balance.

In terms of additional other harm, the proposed closure of the garden centre would be contrary to Policy P3 of the Solihull Local Plan and this would carry limited weight against the development.

The site is located in a relatively isolated location outside the village of Knowle and the proposals do not promote the use of sustainable modes of transport when travelling to and from the application site. It is therefore likely that the development will be a car dominant lead scheme. The development therefore fails to comply with Policy P7 of the Solihull Local Plan, T3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and paragraphs 108 and 110 of the NPPF. Significant weight is attached to the matter against the development in the planning balance.

Notwithstanding the architectural treatment to the development, given the quantum of development proposed on a site which is currently characterised by low level buildings with open areas around and areas of hardstanding for parking, owing to the quantum of development proposed, the proposal would cause additional urbanisation of the site and would have an adverse effect on the rural character and appearance of the area contrary to Policy P15 of the Solihull Local Plan and Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. This adds limited weight against the development in the overall balance.

In terms of need, it is recognised that there is a need for older peoples' housing within the Borough that should be met. The Council's 'Housing and Economic Development Needs Assessment' (HEDNA) identifies a need for 469 additional extra care home dwellings by 2036. The Applicants contend that there is potentially a need for 2,272 units for the same period, but have approached this using a different methodology to that of the HEDNA. The adopted Solihull Local Plan contains no policies that relate to housing or care for older people. However, the Regulation 19 Draft Submission of the Solihull Local Plan Review proposes a new policy P4E 'Housing for Older and Disabled People'. One part of this policy is to require all developments of 300 dwellings or more to provide specialist housing or care bedspaces. Going forward, it is expected that additional extra care housing will therefore be delivered on such sites under this policy. In addition to sites over 300 dwellings, this does not preclude the possibility of specialist housing coming forward on sites of less than 300 dwellings. The Council is therefore taking a planned approach to securing land for older persons housing.

However, there is a clear shortfall for older person's accommodation now and up to 2036, which will need to be provided and planned for. The proposal would deliver 39 care suites and 46 apartments. This proposal would contribute towards the identified shortfall, even if the proposal caters for a higher end predominantly private leasehold market. The PPG sets out that the need to provide housing for older people is critical, and therefore significant weight is attached to this matter in the planning balance, despite the provisions being made in the Solihull Local Plan Review for elderly accommodation.

In relation to alternative sites, the applicant's site search included sites between 1.0 hectares (2.47 acres) and 3.5 hectares (8.65 acres), a range that could accommodate the proposed development, in various forms, but without an excess of land. The existing supply of care and private extra care demonstrates that market demand for facilities remains strong in the Borough. There would not seem to be any reason to suppose that non-Green Belt sites will not continue to come forward as windfall sites. The Council acknowledges the difficulty of securing sites for Care Villages. However, the Local Plan Review will provide new opportunities for extra care development. Whilst a care with ancillary facilities model is the applicants chosen model and one way of providing extra care housing for older people, needs can be met through smaller schemes which require less land. Whilst, the evidence that there are no available alternative sites at the time, the Local Plan Review does identify and provide sites to meet the need, which has not been considered by the applicant. The lack of alternative sites attracts limited weight in the planning balance.

In relation to housing land supply, the Council cannot demonstrate a 5 year supply of housing land. Footnote 7 of paragraph 11 d) ii of the Framework, the tilted balance only applies if very special circumstances are found to exist. Nonetheless, in the context of there being an identified shortfall in general housing supply within the Borough, the provision of 85 units would be of significant weight. Additionally, there would also be a consequential effect of freeing up existing, potentially under occupied, housing to the general market from older people moving into the development. This also weighs in favour of limited weight.

In relation to employment benefits, the proposal would employ in the region of 44 full time equivalent staff. Added to this, the construction jobs and costs of the proposal would benefit the local economy. However, there would be a loss of employment on the site, in the region of around 27 jobs. The loss of employment on site is of limited weight against the development. However, when considering the proposed employment levels (additional 17 jobs) and the employment during construction, overall, this matter would be of a moderate benefit to the economy.

It is recognised that specialist accommodation for older people brings about social and wellbeing benefits. Therefore, when comparing living independently with domiciliary care, as opposed to living in a development such as this, the social and health benefits gained and the reduced sense of isolation would be positive for the occupants. Thus moderate weight is attached to the matter.

The other material considerations namely landscape, ecology, drainage, archaeology are considered to be neutral in the planning balance subject to the imposition conditions.

In summary, substantial weight is attached to the Green Belt harm arising from inappropriateness, and to the greater harm to openness than the existing development. Given the site is relatively isolated location, it does not promote the use of sustainable modes of transport when travelling to and from the application site and will be a car dominant lead scheme. This carries significant weight against the development. Additionally, there would be very limited harm to the character and appearance of the area.

Significant weight is attached to the identified need for the proposal, and to the contribution to the shortfall in general housing land supply. The creation of jobs and the social benefits of the proposal carry moderate weight. The consequential effect of freeing up existing, potentially under occupied, housing to the general market from older people moving into the development also weighs in favour of the scheme and provides limited weight.

Consequently, when applying the Green Belt balance, it is concluded that the potential harm to the Green Belt by reason of inappropriateness together with the other harm resulting from the proposal is not clearly outweighed by the considerations in favour of the proposals therefore, when considered as a whole, very special circumstances do not exist.

## **MAIN ISSUES**

The main issues in this application are:

- Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area; and
- Whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Other Material Considerations

- Five Year Housing Land Supply (5YHLS)
- Loss of Business Use
- Highways
- Landscape
- Ecology
- Neighbour Amenity
- Drainage
- Affordable Housing
- Archaeology
- Community Infrastructure Levy

## **CONSULTATION RESPONSES**

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

Lead Local Flood Authority - No objection subject to conditions

Warwickshire County Council – Archaeology – no objection subject to conditions

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

SMBC Affordable Housing – No objections.

SMBC Ecology - No objection subject to conditions.

SMBC Highways – Objection on grounds of non-compliance with Policy P7.

SMBC Landscape - No objection subject to conditions.

SMBC Policy & Spatial Planning – Objection on Green Belt grounds.

SMBC Public Protection – No objection subject to conditions.

SMBC Urban Design – Not considered that sufficient rationale to the proposed design has been demonstrated by the applicant.

## **PUBLICITY**

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

11 responses were received which included one representation from The Knowle Society, one from KDBH Neighbourhood Forum and one from CPRE. In addition a petition of Save Wyndley Garden Centre which included 351 signatures was 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):

### Neighbour Amenity Issues

- Loss of privacy through overlooking to properties adjacent to the site.

### Design & Appearance

- Existing site is visible in most directions, and submitted photographs illustrating the visual impact underplay the impact on the site;
- Existing buildings are low but are still visible, and the proposed height of the new building will increase this impact; and
- Scale and design in this location is excessive.

### Green Belt

- Site is Green Belt and Council should be advocating brownfield land first;
- Density of development will have significant impact on the existing open nature of countryside and increase urbanisation in Green Belt location;
- No objection to principle however layout should be different to preserve the openness of the Green Belt;
- Impact on purposes of Green Belt; and

- Not considered the VSCs are applicable or acceptable.

### Principle/Need

- Already a significant number of large housing and retirement developments built in the borough;
- Existing retirement properties have been on the market for several months and are not selling, demonstrating there is no overwhelming need;
- All the new homes are not supported by sufficient infrastructure – schools, doctors etc;
- Garden centre is an important community facility;
- New Local Plan should allocate sites and adopt a new Green Belt boundary with site KN2 set behind a Green buffer and therefore this should be acknowledged with this site; and
- Comparison to Oak Farm application suggests application should be refused for the same reasons given the Green Belt location.

### Highways

- Provision of benches for people to rest is not suitable as the incline is steep and the path is not wide enough linking the site to Knowle village;
- Concerns that the hill is not suitable for elderly people to walk up meaning only access to village will be by vehicle;
- Site layout should change to keep existing front car park area open;
- Layout of Warwick Road should include bus-bays; and
- Concerns over highway layout in relation to site and future local plan sites.

### Other Issues

- Development will increase pollution and congestion as residents will have to travel further afield to purchase garden products; and
- Previous refusal at Oak farm should set precedent.

## **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.

Further, the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018 - 2033 (NDP) Referendum was held on 14<sup>th</sup> March 2019. The referendum result showed clear support for the NDP. The Knowle, Dorridge and Bentley Heath Neighbourhood Plan is now formally part of the statutory Solihull Local Plan (i.e. the development plan) and a material consideration.

Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies

The Solihull Local Plan identifies the application site as clearly located within the approved West Midlands Green Belt.

Guidance in relation to development within the Green Belt is contained in Chapter 13 of the NPPF, the advice within which is broadly echoed in Policy P17 of the SLP. The Solihull Local Plan identifies that the application site is located in the Green Belt and therefore, paragraphs 133 – 147 of the Framework are relevant.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (para 133 of the Framework).

Policy P17 of the Solihull Local Plan in relation to the Countryside and Green Belt which is in conformity with the NPPF, gives additional guidance to national policy in a small number of areas.

The Knowle, Dorridge and Bentley Heath Neighbourhood Plan at Policy VC1: Green Belt and Landscape reconfirms that National and Solihull Local Plan Green Belt policies will apply in the relevant parts of the Plan Area. The policy goal seeks to maintain separation of Knowle, Dorridge and Bentley Heath from Solihull, Shirley and surrounding villages by protecting the Green Belt from inappropriate development whilst ensuring easy access to the countryside. The setting, character and feel of the villages, their historic cores and the natural environment will be protected. The provision of new features that enrich the quality of the natural environment will be supported.

It can be seen that there is a strong presumption against new development unless it is considered to be appropriate in the Green Belt as defined by the policies in the NPPF, Policy P17 of the Solihull Local Plan and Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan.

Para 145 of the NPPF sets out that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this under para 145(g) include the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:

- Not have a greater impact on the openness of the Green Belt than the existing development
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority

Inappropriate development should not be approved except in very special circumstances, and when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Knowle, Dorridge and Bentley Heath Neighbourhood Plan (KDBHNP) sets out the vision for the future of the KDBH area together with objectives and policies that will guide new development. In particular policies VC1 (Green Belt & Landscape), D1 (Character & Appearance) and H3 (Housing Mix).

#### The effect of the proposal on the openness of the Green Belt;

In determining the nature and extent of impacts on Green Belt openness it is appropriate to assess both spatial and visual impacts. In order to determine the extent to which the development would greater harm the openness of the Green Belt than the existing development, a baseline position against which to assess impacts on openness needs to be established. The term openness in the context of Green Belt cannot be judged simply by the presence of development. There is a visual element to openness including the extent to which the Green Belt is perceived as losing openness. A lack of visibility of a development does not, in itself, mean that there would be no loss of openness. Moreover, even a limited adverse impact on openness means that openness is not preserved.

At present the application site represents previously developed land by virtue of the use of the site as a Garden Centre. The existing structure comprises the main sales/retail building for the Garden centre, with development to the rear of the site comprising of the poly-tunnels, green houses and transient structures of the outdoor sales areas holding plants. To the front of the site is a large area of tarmac used for the car park serving the site. It is recognised that the structures on the site are ones which would be expected to be provided on a garden centre site which are typically located within rural or Green Belt areas. Turing to the scale of the existing buildings the main indoor sales building has a maximum ridge height of 4.96m. In addition to this the large greenhouse has a ridge height of 3.93m, all low level with a minimal impact.

The greater impact on the openness of the Green Belt is considered to be substantial from various public areas. The frontage of the site along Warwick Road is currently open, with the proposed new development being brought forward within the site to develop this area with 2 storey buildings, with the central/rear part of the site being development by the Village Care Centre (VCC) building and formal gardens.



The VCC building would be a three storey block that would have a maximum height of 12m to the top of the ridge of the gable features, with the main concealed flat roof having a height of 11.6m.

In addition to the increased visibility of built form along Warwick Road, the site is currently visible from public vantage points, namely the nearby towpath serving the canal. It is considered that the vast majority of the VCC building would be clearly visible from these vantage points due to the increased height and scale of the building and in addition to this, the site is visible from the towpath of the nearby canal.

Within the applicants Planning Statement they advise that when looking at spatial issues in terms of the footprint, the existing site is dominated by built development and hardstanding which is visually impermeable and has a significant impact on the 'openness' of the site, with 62% of the site being developed by virtue of buildings, car parking and hard landscaping areas. They then go on to state that in contrast the proposed scheme would reduce this built form footprint to 35% site coverage. However it is noted that the vast majority of this reduction would come from the removal of the open tarmacked car park currently occupying the frontage of the site.

When looking at the volumetric survey of the site, the planning statement has calculated the volume of existing buildings, as well as outdoor sales areas and covered areas. It is noted that some of these structures are not fixed and as with the car park offer a degree of transience within the site. However notwithstanding that, the planning statement sets out that the existing maximum volume of development on site is 28,499 cubic metres, with the proposed volume higher at 35,278 cubic meters.

Therefore, having regard to the figures above it is clear that in comparison to the existing built form on the site, the proposed development would in terms of its use, built form, scale, massing and disposition have a substantially greater impact on the openness of the Green Belt and that character would be harmed and would be lost. Openness together with its permanence is an essential characteristic of the Green Belt (Para 133 NPPF) overall, the proposal would cause substantial harm to the openness of the Green Belt in this location. Substantial weight must be accorded to all Green Belt harm.

The applicants consider that in this instance there are material considerations which clearly outweigh the harm of the proposal by reason of its inappropriateness and any other harm identified above so as to amount to the very special circumstances required to justify inappropriate development in the Green Belt. The significance and weight to be attached to the submitted VSCs will be assessed later in this report, once the extent of any potential 'other harm' has been properly assessed and identified.

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

The NPPF is underpinned by a presumption in favour of sustainable development. Great importance is also attached to the design of the built environment. The NPPF

advises that good design is a key aspect of sustainable development, Chapter 12 'Achieving well-designed places' of the NPPF provides further clarity.

Policy P15 of the Solihull Local Plan 2013 requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. This policy is consistent with the NPPF and therefore carries significant weight.

Policy D1: Character And Appearance in respect of the Neighbourhood Plan advises that planning applications for a new development, including extensions, shall demonstrate that it would be of a high standard of design and preserves or enhances the character and appearance of the Area.

Policy P17 of the Solihull Local Plan makes reference to sites where the re-use of buildings or land is proposed, and states that whilst the new use should not have a materially greater impact on the openness of the Green belt, in turn the form, bulk and general design of the buildings should also be in keeping with their surroundings.

The application site is located south of the village of Knowle on the eastern side of Warwick Road. The site is broadly rectangular in shape, and the site has a gentle gradient which slopes to the rear of the site. The site represents previously developed land by virtue of the current use as a garden centre. To the south of the site are residential properties, including a pair of semi-detached properties, a single detached dwelling and a further large detached dwelling. To the north of the site is a farm holding and agricultural buildings found beyond an open field, with open fields to the east of the site beyond the A4141 Warwick Road.

The site comprises a series of buildings and hard surface areas that form the garden centre complex. The present garden centre can be broken down into three main zones:

1. Frontage of the site – which comprises the car park and occupies the full width of the site frontage. Access to the site is gained from the Warwick Road via existing separate access and egress points centrally within the frontage of the site.
2. Centre of the site – which comprises the main garden centre sales area, café and external play area
3. Rear of the site – which comprises a single large glass house at a lower level to the main service area.

The existing built form on site has little architectural merit, however the form of the site is compatible with the rural character of the area and the current use of the site.

The proposed development would occupy the entirety of the red line site, although it is noted that the rear of the site would be set aside for the principle amenity areas. The main buildings on the site would provide:

- 39 care suites;
- 46 care apartments; and
- Village Care Centre (VCC) comprising of domiciliary care office, care/bar lounge, restaurant, coffee area, craft room, library and private dining room, treatment rooms, gym, activities and fitness studio.

The existing in/out junction access would be replaced within a single access onto Warwick Road and the existing planted frontage would be repaired using a double hedge treatment.

As set out above the development would be in three main zones, with the front of the site consisting of the care apartments set over three clusters of blocks, A, B and C. These buildings would be two storey in height, with a pitched roof detail and would have parking to the fronts of the units.

Centrally located within the site would be the village care centre which would be a three storey building with flat roof top. This building would be a large, single block with a flat roof top, with the elevations broken up somewhat through the use of gable additions.

SMBC Urban Design have reviewed the proposals and raise objections to the scheme. As previously stated the application site lies within the Green Belt, therefore Green Belt policy applies and it is appropriate to consider point E of paragraph 79 of the NPPF which requires exceptional design quality when reviewing the proposals.

Throughout the application process the applicants have altered the elevation detail to the VCC and have provided an addendum to the Design and Access Statement in order to provide additional narrative behind the proposal, which includes images of farmsteads which have provided the design ethos for the blocks of care apartments, and other developments within the wider surrounding area which have demonstrated the use of materials proposed to the VCC.

It is considered that the applicant has not reviewed the immediate site context or locality, and instead the proposal has been led by the function and quantum of development required in order to make the provision of this form of care viable for the suite promoter.

As set out above the developments have been clustered around 'court yards' with pinch points into these areas demarked by brick bin stores. The applicant has chosen a functional design to these spaces providing parking for each dwelling.

The three storey Village Care Centre has been located to the rear of the site in order to take advantage of the drop in levels on the site and therefore reduce its wider visual impact. Parking bays are provided to the front of the property and there is a car park along the western boundary of the building. This building looks out over manicured gardens.

The Design and Access Statement makes reference to brick being a dominant building material in the locality and that the architectural response has been led by

conscious decision for the development to have a 'rural' appearance the materials selected are said to have a rustic feel. It is noted that the main VCC building includes bay features, verandas, porches, balconies etc which are not features commonly found in this rural location, and again are a requirement of the function of the buildings. The overall ridge height of the VCC has been minimised by concealing a flat roof behind false pitches, the design of which has been considered to avoid this being obvious. The incorporation of a concealed flat roof also provides a large surface for solar panels to enhance the sustainability credentials of the site. Throughout the lifetime of the application the elevation treatment of the VCC building has been altered to include additional timber boarding areas and also tile hanging to match the roof tiles, in order to create the visual impression of bringing the roof down.

Turning to the courtyard blocks these are lower in height, at two storey and have been designed to have regard to the character of the VCC building through the use of the same bricks, and timber boarding, but on a smaller more residential scale.

Notwithstanding the architectural treatment to the development, given the quantum of development proposed on a site which is currently characterised by low level buildings with open areas and areas of hardstanding for parking, there would undoubtedly be a dramatic change to the character and appearance of the site, and therefore it has to be recognised that the proposal would have a harmful impact on what is currently a rural site on the edge of village location. Therefore whilst the development is of a functional design, owing to the quantum of development proposed, the proposal would cause additional urbanisation of the site and would have an adverse effect on the rural character and appearance of the area contrary to Policy P15 of the Solihull Local Plan and Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. This adds limited weight against the development in the overall balance.

### Other Material Considerations

- Loss of Business Use

Policy P3 of the SLP relates to the Provision of Land for General Business and seeks to ensure that an adequate supply of land remains available for employment purposes, and states that sites will be protected for their allocated purposes.

However the Policy also goes on to state that alternative uses may be acceptable where certain criteria apply. It is not considered that this development would meet with all the tests of this condition and therefore it should be deemed to be contrary to Policy P3 of the Local Plan.

Within the submitted Planning Statement the applicants assess the economic viability of the current site under section 10 (economic statement). The existing garden centre has been trading for over 30 years however there has been growing competition from retailers and supermarkets which has reduced spending at garden centres. As a consequent of this retail competition this garden centre has seen poor profit levels for some time.

The current owners have made several attempts over the last 10 years to turn the business around through both financial investment of circa £2m and other initiatives including:

- Cancelling the sub lease of a nursery and constructing the large glass house which is located to the rear of the site to enable the growing of plants on site for sale to the public;
- Improvements to the café and replacing carpets in the garden centre;
- A subsidy to support sales growth and online initiatives;
- Investment of funds from the sale of the Eastcote Garden Centre;
- Transfer of staff from Eastcote Garden Centre to the Wyndley site; and
- Investing in promotional events.

The above initiatives failed to bring the business back into a profitable position and the recent Covid -19 pandemic has resulted in further impacts on sales figures.

In addition, the applicant's claim that the current buildings on site are no longer fit for purpose and require significant investment to make good the buildings, and even with this investment the buildings would be sub-standard in comparison to modern garden centre standards. Officer observations during a site visit reveal that the current visual appearance of the site is tidy and buildings seem in good order for the garden centre use and the number of local people observed using the garden centre were significant.

In addition to the economic statement set out within the planning statement, the applicant also submitted an economic viability letter drafted by Dobson Grey. This concludes that the owners have endeavoured to trade the business but due to the scale of losses seen in 2015 and poor margins and losses experienced since, they have been unable to achieve an economically viable business and cannot sustain the level of investment that is required to take it forward. The business is therefore due to close.

Notwithstanding the proposed closure of the garden centre, the development proposal would remain contrary to Policy P3 of the Solihull Local Plan and this would carry limited weight against the development. However, it should be borne in mind that the proposed redevelopment of the land would in itself generation levels of employment. This benefit is considered later in this report.

- Highways

The current development include the demolition of the existing garden centre and associated buildings and the erection of a C2 extra care facility comprising of 39 one and two bedroom care suites and 46 one and two bedroom care apartments.

The existing vehicular accesses onto Warwick Toad (A4141) that currently serve the application site would be closed as part of the proposals, and a new vehicular access onto Warwick Road would be provided.

Policy P7 of the Solihull Local Plan states that all new development should be focused in the most accessible locations and seek to enhance existing accessibility

levels and promote ease of access. Section a) i. of Policy P7 is considered to be most application to the development proposals, which sets out criteria and distances development sites should be located within to nearby facilities and amenities, including bus stops with high frequency bus services, railway stations, food stores, doctors surgeries and schools.

The Knowle, Dorridge and Bentley Heath Neighbourhood Plan (KDBH) contains a Transport and Traffic Policy Goal for transport infrastructure being well designed and responding to the needs of those living and working in KDBH. KDBH should be well connected to Solihull and the greater West Midlands, London and beyond.

The policy goal continues advising that safe transport infrastructure will exist for all forms of transport and travel, both motorised and non-motorised. Congestion and environmental harm caused by road traffic should be minimised. Sustainable forms of transport and travel will be supported and encouraged.

Policy T5 Road Infrastructure of the KDBH confirms that the impact of development on highway safety and capacity must include consideration of, and, where relevant, appropriate mitigation measures in relation to the following locally identified pressure points. This includes Gate Lane.

Policy T3 Walking Infrastructure of the KDBH confirms that proposals that involve the creation of new units of residential accommodation or non-residential development that is to be open to visiting members of the public shall be required to demonstrate that the needs of pedestrians and cyclists have been considered. Proposals which do not provide for safe and free flowing movement by pedestrians and cyclists will not be supported. It goes on to state that development should link to existing public footpaths whenever possible. New footpaths for pedestrians should be separated from roads and, where practicable, from cycle paths/tracks. However, it shall be permissible for new shared footpaths/cycle ways to be provided if a developer can demonstrate that there is no practicable alternative way of accommodating the needs of both cyclists and pedestrians for safe and free flowing movement.

The application site is considered to be relatively isolated and is not in an accessible location. Table 1 of the Transport Statement (TS) prepared by M-EC in support of the development proposals sets out the distances to nearby local facilities and amenities. Unfortunately the nearest facilities and amenities highlighted do not comply with the criteria set out in section a) i. of Policy P7. Although a bus stop is provided to the frontage of the application site, this is not serviced by a regular bus service and is a 'hail and ride' service. The Highway Authority also notes that the bus services available at the nearest bus stops along Station Road, approximately 825m from the site, do not offer frequent services.

As a result of the above the Highway Authority raised initial concerns regarding the accessibility of the application site and discussions took place with the Councils Highway Engineer and the applicants Transport consultant. After the meeting an additional transport note (TN) was submitted.

The transport note argues that sections a) i, a) ii, or a) iii of Policy P7 of the Solihull Local Plan 2013 are not applicable to the proposals and that section a) iv of Policy

P7 should be applied to the proposed development. The Highway Authority notes that section a) iv of Policy P7 relates to change of use developments however; the current proposals are for the demolition of the existing garden centre and the erection of an extra care facility, not for a change of use of the site. The Highway Authority has discussed this with the Local Planning Authority, who have confirmed that section a) i of Policy P7 is the most applicable to the development proposals as the care home facility will ultimately be a form of residential accommodation falling within the "C Use Class".

The Transport Note (TN) also highlights that CIHT's publication 'Providing for Journeys on Foot' (2001) sets out the desirable, acceptable, and preferred maximum walking distances pedestrians are willing to walk to local facilities and amenities. The CIHT guidance suggests that the preferred maximum distance pedestrians are willing to walk to Town Centre's is 800m, and elsewhere is 1.2km. The TN therefore argues that as the nearest bus stops and local facilities and amenities are located approximately 800m walking distance from the proposed site access, and the furthest point of Knowle Village Centre is approximately 1.25km walking distance from the proposed site access, the walking distances are within the suggested preferred maximum distances and are therefore acceptable. The Highway Authority considers CIHT's more up to date 2015 publication entitled 'Planning for Walking' to be more applicable, which indicates that walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800m). This is also reflected in the National Design Guide (2019), which defines "Walkable: Local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius)". The Highway Authority notes that the nearest local facilities and amenities are located at the furthest point of the 800m walking distance recommended, from the proposed site access. Future occupants of the dwellings / apartments furthest from the proposed site access would be located up to approximately an additional 120m walking distance from the nearest local facilities and amenities. As the application site is not within an 800m walking distance of a range of local facilities and amenities, the Highway Authority maintains its view that the application site is not considered to be in an accessible location.

A review of the walking route between the application site and the nearest point of Knowle Village Centre has been undertaken and the findings included within the TN. A review of the gradient of the route indicates that approximately 127m of the route has an average gradient of approximately 1:12, although sections of the 127m distance are steeper than 1:12. A gradient of 1:12 is considered to be the maximum gradient that should be provided and any gradient steeper than this should be no more than 1:10 and only over very short distances (i.e. 1m or less). The TN does not clarify the lengths of the route that have a gradient steeper than 1:12.

The proposals also include the provision of two benches along the route between the application site and Knowle Village Centre. The TN makes reference to the CIHT's guidance document 'Planning for Walking' (2015) and quotes "if elderly people could rest for a while whilst en-route, they could walk much further" and "elderly find seats and resting places particularly welcome". The TN fails to quote that "the elderly typically walk more slowly, find steps and stairs more difficult, are more tired by long or steep inclines" and "a combination of level, good-quality pavements and walking

routes...". It could therefore be argued that vulnerable or elderly pedestrians will find the gradient of the walking route difficult to manage. Inclusive Mobility also offers guidance on the recommended distance vulnerable pedestrians may be able to travel without the need for a rest. The guidance suggests that pedestrians using a wheelchair or are visually impaired may need to rest approximately every 150m. For vulnerable pedestrians that have mobility impairments but do not use a walking aid, the recommended distance is 100m, and for those that do use an aid, the recommended distance is 50m. It could therefore be argued that the provision of two resting places may not be sufficient along a minimum 800m route with steep gradients between the application site and the nearest point of Knowle Village Centre, particularly given the type of development proposed.

Two on site vehicles with drivers are also proposed for use by future residents. The TN argues that providing on site vehicles improves the accessibility of the application site however, the Highway Authority would argue that this further demonstrates the reliance future residents will have on the use of a private vehicle, rather than being able to travel to nearby local facilities and amenities by sustainable modes of travel (i.e. walking, cycling, or public transport).

Having regard to the above the Highway Authority has concerns that the proposals do not promote the use of sustainable modes of transport when travelling to and from the application site and it is therefore likely that the development will be car dominant. Therefore the development fails to comply with Policy T3 of the KDBHNP, policy P7 of the Solihull local Plan or paragraphs 108 and 110 of the NPPF. This significant weight against the proposal in the planning balance.

- Landscape

Policy P10 of the Solihull Local Plan 2013 recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. These policies are consistent with the NPPF, and therefore carry significant weight in the planning balance.

An Arboricultural Impact Assessment (SJ Stephens Associates, 3 March 2021) has been submitted in support of the development as well as updates as a result of initial comments from the landscape Architect. The amended report has clarified the issues of whether trees have been cut down and the tree survey has been updated.

Whilst there remain issues with the Tree Protection Plan not being in accordance with BS5837 and being produced with only the buildings and certain areas of hard standing where they are close to retained trees being shown, it is considered that this can be updated and submitted via a suitable worded condition with the amendments forming part of a detailed Arboricultural Method Statement.

A Landscape and Visual Appraisal (fpcr, February 2021) was submitted in support of the application. The report has been revised using winter photographs and the absence of foliage has shown the extent of some of the views much better, both in terms of what and how much can be seen. The views of the garden centre and the white roofs are more clearly visible in winter, both from relatively close viewpoints (VP1 PROW) and further away (VP5 canal locks); the degree of visibility and its



significance varies with distance and how the receptor is engaging with these views – PROW users are considered to have a high susceptibility to visual change.

The proposed development of a series of buildings will change the views and replacing the expanse of white roofs with materials more appropriate for this location could be positive. However the proposed 3-storey building(s) is questionable, as this will block long views from west to east. By restricting the built form across the site to 2-storey, this would retain the long views and is also in keeping with the existing neighbouring buildings. However it is noted that the VCC building is proposed to be 3 storey in height and therefore has a negative impact on these views.

The site is within Arden Pastures landscape area and one of the key characteristics of it is a gently rolling topography, and therefore it would be good to retain the visual link with this and the neighbouring Arden Parklands, also characterised by gently rolling landscape and middle distance views.

The landscape planting specification has been submitted which provides a good level of detail however it is considered that some of the proposed species to be used are not suitable in this location and therefore a condition is proposed to amend the details to reflect this.

The impact of the proposal has been assessed by SMBC's Landscape Architects. They have advised that whilst there would be some negative impact in Landscape visual assessment as a result of the 3 storey VCC block, and there are some elements of the scheme which need refining in terms of the detailed planting plan, and tree protection measures, there are no objections to the proposal.

The amount of proposed tree loss is acceptable and it is considered that sufficient The proposal is therefore compliant with policies P10 and P14 of the SLP and neutral weight should be attributed to this in the decision making process.

- Ecology

Policy P10 of the Solihull Local Plan 2013 seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight.

The application is accompanied by a full Ecological Assessment that indicates that mature boundary oak trees with moderate potential for roosting bats are all to be retained as part of the development.

No information in relation to the proposed external lighting has been submitted however it is considered that it should be designed to minimise light spill across the site. It is considered reasonable to condition this information to be submitted post determination of the application.

In order to deliver biodiversity net gain in accordance with the NPPF, a Biodiversity Impact Assessment has been submitted. The BIA shows that a net gain in biodiversity is achievable on the site. In addition to the details contained within the BIA a management plan will need to be provided which details the management,

maintenance and monitoring procedures in place to ensure that the proposed net gain is delivered. Again it is considered reasonable that this can be secured via condition.

The proposed marshy grassland habitat set out within the BIA is to be around the proposed wetland/attenuation feature in the SE corner of the site. Further information will need to be provided within the LEMP that the design of this feature is conducive with the creation and long term management of the proposed marshy grassland and also the proposed drainage function. It is considered reasonable that this can be conditioned to be submitted via condition for a landscape and ecological management plan (LEMP) to be submitted for approval.

Taking account of the SMBC ecologist comments, subject to conditions and securing of suitable mitigation, the proposal will not have a harmful impact upon protected species and such the proposal is compliant with Policy P10 of the Solihull Local Plan. Neutral weight should be attached to this in the decision making process.

- Neighbour Amenity

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.

The application site is bounded on two sides (northern and eastern side) by open fields, and on one side (western side) by Warwick Road, with open fields past this. The southern side of the site is the only side which shares a boundary with residential properties, with the nearest property being 1925 Warwick Road which shares a boundary for the first 42m of this boundary. The remainder of the boundary is shared with 1939 Warwick Road.

The nearest unit Block B (to the frontage of the site) would be 13.2m from the boundary with no. 1925 Warwick Road and 16m from the side flank wall. The main rooms on the side elevation of this section of Block B would be bedrooms, kitchens and lounges.

It is considered that the positioning of the units has paid due regard to the amenities of 1925 Warwick Road and ensures that where possible they are situated a suitable distance from both the property and the amenity space to avoid having a detrimental impact in terms of overlooking, loss of privacy and loss of light through overbearing impact.

The proposed at 1939 Warwick Road has an L-shaped plot with the amenity space to this property sharing a boundary with the application site, and again it is considered that the development is positioned to avoid having a detrimental impact in terms of overbearing impact.

Taking account of the layout of the scheme in relation to neighbouring uses, it is considered that the proposal is therefore compliant with Policy P14 of the SLP and neutral weight should be attributed to this in the decision making process.

- Drainage

Paragraph 163 of the NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased via a flood-risk assessment.

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

SMBC Drainage Engineers have reviewed the submitted information and advised that the applicant has submitted a drainage strategy and supporting information which meets the requirements of the current Policy P11 of the Local Plan. SuDS have been proposed where possible to deal with surface water drainage and the layout has been drawn in a manner which will be unlikely to impede the current surface water flow paths on the site.

Taking account of the above and the proposal is therefore compliant with Policy P11 of the SLP and neutral weight should be attributed to this in the decision making process.

- 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 therefore Solihull has adopted an Addendum to Solihull 'Meeting Housing Needs' Supplementary Planning Document and therefore amended Local Plan Policy P4 a) as follows,

"The Council will require developers of allocated and unidentified sites to make a contribution to affordable housing on residential sites of 11 units or more, or which have a maximum combined gross floor space of more than 1000sqm to meet the housing needs of the Borough". Contributions will be expected to be made in the form of 40% affordable dwelling units on each development.

The proposal in this application located at Wyndley Garden Centre, Warwick Road, Knowle and is for a development of care provision under Use Class C2. As the proposal is for C2, no affordable housing contribution is required. This is stated at paragraph 5.2 of the meeting Housing Needs SPD as follows: 'Affordable housing obligations under Policy P4 (a) only arise from planning applications for dwelling houses (Use Class C3)'.

- Archaeology

The proposed development lies in an area of archaeological potential. As set out in the TVAS Archaeological Desk-Based Assessment submitted in support of this

application (Daniel, H, 2019. *Land at Wyndley Garden Centre, Knowle, Solihull. Archaeological Desk-Based Assessment for Cinnamon Retirement Living Limited*. Stoke-on-Trent: TVAS North Midlands), there is a potential for archaeological features to survive across this site. The report specifically highlights the potential for medieval and later features; and it is considered that there is a potential for archaeological features pre-dating the medieval period to survive across this site.

Warwickshire County Council does not object to the proposal, on the basis of the evaluation submitted, however it is considered that some additional archaeological work should be required if consent is forthcoming. This would be in the form of a phased approach, the first phase of which would comprise an archaeological evaluation. It is considered that this can reasonably be secured by an appropriate condition.

This carries neutral weight in the planning balance.

Whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

As set out above, it is now clear that the proposal will be harmful to the openness of the Green Belt by reason of it constituting inappropriate development (by definitional harm).

It must now be determined whether the applicant's submitted set of VSCs are sufficient to clearly outweigh the identified harm to allow planning permission to be granted for the development.

The VSC case put forward by the applicant is based on the following:

- the grant of planning permissions for care facilities at Balsall Common and Eastcote (PL/2014/00602/FULM; PL/2016/01378/PPFL) set a clear precedent that the need for extra care development in the administrative boundary of SMBC and the absence of sequentially preferable site outside the Green Belt can constitute VSC. This precedent was backed by the Catherine De Barnes appeal Inspector
- there is a clear and significant need for private extra care facilities in the Borough;
- there are no sequentially preferable sites;
- there is an unmet housing supply within the Borough;
- the development would allow retired people to down size and vacate existing housing stock in the Borough, which would go some way to addressing unmet housing needs;
- the proposals would reduce the traffic levels on the network and would provide sustainable transport options for residents;
- the proposals would bring about the redevelopment of what will become a vacant, previously developed site in the Green Belt;
- the proposals would deliver economic benefits through the creation of 44 new jobs (28.25 full time equivalent jobs) and by bringing an economically unviable site back into a viable and economically sustainable use;

- the proposals would deliver social and wellbeing benefits;
- the proposals would deliver environmental benefits.

It is considered that these VSCs can be broken down into the following key categories:

- Need (including precedent from other developments)
- Unmet housing supply
- Economic Benefits including re-use of previously development land
- Social and Wellbeing benefits
- Environmental benefits

Assessment of VSCs put forward by the applicant:

- *Need*

The proposed development would be purpose built to offer a range of accommodation for those in need of care. Within the submitted Planning Statement the Applicant states that ‘the extra care facility will not only provide much needed extra care accommodation for elderly members of society, which best suits the needs of occupiers and minimises disruption and uncertainty for them in later life, it will also provide choice. For example, residents in the first instance can occupy an extra care apartment and if their care needs change, additional services can be provided to them, or alternatively, they may choose to move into a care suite within the main VCC building’.

The applicant references previous approvals, most recently at Balsall Common and Eastcote. However it is noted that these permissions date back to 2014 and 2016 (PL/2014/00602/FULM; PL/2016/01378/PPFL) and therefore will have been assessed on their own merits at the time of submission. Furthermore it should be noted that these permissions in themselves have contributed towards meeting the needs of the Borough in terms of provision of care for the elderly population.

- *Quantitative Need*

Policy H3- Housing Mix of the NDP advises that the provision of specialist institutionalised housing (under Class C2 or C2A of the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order with or without modification), sheltered housing for older people or affordable housing will be supported where it meets an evidenced need and complies with relevant Plan and Solihull Local Plan policies.

The applicants needs case is based on Solihull’s rate of growth of older people and subsequently for more specialist housing.

The Council agrees that the projected growth in the older population has important implications for the Borough. The Council also agrees that there is a need for more extra care housing in the Borough. This is recognised in the Regulation 19 ‘Draft

Submission Plan' which was approved by the Council in October 2020. The Draft Submission Plan has invited representations which have been considered and the Plan has been submitted to the Planning Inspectorate.

The Draft Submission Plan proposes a new policy P4E 'Housing for Older and Disabled People'. One part of this policy is to require all developments of 300 dwellings or more to provide specialist housing or care bedspaces. Additional extra care housing will therefore be delivered on these sites under this policy. In addition to sites over 300 dwellings, this does not preclude the possibility of specialist housing coming forward on sites of less than 300 dwellings.

The Council is therefore taking a planned approach to securing land for older persons housing.

The applicants' Needs Assessment acknowledges that there is no definite industry established methodology for assessing the need for extra care housing and puts forward two methodologies.

The Council considers that both methodologies provided in support of the application exaggerate the level of need for private extra care provision,

1. The 'Activities of Daily Living' methodology is not a sound basis for forecasting extra care need. Planning Practice Guidance only gives an example of one tool for working out the future need and this is the 'SHOP' method ('Strategic Housing for Older People' Resource Pack, published by the 'Housing Learning and Improvement Network')
2. The applicant's alternative methodology uses the SHOP method but the Council disagrees with the prevalence rates that have been used. A rate of 65 extra care housing dwellings per 1,000 population aged 75 and over has been used. The Council's assessment is that 45 is appropriate.

The 'Housing and Economic Development Needs Assessment' (HEDNA) is an evidence study to support the Councils Draft Submission Plan. The HEDNA identified a need for 469 additional extra care home dwellings by 2036.

The Council considers that its approach is robust and consistent with Planning Practice Guidance and the Housing Learning and Improvement Networks publications in relation to assessing the need for extra care accommodation.

In summary, it is acknowledged that there is a shortfall for older person's accommodation now and appropriate provision is required to be made through the Local Plan Review up to 2036 for elderly care. The proposal would deliver 39 care suites and 46 apartments. This proposal would contribute towards the identified shortfall, even if the proposal caters for a higher end predominantly private leasehold market. The PPG sets out that the need to provide housing for older people is critical, and therefore significant weight is attached to this matter in the planning balance, despite the provisions being made in the Solihull Local Plan Review for elderly accommodation on strategic sites.

- *Qualitative Need*

As referred to above, this proposal seeks to create a care development which would be a large scheme offering an extended range of services for older people, providing a range of accommodation, from individual apartments to accommodation in care suites within the VCC building.

The applicant is proposing a “care with ancillary facilities” model. The applicant says that this model is a special feature of its proposal and not only delivers benefits for residents, but it is also more likely to encourage people to free up under-occupied housing stock. The Council agrees that this model has benefits and it is one provided elsewhere in the Borough. However, extra care housing can be provided in different ways and Planning Practice Guidance does not provide any greater support or weight to the model proposed in this application. It is appropriate that different forms of extra care housing are provided as this provides choice in the market.

The care with ancillary facilities model may be a convenient and in some ways efficient way of providing facilities and it might provide a distinctive offer in the local market for older person’s accommodation. However these are not factors that justify development on Green Belt land.

- *Alternative Sites*

An alternative site assessment (ASA) has been undertaken by the applicant in relation to this application. This has been prepared in conjunction with the submitted needs assessment, the site assessment submitted indicates that there are no more sequentially preferably sites for this type of development.

The proposed purpose built extra care facility will provide 85 one and two bedroom apartments set within landscaped grounds. The total site area of the Site extends to approximately 2.5 hectares (6.18 acres). Unlike for care home developments where development sites can be identified by a typical set of criteria, there are no typical requirements for developments providing extra-care/assisted living/enhanced sheltered accommodation and much will depend on the type of dwellings proposed and extent of communal facilities to be provided by an operator. Therefore in order to provide a robust ASA review, the applicant set the search to include sites between 1.0 hectares (2.47 acres) and 3.5 hectares (8.65 acres), a range that could accommodate the proposed development, in various forms, but without an excess of land.

The sites considered for review within the ASA were selected by:

- Researching the sites listed in the SHELAA;
- Enquiries with local commercial surveyors;
- Enquiries with residential estate agents;
- Enquiries with the estates department of SMBC;
- Enquiries with national healthcare agents; and
- Researching planning applications for new extra care accommodation within SMBC.

There are 264 sites included within the SHELAA, of which 95 met the applicants search criteria of being between 1.0 hectares and 3.5 hectares. However, the SHELAA identifies that 80 of these sites are allocated 100% within the Green Belt with a further three sites being more than 95% within the greenbelt and would not, therefore, be considered sequentially more suitable than the Site. Accordingly, the applicant excluded these sites from further analysis.

Following the initial assessment of the sites identified at Stage 1 (above), the applicant identified 14 potential sites which were considered to offer potential for an alternative similar extra care development. However, following this stage of assessment only 11 of these sites were considered to offer potential for an alternative care development based on their size.

The ASA then considered the 11 sites in more details reviewing whether these were available, suitable and deliverable. Based upon the extensive research to identifying alternative sites that could be considered suitable for the proposed development it was concluded that none were suitable, available and deliverable. In conclusion, it was considered that the proposed Site at Wyndley Garden Centre, was the only site that is suitable, available and deliverable within the SMBC local authority area.

As set out above the site would operate in a specific manner which would offer types of accommodation based on the need of the occupant. This would enable older people to continue to live in their own space, supported by a flexible and comprehensive network of personal care services and activities, but with the option for a greater level of care as and when needed given the broad range of care facilities on site. All residential would have access to the on-site facilities which would include; Village Care Centre (VCC) comprising of domiciliary care office, care/bar lounge, restaurant, coffee area, craft room, library and private dining room, treatment rooms, gym, activities and fitness studio.

As set out above, the Council does not accept that the applicant can demonstrate substantial need for additional care and extra care provision. Furthermore even if such a level of need could be demonstrated, it does not follow that it must be met by way of a Care Village in the format set out on this site.

Whilst an extensive alternative site search has been undertaken, the applicants' alternative site search was dictated by the nature of the scheme they were seeking to develop, it has not considered any of the site identified in the Local Plan Review to accommodate such development. As such, need for care and extra care provision does not need to be met by the aggregated facility of a care village and schemes do not need to be this land intensive. It is considered that to the extent that there is a need for additional C2 provision this could be met less harmfully in different ways elsewhere on smaller sites.

The existing pipeline supply of care and private extra care demonstrates that market demand for facilities remains strong. There would not seem to be any reason to suppose that non-Green Belt sites will not continue to come forward. The Council acknowledges the difficulty of securing sites for Care Villages. However, the local plan review process, described above will provide new opportunities for extra care development. Whilst a care with ancillary facilities model is the applicants chosen



model and one way of providing extra care housing for older people, needs can be met through smaller schemes which require less land.

It is therefore not accepted that there is a compelling need for this form of development, at this scale. The planning need assessment provided in support of the application exaggerates the level of need for both care home and private extra care provision. Thus limited weight is attached to the matter.

- *Unmet Housing Supply*

Paragraph 11 of the NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in 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). This shortfall is considered to be modest on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be modest this bears on the weight attached to be attached to it in the overall balance.

Given the Green Belt designation of the land, the Framework provides at paragraph 11(d) (i) and footnote 6 that specified Framework policies to protect areas and assets of particular importance, including the Green Belt, can still provide a clear reason for refusing the development proposal if the Framework policies would be breached. It is necessary for the applicant to establish that very special circumstances exist in order for inappropriate development in the Green Belt to proceed.

The applicants have put forward justification in relation to the recent Oak Farm appeal where the inspector noted that the provision of extra care units was considered to be of significant weight and the inspector considered the consequential effect of freeing up existing and potentially under occupied housing in the market to also weigh in favour. Having regard to the inspector's decision in the Oak Farm appeal it is considered that this has limited weight in favour of the development in this instance.

- *Economic Benefits including reuse of previously developed land*

The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking account of opportunities for development. As set out above, the proposal would result in the loss of the existing business uses on the site. However the site would result in the creation 44 new jobs (28.25 full time equivalent jobs), in addition to the number of construction jobs created during the build phase.

It is noted within the applicants Planning Statement that the current business use on the site offers circa 27 jobs. Whilst it is regrettable that the development would see the loss of existing business uses from the site, it is accepted that the proposed development would create in the region of 44 jobs excluding those created during the construction phase and it should be acknowledged that this is a benefit which it is considered would outweigh the loss of the existing employment premises outlined above. However it must be considered that employment would be created wherever care needs are met within the Borough and employment generation is not in this case a determinant of where a site should be located and therefore is not a benefit unique to the proposal and must be weighed accordingly. Thus moderate weight is attached to the matter.

- *Social and Wellbeing benefits*

It is recognised that specialist accommodation for older people brings about social and wellbeing benefits. The Extra Care Charitable Trust Research Report (March 2019) details that significant improvements can be found in Extra Care residents' health and well-being along with low levels of depression and lower levels of loneliness than national averages. It is also asserted there would be savings to the NHS. However, the Council point out that the report did not focus solely upon village-format developments, encompassing all types of C2 facilities.

Nevertheless, the benefits of the development delivered on this site would be clearly similar, and potentially greater than other more basic C2 facilities, given the amount of supplementary facilities proposed.

Therefore, when comparing living independently with domiciliary care, as opposed to living in a development such as this, the social and health benefits gained and the reduced sense of isolation would be positive for the occupants. Thus moderate weight is attached to the matter.

- *Environmental benefits*

The applicant advises that they believe that the scheme would bring about environmental benefits as a result of the landscaping improvements, reduction in the amount of hardstanding, tree retention and more energy efficient buildings. It is however considered that these environmental improvements, particularly in relation to landscape and ecological features are a requirement of planning policy, in particular P11 of the Solihull Local Plan and therefore carry neutral weight in the assessment.

- *Community Infrastructure Levy*

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016. This would amount to £90,932.31 based on 2,961 square metres of chargeable floor area for the C2 residential in a Rural Area.

Heads of Terms – S106 Agreement.

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

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

Policy P21 – Developer Contributions and Infrastructure Provision of the Local Plan accord with and re-affirm the test set out in the NPPF.

If members were minded to approve the application then the following clauses would be required to be included within a S106; to ensure that the scheme would provide assisted living units for the provision as extra care and to define the minimum care package to be provided. Secondly, to ensure that the units are initially marketed for sale to local people for a period of 6 months prior to being placed on the open market.

The proposed Section 106 Agreement 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.

#### Public Sector Equality Duty

In determining this application, regard must be had 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 refuse permission in this case will have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

In making your decision, you 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.

You 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 refuse permission in this case does not interfere 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 refuse permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

## **PLANNING BALANCE**

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The application development is inappropriate and would cause harm by definition to the Green Belt, and have a significantly greater impact to the openness of the Green Belt compared to the existing development on the site contrary to Policy P17 of the Solihull Local Plan, Policy VC1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and the NPPF. The overall harm to the Green Belt is given substantial weight in the planning balance.

In terms of additional other harm, the proposed closure of the garden centre would be contrary to Policy P3 of the Solihull Local Plan and this would carry limited weight against the development.

The site is located in a relatively isolated location outside the village of Knowle and the development proposals do not promote the use of sustainable modes of transport when travelling to and from the application site and it is therefore likely that the development will be a car dominant lead scheme. Therefore the development fails to comply with Policy P7 of the Solihull Local Plan, Policy T3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and paragraphs 108 and 110 of the NPPF. This significant weight against the development in the planning balance.

Notwithstanding the architectural treatment to the development, given the quantum of development proposed on a site which is currently characterised by low level buildings with open areas around and areas of hardstanding for parking, owing to the quantum of development proposed, the proposal would cause additional urbanisation of the site and would have an adverse effect on the rural character and appearance of the area contrary to Policy P15 of the Solihull Local Plan and Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. This adds limited weight against the development in the overall balance.

In terms of need for the development, there is a difference in methodology used to calculate the need for housing or care for older people. However, it is recognised that there is a need for older peoples' housing within the Borough that needs to be met. The Council's 'Housing and Economic Development Needs Assessment' (HEDNA) identifies a need for 469 additional extra care home dwellings by 2036. Whilst, the Applicants contend that there is potentially a need for 2,272 units in the same timeframe. The adopted Solihull Local Plan contains no policies that relate to housing or care for older people. However, the Regulation 19 Draft Submission Plan proposes a new policy P4E 'Housing for Older and Disabled People'. One part of this

policy is to require all developments of 300 dwellings or more to provide specialist housing or care bedspaces. Additional extra care housing will therefore be delivered on these sites under this policy. In addition to sites over 300 dwellings, this does not preclude the possibility of specialist housing coming forward on sites of less than 300 dwellings. The Council is therefore taking a planned approach to securing land for older persons housing.

However, there is a clear shortfall for older person's accommodation now and up to 2036, which will need to be provided and planned for. The proposal would deliver 39 care suites and 46 apartments. This proposal would contribute towards the identified shortfall, even if the proposal caters for a higher end predominantly private leasehold market. The PPG sets out that the need to provide housing for older people is critical, and therefore significant weight to this matter in the planning balance, despite the provisions being made in the Solihull Local Plan Review for elderly accommodation.

In relation to alternative sites, the applicant's site search included sites between 1.0 hectares (2.47 acres) and 3.5 hectares (8.65 acres), a range that could accommodate the proposed development, in various forms, but without an excess of land. The existing supply of care and private extra care demonstrates that market demand for facilities remains strong in the Borough. There would not seem to be any reason to suppose that non-Green Belt sites will not continue to come forward as windfall sites. The Council acknowledges the difficulty of securing sites for Care Villages. However, the Local Plan Review will provide new opportunities for extra care development. Whilst a care with ancillary facilities model is the applicants chosen model and one way of providing extra care housing for older people, needs can be met through smaller schemes which require less land. Whilst, the evidence that there are no available alternative sites at the time, the Local Plan Review does identify and provide sites to meet the need, which has not been considered by the applicant. The lack of alternative sites attracts limited weight in the planning balance.

In relation to housing land supply, the Council cannot demonstrate a 5 year supply of housing land. Footnote 7 of paragraph 11 d) ii of the Framework, the tilted balance only applies if very special circumstances are found to exist. Nonetheless, in the context of there being an identified shortfall in general housing supply within the Borough, the provision of 85 units would be of significant weight. Additionally, there would also be a consequential effect of freeing up existing, potentially under occupied, housing to the general market from older people moving into the development. This also weighs in favour of limited weight.

In relation to employment benefits, the proposal would employ in the region of 44 full time equivalent staff. Added to this, the construction jobs and costs of the proposal would benefit the local economy. However, there would be a loss of employment on the site, in the region of around 27 jobs. The loss of employment on site is of limited weight against the development. However, when considering the proposed employment levels (additional 17 jobs) and the employment during construction, overall, this matter would be of a moderate benefit to the economy.

It is also recognised that specialist accommodation for older people brings about social and wellbeing benefits. Therefore, when comparing living independently with

domiciliary care, as opposed to living in a development such as this, the social and health benefits gained and the reduced sense of isolation would be positive for the occupants. Thus moderate weight is attached to the matter.

The other material considerations namely landscape, ecology, drainage, archaeology are considered to be neutral in the planning balance subject to the imposition conditions.

In summary, substantial weight is attached to the Green Belt harm arising from inappropriateness, and to the greater harm to openness than the existing development. Given the site is relatively isolated location, it does not promote the use of sustainable modes of transport when travelling to and from the application site and will be car dominant lead scheme. This carries significant weight against the development. Additionally, there would be very limited harm to the character and appearance of the area.

Significant weight is attached to the identified need for the proposal, and to the contribution to the shortfall in general housing land supply. The creation of jobs and the social benefits of the proposal carry moderate weight. The consequential effect of freeing up existing, potentially under occupied, housing to the general market from older people moving into the development. This also weighs in favour of limited weight

Consequently, when applying the Green Belt balance, it is concluded that the potential harm to the Green Belt by reason of inappropriateness together with the other harm resulting from the proposal is not clearly outweighed by the considerations in favour of the proposals therefore, when considered as a whole, very special circumstances do not exist.

## **RECOMMENDATION**

Refusal is recommended for the following reason:

1. The proposed Extra Care Facility represents inappropriate development in the Green Belt. The Extra Care Facility would cause harm by definition to the Green Belt, have a significantly greater harm to openness and to the character and appearance of the Green Belt compared to the existing garden centre and other harm. The very special circumstances put forward by the applicant in support of the proposal do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal. The proposed development is therefore contrary to Policy P17 of the Solihull Local Plan, Policy VC1 of The Knowle, Dorridge and Bentley Heath Neighbourhood Plan and guidance in the National Planning Policy Framework.
2. The application site is located in a relatively isolated location outside the village of Knowle. The proposed development do not promote the use of sustainable modes of transport when travelling to and from the application site and it is therefore likely that the development will be car dominant. The development therefore fails to comply with Policy P7 of the Solihull Local

Plan, Policy T3 of the Knowle, Dorridge Bentley Heath Neighbourhood Plan and paragraphs 108 and 110 of the NPPF.

3. The proposed development by reason of its scale, massing and disposition would impose a dramatic change to the character and appearance of the site causing additional urbanisation of the site that would have an adverse effect on the rural character and appearance of the area compared to the existing garden centre. This would be contrary to Policy P15 and P17 of the Solihull Local Plan and Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan.