

APPLICATION REFERENCE: PL/2022/01386/PPFL**Site Address:** Plot 6700 Solihull Parkway Marston Green Solihull

Proposal:	Full planning application for the development of Plot 6700, Solihull Parkway, Birmingham Business Park, to provide two warehousing units (flexible Use Class falling within B2 and B8), with ancillary office space (Use Class E(g)(i)), car parking spaces and loading docks, access, landscaping and hardstanding.
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:	S106 Agreement is to be provided to secure £85,632.99 to compensate for the loss of biodiversity at the site
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Recommendation:	APPROVAL/GRANT CONSENT SUBJECT TO CONDITIONS AND THE COMPLETION OF A UNILATERAL UNDERTAKING/S106 AGREEMENT
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EXECUTIVE SUMMARY

The proposed development is to provide two warehousing units (flexible Use Class falling within B2 and B8), with ancillary office space (Use Class E(g)(i)), car parking spaces, access, landscaping and hardstanding.

The proposed development will provide 7,751 sqm of flexible employment floorspace falling within Use Classes B2 ('industrial') and B8 ('storage or distribution'), and 973 sqm E(g)(i) ('office') across two buildings. The buildings would have a maximum external height of 13.5m.

Vehicular and pedestrian access to the site will be from Solihull Parkway and the design of the new access has been informed through a Road Safety Audit. The existing northbound bus stop will be repositioned to facilitate the new access, and an improved southbound bus stop provided, thereby allowing existing and future employees of Birmingham Business Park ('BBP') easy access to bus stops.

The proposed development would provide 97 car parking spaces, 12 EV charging spaces, 6 blue badge spaces, 3 motorcycle spaces, and 22 secure cycle parking spaces and indoor shower and changing facilities.

It is expected that the proposed development will support in the region of 261 full time equivalent jobs.

A high-quality landscaped environment is proposed to support the built development and has been informed by an assessment of the site and its existing landscape and ecological value.

The proposed development is seeking permission for 24 hour opening hours. This would be in line with existing businesses at BBP, including Rolls Royce immediately to the southwest of the Site.

Summary of Planning Balance

- *The Benefits*

The site is within Birmingham Business Park (BBP) where Policy P2 b (Support Economic Success) of the Local Plan advises the Council will support and encourage the development of BBP to support its role as a prime employment location and enhance its important role as a high quality, managed business park.

Paragraph 81 of the Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The proposed development will deliver economic benefits through (a) the delivery of a new business on an allocated business site, (b) employment opportunities, (c) economic activity in relation to the construction phase, and (d) economic activity in relation to employees of the business utilising local businesses and services.

Significant weight is afforded to the economic benefits of the proposed development in the planning balance.

- *The Adverse Impacts*

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning condition, or in the case of biodiversity, a s106 agreement to secure £85,632.99 to compensate for the loss of biodiversity at the site. Accordingly, for the reasons set out in this Report and subject to appropriate conditions and s106 agreement, the proposed development would not conflict with the relevant policies within the Local Plan or guidance in the Framework.

Neutral weight is afforded to this matter in the planning balance.

- *Overall Planning Balance and Conclusion*

In conclusion, for the reasons outlined in this Report, the overall planning balance is firmly in favour for the proposed development and the proposal would therefore benefit from the presumption in favour of sustainable development.

MAIN ISSUES

The main issues in this application are: -

- Background.
- Whether the proposed development provides an appropriate site for commercial development having regard to policies in the development plan and national guidance.
- The effect of the proposed development on highway safety and the free flow of the road network.
- The effect of the proposed development, by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area.
- Other Material Considerations
 - Amenity
 - Drainage
 - Climate Change
 - Ecology
 - Trees
 - Other Matters
 - Heads of Terms – S106 Agreement
- Planning Balance and Conclusion.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Bickenhill Parish Council

BBP is an office and technology based commercial site. The proposed development appears to be a warehousing facility with ancillary office space. We are concerned, therefore, that this site will bring significant lorry traffic into the Business Park.

Other concerns are as follows: pollution, noise, 24-hour deliveries and extra congestion on the roads. There is also a significant risk of traffic exiting at Junction 6 (and the new Junction 5(a) Link Road) which will impact an already very busy Junction and also travelling very close to residential areas.

Drainage and Lead Local Flood Authority – No objection subject to conditions

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

SMBC Ecology – No objection subject to condition and a financial contribution of £85,632.99 to compensate for the loss of biodiversity at the Site

SMBC Heritage – No observations

SMBC Highways – No objection subject to condition

SMBC Landscape – No objection subject to condition

SMBC Policy and Spatial Planning – No objection

SMBC Public Protection – No objection subject to condition

SMBC Urban Design – No objection

Birmingham Airport – No objection subject to condition

Seven Trent Water – No objection subject to condition

Warwickshire Country Council Archaeologist – No objection

West Midlands Police – No observations

West Midlands Fire Service – No objection subject to compliance with Building Regulation covering fire safety matters.

PUBLICITY

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

No responses were received.

PLANNING ASSESSMENT

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

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

The 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.

On the 13th of May 2021 the Local Plan Review ('LPR') was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination. This marks the next stage in the preparation and adoption of the plan.

The advice in the Framework at paragraph 48 states "*local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Local Plan, the relevant policies of the Framework 2021, the National Planning Practice Guidance.

Background

A Reserved Matters application for access, appearance, landscaping, layout and scale for the development of two detached office buildings with car and bicycle parking, landscaping and access from Solihull Parkway was granted at the site on 14th October 2016 under SMBC Ref. PL/2016/02215/PPRM ('the 2016 permission').

The site therefore benefits from having an extant planning permission under the 2016 permission. This permission is for 14,721sqm of commercial floorspace falling within Use Class B1 (now Class E(g)(i)) of the Use Classes Order across two buildings.

Whether the proposed development provides an appropriate site for commercial development having regard to policies in the development plan and national guidance

- *Policies in the Development Plan*

The Proposals Map accompanying the Local Plan confirms that the site is located within BBP. Policy P2 b (Support Economic Success) of the Local Plan advises “*the Council will support and encourage the development of Birmingham Business Park within its boundary defined in this Local Plan to support its role as a prime employment location and enhance its important role as a high quality, managed business park*”.

Policy P2 b advises that development uses falling in Use Classes B1 (now Class E(g)(i)), B2 and B8 of the Use Classes Order, as is the case with the current application; will be supported and encouraged at BBP providing they maintain the attractiveness of the business park to investors and protect and enhance the environment including the natural environment.

- *Supplementary Planning Guidance*

The North Solihull Strategic Framework (2005) SPG and 2009 Addendum (‘the SPG’) both pre-date the Local Plan and the Framework. However, the aims of the SPG are reflected in the Local Plan’s Vision for the Borough and North Solihull Regeneration Area. The SPG advises that BBP is a significant employment opportunity for the residents of North Solihull, representing a key economic catalyst for the wider North Solihull area. The proposed development is expected to deliver approximately 261 jobs which are easily accessible from the North Solihull area.

- *National Guidance*

The Framework is an important material consideration. It advises that decisions should apply a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 81 of the Framework advises “*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”.

- *Summary*

Drawing matters together, the application seeks permission for two warehousing units (Use Classes B2 and B8), with ancillary office space (Use Class E(g)(i)) and, as such, is supported by Policy P1 b of the Local Plan providing the proposal maintains the attractiveness of the business park to investors and protects and enhances the environment including the natural environment. For the reasons

outlined in this Report, officers have concluded that the proposal would meet the relevant criteria as set out in Policy P1 b of the Local Plan.

The proposal therefore accords with Policy P1 b of the Local Plan.

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

Policy P7 of the Local Plan notes that access to development from the core walking, cycling, public transport and road networks will be expected to be safe, attractive, overlooked and direct on foot, by bicycle and from public transport, and safe for those vehicles which need to access the development.

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.

Paragraph 111 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been supported by a Transport Assessment (TA) and Framework Travel Plan (TP).

The principle of employment development is already established on the site as part of BBP. The TA submitted, outlines the level of trips associated with the 2016 permission and compares this to the level of trips associated with the proposed development. The proposed development is predicted to generate fewer vehicle trips on the local highway network compared to the 2016 permission.

- Access

The TA notes that there are existing footways and cycleways in the vicinity of the site which connect onto the wider walking and cycling transport network.

In terms of access to public transport, the existing bus stop on the northbound side of Solihull Parkway will be relocated to accommodate the proposed site access. It is noted that the existing southbound bus stop is currently just a post and flag arrangement which is not connected to the existing footway network. In order to ensure that access to the southbound bus stop is safe, direct and attractive, it is recommended that improvements are made to the southbound arrangement. These would include an upgrade to a bus shelter, and connection to the footway at the pedestrian crossing point to the south of the stop. This can be secured by means of a condition.

Vehicle access is proposed from a single new access onto Solihull Parkway. The TA provides swept path analysis which demonstrates that the proposed access can accommodate the types of vehicles which need to access the development. A Road Safety Audit ('RSA') is included in the TA, along with designers' responses to the items raised in the RSA.

- *Parking*

Vehicle parking areas are provided for each of the units, to be accessed from the main site access road. The TA provides justification for the proposed level of parking based on accumulation calculations which is considered appropriate. Disabled spaces are provided for each unit. Secure and covered cycle parking for each of the units is also proposed.

- *Off-Site Highway Works*

Details of the siting, design and construction of the relocation of the northbound bus stop will need approval from Transport for West Midlands, as will the recommended upgrades to the southbound stop. This can be secured by means of a condition.

- *Travel Plan*

The Framework Travel Plan provides information of the overall aims, objectives and targets for the Full Travel Plan which is proposed to be implemented prior to occupation. The details contained within the Framework Travel Plan are considered appropriate and should be carried through to the full travel plan. This can be secured by means of a condition.

- *Summary*

The Highway Authority has reviewed the application and are satisfied that the proposed development would not give rise to highway safety issues that cannot be reasonably mitigated by conditions.

The proposal therefore accords with Policies P7 and P8 of the Local Plan and guidance in the Framework. Neutral weight is applied to the planning balance.

The effect of the proposed development, by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area

Policy P15 of the Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment.

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

The application has been supported by a Design and Access Statement, Arboricultural Impact Assessment, Landscape Concept Plan and Landscape Design Statement which provide the narrative behind the development of the masterplan.

- *Layout, Scale and Massing*

In terms of layout, vehicular and pedestrian access to the site will be from Solihull Parkway and the site would be split by an internal estate road that would provide access to both service areas. This estate road has been designed to allow for a Heavy Goods Vehicle ('HGV') to make a "U-Turn" without needing to enter either of the yards. Both yards measure over 45m in depth, complying with modern occupier standards.

The offices for both units are provided at the 'front' of the buildings – i.e., on the eastern elevation facing Solihull Parkway and provide a high-quality and legible entrance for visitors to and employees of the buildings. The eastern side of each Unit has its own parking area. Also, on the eastern side of each unit is a 'breakout space' for employees, where a mixture of outdoor seating, picnic/eating areas and structured landscaping will be located.

The existing footpath running along the edge of Solihull Parkway will be retained and made good where necessary. The existing bus stop will be relocated north of its current position to accommodate the bell mouth connecting the internal estate road to Solihull Parkway and ensure sufficient visibility splays are incorporated.

In terms of scale and massing, the table below provides a summary of the quantum of development sought and building heights.

Unit	B2/B8 Warehousing Area	Ancillary Offices Area	Total	Ridge Height
Unit 1	3,570 sqm	415 sqm	3,985 sqm	13.5m
Unit 2	4,181 sqm	558 sqm	4,739 sqm	13.5m
Total	7,751 sqm	973 sqm	8,669 sqm	n/a

By way of comparison, the table below provides a summary of the quantum of development and building heights approved at the site under the 2016 permission.

Unit	B1 Commercial Floorspace	Ancillary Offices Area	Total	Ridge Height
Unit 1	6,755 sqm	n/a	6,755 sqm	12.5m (15.2 inc. plant equipment)
Unit 2	7,966 sqm	n/a	7,966 sqm	12.5m (15.2 inc. plant equipment)
Total	14,721 sqm			

The site is located on BBP where there are examples of commercial buildings which are comparable in scale and massing to the proposed development. The scheme has been designed to be a respectful addition to existing commercial development at BBP, but also to create its own identity which reflects its location at the junction of Solihull Parkway.

- *Appearance*

With regard to appearance, the buildings on the site are to be co-ordinated in terms of materials, to include the same cladding finishes and colours, such that the units read together as one cohesive development. Units will be broken up vertically with various elements and broken horizontally with changes in cladding colours. Large curtain walls will be utilised near the entrances and on frontages.

Offices will be constrained by the floor to ceiling levels, with openings throughout to provide adequate lighting. Entrances are to be treated differently to the rest of the offices to indicate where the access into the office is with curtain wall glazing and feature flashing around the entrance offering a high-quality material finish.

Monochromatic neutral colours are predominant colours on buildings of this nature and provide a common back drop theme of cladding, windows and roofing. The use of stronger colours will be discouraged to avoid conflict in building appearance.

All materials will be high quality products including white, silver metallic, pure grey and anthracite colour cladding; profiled or flat metal cladding; and large format window and curtain walling systems. This can be secured by means of a condition.

- *Landscape*

The proposed development will have a minor impact on the trees across the site and immediately adjacent to its boundaries. Arboricultural information has been provided with this application and sets out clearly what will be removed and what will be impacted on. Three trees and two hedgerows will be removed, and these will be mitigated for within the landscape scheme. This is discussed in more detail in the Trees section of this Report.

The Landscape Concept Plan and Landscape Design Statement set out the design intention for the proposed development. The landscape strategy seeks to create green edges which wrap around the site and ties it in to its wider setting. The approach offers a variety of planting and will fit into the character of BBP, whilst also providing subtle wayfinding from the parking areas to building entrances.

- *Summary*

Drawing matters together, the application is supported by plans and documentation which provides the narrative behind the development of the masterplan. Overall, the submitted plans demonstrate that the quantum of development proposed can be accommodated within the site boundary in a form which is sensitive to local character.

The proposal therefore accords with Policies P14 and P15 of the Local Plan and guidance in the Framework and neutral weight is attached.

Other Material Considerations

Amenity

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

The site is in a central position within BBP and, as such, there are no residential dwellings which would be unduly affected by the proposed development. Notwithstanding the absence of residential dwellings in the area, Policy P14 also requires an assessment of the impact of the proposed development on businesses.

- Impact of Physical Works

The site is surrounded by various commercial businesses, which in the case of businesses to the east, south and west of the site, are separated from the site boundary by either Solihull Parkway, trees and landscaping or a surface level car park. The nearest businesses are located to the north. Unit 2 and its car parking and service area will be located adjacent to the northern boundary of the site and have been sited so as to maintain a separation distance in the region of 28m from the main elevations of the businesses which face the northern boundary of the site. These separation distances are acceptable and provide sufficient territory between buildings and avoid any overbearing impacts of development between neighbours.

- Impact of Use

In terms of the impact of the proposed use on amenity, the proposed development is seeking permission for 24 hour opening hours. The application has been supported by a Noise Impact Assessment ('NIA'). The NIA conducted analysis of the site and surrounding area and identified the closest existing noise sensitive receptors as being:

- Wiggles & Giggles Day Nursery (Nursery), approximately 165m west of the Site; and
- Holiday Inn Express, Birmingham NEC (Hotel), approximately 260m south of the Site.

Although there are a number of noise-generating activities associated with warehousing environments, the NIA concludes that the proposed development will have a negligible impact on the nearest noise sensitive receptors providing the limits on noise generation set out within the assessment are met. This can be secured by means of a condition.

An External Lighting Assessment has been submitted in support of the application which concludes that the proposed lighting strategy is appropriate and compliant with relevant standards and guides. This can be secured by means of a condition.

- *Summary*

The proposed development is seeking permission for 24 hour opening hours. This would be in line with existing businesses at BBP, including Rolls Royce immediately to the southwest of the site. Having regard to the separation distances between the site and nearest commercial businesses and identified noise sensitive receptors, subject to conditions, it is not considered that the proposed development would have an unreasonable impact on the amenity of the occupiers of these businesses.

The proposal therefore accords with Policy P14 of the Local Plan which seek to protect amenity and guidance in the Framework. Neutral weight is attached in the planning balance.

Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Local Plan Review (LPR). As explained earlier in this Report, the LPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Local Plan and will have full weight. Until that time, policies within the LPR hold limited weight, but not full weight in the decision-making process. Whilst adopted Policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated Policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change declaration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Matters of sustainable drainage systems ('SuDS') are secured, a net gain in biodiversity is achieved and landscaping is maximised, limiting tree loss and requiring landscape mitigation and landscape schemes more generally.

In this case, the application has also been supported by an Energy Report. Decentralised networks are not available in this area and are not a viable option for the energy strategy. Therefore, on-site energy efficiency measures have been incorporated into the proposed development.

The most significant impacts of the proposed development relate to material usage and the power consumed during its operation. As outlined within the Energy Report, sustainability measures have been incorporated into the base build works. These include the use of ultra-high efficiency internal and external LED lighting, SuDS, rainwater harvesting systems, water and energy reduction methods, air source heat pumps for heating/cooling and hot water, solar thermal systems and electric car chargers.

Drainage

Policy P11 of the Local Plan explains that all new developments shall incorporate sustainable drainage systems unless it is shown to be impractical to do so.

Paragraph 167 of the Framework advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

In terms of the impact of the proposed development on local drainage conditions, Environment Agency mapping confirms that the application site is located in Flood Zone 1 (very low risk of flooding from rivers) and is also at a 'very low risk' of surface water flooding. Notwithstanding the Environment Agency's low risk categorisation, the impact of the proposed development on local drainage conditions requires careful consideration.

The application has been supported by a Flood Risk Assessment & Drainage Strategy. The proposed drainage proposals incorporate SuDS and will reduce surface water runoff in a 100-year event + 40% climate change allowance to greenfield rates. The Drainage and Lead Local Flood Authority's Drainage Engineers have reviewed the documentation and are satisfied that the proposal would not give rise to flood risk or drainage issues that cannot be reasonably mitigated by condition. Consequently, the proposed development would not have a detrimental effect in terms of flood risk.

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

Ecology

Policy P10 of the Local Plan states that where a development is likely to have significant harmful effects on the natural environment, developers must demonstrate all possible alternatives have been considered to result in less harm, satisfying the mitigation hierarchy.

Paragraph 180 a) of the Framework is clear that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application has been supported by an Ecological Impact Assessment and Biodiversity Impact Assessment.

- *Biodiversity*

Owing to the existing habitats on the site, and despite the comprehensive landscaping proposed, the proposed development will result in a net loss of -5.09

Habitat Biodiversity Units. This is primarily because the existing grassland that covers much of the site is afforded a high habitat biodiversity value in the Warwickshire County Habitat Impact Assessment Calculator which is difficult to recover whilst optimising the site for employment development in line with the aspirations of Policy P1 b of the Local Plan.

Policy P10 of the Local Plan and paragraph 180 a) of the Framework acknowledge that in some cases it may not be feasible or appropriate to deliver a net gain in biodiversity onsite. As set out earlier in this report, the proposed development benefits from strong policy support for the principle of delivering employment floorspace on the site. To deliver biodiversity net gain on the site would require a significant portion of the site to remain undeveloped, meaning that the Site is not optimised in line with the aspirations of Policy P1 b of the Local Plan. In this case, officers accept it is neither appropriate nor feasible to deliver a net gain in biodiversity on the site.

The Council's Ecologist has advised that the mitigation hierarchy as detailed in Policy P10 of the Local Plan and paragraph 180 a) of the Framework has been fully complied with and raises no objection to the proposal subject to a figure of £85,632.99 to compensate for the loss of biodiversity at the site, which would be secured through a S106 Legal Agreement.

- *Protected Species*

The application has been supported by a number of ecological reports which conclude that the proposed development can be undertaken without harming any protected species subject to appropriate mitigation. This can be secured by means of a condition.

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

Trees

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

Paragraph 174 of the Framework confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The application has been supported by an Arboricultural Impact Assessment, Landscape Concept Plan and Landscape Design Statement.

- *Tree Loss*

The current development proposals necessitate the removal of three trees (ref. G11 / category C) and two hedgerows (refs. G1 & G2 / category C). It should be noted

however, that the trees and hedgerows which are to be removed are considered of low arboricultural quality and their removal, subject to appropriate mitigation, is acceptable. The trees and hedgerows to be removed are shown in Drawing Number 2197-21-02.dwg (Tree Protection, Retention and Removal Plan).

- *Replacement Trees*

In order to mitigate for the loss of the trees, a minimum of three new heavy standard root balled or containerised trees (12 to 14cm stem girth) will be planted. The species selected to be in keeping with the development will be as follows:

- Field Maple - *Acer campestre*
- Scots Pine - *Pinus sylvestris*
- Pedunculate oak – *Quercus robur*

In order to mitigate for the loss of hedgerows, at least 100m of new native hedgerow will be planted around the site. Species will include:

- 40% Hawthorn (*Crataegus monogyna*)
- 20% Blackthorn (*Prunus spinosa*)
- 10% Field Maple (*Acer campestre*)
- 10% Hazel (*Corylus avellana*)
- 10% Holly (*Ilex aquifolium*)
- 10% Crab Apple (*Malus sylvestris*)

Replacement hedgerows are detailed in Drawing Number 01 Rev C (Landscape Concept Plan).

- *Tree Protection*

Officers recognise that the scale of the proposed development will undoubtedly have an impact on the natural environment during the construction phase, and it is therefore important that trees and vegetation scheduled for retention are suitably protected during the construction phase. The Arboricultural Impact Assessment provides a scheme for safeguarding retained trees and vegetation during the construction phase which the Council's Landscape Architect considers to be appropriate. This can be secured by means of a condition.

- *Future Management*

The trees, hedging and landscaping will be maintained for a 10-year period in accordance with the Soft Landscape Works Maintenance and Management Proposals – 10 years Report. This can be secured by means of a condition.

- *Summary*

The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area is an important part of any proposal. The loss of trees and hedgerows is regrettable, but not unsurprising given the scale of the proposal. The Landscape Concept Plan demonstrates how the proposed

development provides an appropriate level of replacement planting across the site. The Plan also demonstrates how existing trees have been incorporated into the landscape and how new landscaping, trees and hedgerows will be provided across the site.

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

Other Matters

- *Air Quality*

The application has been supported by an Air Quality Assessment. The Council's Public Protection Officers have advised that the assessment predicts air quality impacts to be negligible / not significant, so no further work or conditions are required.

- *Archaeology*

The application has been supported by a Written Scheme of Investigation. Warwickshire County Council's Planning Archaeologist has advised that no further work or conditions are required.

- *Aerodrome Safeguarding*

Birmingham Airport have raised no objection to the proposal subject to a crane management plan. This can be secured by means of a condition.

- *Contaminated Land*

The application has been supported by a Geo-Environmental Assessment. The Council's Public Protection Officers have advised that no further work or conditions are required.

- *Developer Contributions and Infrastructure Provision*

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016, after which point it became operational on 4th July 2016. When the CIL charging schedule was ratified by the Planning Inspectorate it was agreed Class B2 & B8 Use Classes should be exempt from CIL payments.

Heads of Terms – S106 Agreement

Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests and the obligations are:

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

Paragraph 57 of the Framework reconfirms the tests for planning obligations within Regulation 122.

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

The proposed s106 obligation would seek the contribution of £85,632.99 to compensate for the loss of biodiversity at the site.

The proposed obligation set out above is necessary to make the proposed development acceptable in planning terms, is directly related to the development and is fairly related in scale and kind to the proposed scheme.

The proposed obligation therefore, accords with the policy set out in paragraph 57 of the Framework, test in regulation 122 of the Community Infrastructure Levy Regulations 2010, and Policy P21 of the Local Plan.

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 approve permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In determining this request for approval, 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. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

Planning Balance and Conclusion

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

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

The Framework is an important material consideration. It advises that decisions should apply a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with an up-to-date development plan without delay.

The outcome of this application therefore depends on:

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

The proposed development has been carefully considered and informed by a thorough review of the site's opportunities and constraints. The result is that the proposed development makes best use of the land available to provide commercial floorspace that meets occupier requirements and safeguards as much of the existing vegetation as possible. This is important given that BBP is constrained by the Green Belt, meaning that opportunities for development must be optimised.

- *The Benefits*

The site is within BBP which Policy P2 b (Support Economic Success) of the Local Plan advises that the Council will support and encourage the development of BBP to support its role as a prime employment location and enhance its important role as a high quality, managed business park.

Paragraph 81 of the Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The proposed development will deliver economic benefits through (a) the delivery of a new business on an allocated business site, (b) employment opportunities, (c) economic activity in relation to the construction phase, and (d) economic activity in relation to employees of the business utilising local businesses and services.

Significant weight is afforded to the economic benefits of the proposed development in the planning balance.

- *The Adverse Impacts*

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning condition, or in the case of biodiversity, a s106 agreement to secure £85,632.99 to compensate for the loss of biodiversity at the site. Accordingly, for the reasons set out in this Report and subject to appropriate conditions and s106 agreement, the proposed development would not conflict with the relevant policies within the Local Plan or guidance in the Framework.

Neutral weight is afforded to this matter in the planning balance.

- *Overall Planning Balance and Conclusion*

In conclusion, for the reasons outlined in this Report, the overall planning balance is firmly in favour for the proposed development and the proposal would therefore benefit from the presumption in favour of sustainable development.

RECOMMENDATION

The recommendation is therefore one of approval subject to:

1. The précis of conditions set out below; and
2. The Applicant(s) entering into a Section 106 Agreement.
 1. CS00 – compliance with plans
 2. CS05 – commencement with 3 years
 3. CS06 – materials to be submitted
4. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the approved scheme is operational. The submitted details shall include, as a minimum:
 - a) Drawings showing overall site concept design principles
 - b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
 - c) Surface Water Drainage Design including:
 - o Confirmation of the lifetime of the development
 - o 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'),
 - o Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
 - o Confirmation of discharge rates and volumes (both pre and post development)
 - o Confirmation of proposed discharge location.
 - o Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMBC 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.
 - o Engineering details for all surface water drainage features
 - o 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;
o Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site

- d) Surface Water Drainage adoption and maintenance strategy
- e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- f) 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.

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

5. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expects to see details concerning appropriate working practices and safeguards for nesting birds, badgers, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The CEMP should also include working practices relating to invasive species. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development and to prevent the spread of invasive species in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

6. Prior to commencement an Arboricultural Method Statement shall be submitted to ensure that all site operations will be carried out with minimal risk of adverse impact upon trees that are to be retained. The arboricultural method statement should also include a list of contact details for the relevant parties. This scheme will be appropriate to the scale and duration of the works and may include details of:

- A. removal of existing structures and hard surfacing;
- B. installation of temporary ground protection
- C. excavations and the requirement for specialized trenchless techniques
- D. installation of new hard surfacing – materials, design constraints and implications for levels;
- E. specialist foundations – installation techniques and effect on finished floor levels and overall height;
- F. retaining structures to facilitate changes in ground levels;
- G. preparatory works for new landscaping;

H. auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

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

6. CL04 – Soft Landscaping details to be submitted
7. CL06 – Implementation of soft landscaping scheme

9. All soft landscape works shall be maintained in accordance with the Soft Landscape Works Maintenance and Management Proposals – 10 years (2197/21/RP02) Report.

Reason: To retain the character of the landscape in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

10. No development shall take place until a Bird Hazard Management Plan for the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Birmingham Airport. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: To reduce the potential for bird strikes at Birmingham Airport in accordance with Civil Aviation advice.

11. Before the development hereby approved is brought into use it shall be ensured that all cumulative noise impacts from the development shall achieve both a), b) and c) below (requirements relate directly to noise limits and recommendations contained in Delta Simons report, 'Noise Impact Assessment Birmingham Business Park, Solihull Parkway, Birmingham B37 7YB, Presented to BlackRock Investments Ltd, Issued: May 2022 Delta-Simons Project No. 21-1101.04')

a) The Rating Level criteria noted as "site noise limits"* specified in 'Section 6.0 Summary and Conclusions', for both day and night time periods shall not be exceeded at any time and applies to free-field conditions at nearest/most relevant development site boundaries.

b) No 1-hour cumulative daytime Rating Level shall exceed the representative LA90 (daytime, 1 hour) level at facades of the nearby 'Holiday Inn Express Birmingham'. For the purposes of limiting noise impacts, the submitted Delta Simons noise assessment notes and acknowledges this as LA90 = 46 dB, meaning a cumulative daytime Rating Level of 46dB LAr, 1hour shall not be exceeded at the facades of the nearby 'Holiday Inn Express Birmingham'.

c) No 15-minute cumulative night time Rating Levels shall exceed the representative LA90 – 5dB level (night-time) level at facades of the nearby 'Holiday Inn Express Birmingham'. For the purposes of limiting noise impacts, the submitted Delta Simons noise assessment notes this as LA90 = 40 dB - 5 dB = 35dB, meaning a cumulative night time Rating level of 35dB LAr, 15

minutes shall not be exceeded at the facades of the nearby 'Holiday Inn Express Birmingham'.

*Delta Simons's quoted "site noise limits" are hereby noted as "Rating Levels" (LAr,Tr), [being specific sound levels plus any adjustment for the characteristic features of the sound, as referenced in BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound"].

Reason: To safeguard neighbour amenity in accordance with Policy P14 of the Solihull Local Plan 2013.

12. Prior to the occupation of any units on the site for B2 uses (as defined under the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010), a scheme shall be submitted and approved in writing by the Local Planning Authority showing (a) the name of the intended occupier and the nature of their intended use together with (b) any relevant measures necessary to protect the amenity of the occupiers of nearby properties.

Depending upon the nature of the operations to be carried out, such a scheme may include appropriate measures to control amenity impacts associated with operations, movement of vehicles and any emissions to air (to include any odorous emissions). Thereafter, any B2 occupation of the unit(s) shall be in accordance with the agreed scheme and any subsequent change in occupier will require the details noted in the first part of the condition to be resubmitted, approved and implemented.

Reason: To safeguard the amenities of local businesses in accordance with Policy P14 of the Solihull Local Plan 2013.

13. Prior to the development hereby approved commencing, details of the siting, design and construction of all access roads/footpaths/access crossings, and/ changes to the north-bound and south-bound bus stops on the site's eastern boundary shall be submitted to and approved by the Local Planning Authority. The works to the south-bound bus stop should seek to provide a bus shelter and connection to the footway at the pedestrian crossing point to the south of the stop, unless otherwise agreed in writing with the Local Planning Authority. The works shall be implemented in accordance with the approved details prior to occupation unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity, convenience and traffic safety in accordance with Policy P8 and P15 of the Solihull Local Plan 2013.

14. No part of the development permitted by this consent shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including a timetable) as outlined in the submitted Framework Travel Plan (NM/DF/LC/HC/ITL17099-002A R) to promote travel by sustainable modes which are acceptable to the local planning authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

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

15. The use(s) hereby approved shall be confined to Class B2 and Class B8, and Class E(g)(i)), of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order) unless otherwise agreed in writing.

Reason: Permission is granted having regard to the specific use(s) described in the application and the local planning authority would wish to reconsider the position in the event of a change in circumstances.

16. The lighting hereby approved shall be installed and maintained in accordance with Drawing Number 10345-PL-100 A (External Lighting Plot) and External Lighting Assessment (JG/10345/ESA-100 ISS 02) Report.

Reason: To safeguard the visual amenities of area and neighbour amenity in accordance with Policies P14 and P15 of the Solihull Local Plan 2013.

NOTES:

1. EV Charging points
2. Climate Change – Building Control