

APPLICATION REFERENCE: PL/2021/01663/PPFL**Site Address:** Olton Wharf Off Richmond Road Solihull B92 7RN

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| Proposal: | Demolition of existing office building and adjoining car servicing depot, and erection of No. 42 apartments with associated parking and landscaping. |
| Web link to Plans: | Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/ |

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| Reason for Referral to Planning Committee: | Five letters of objection received |
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| Recommendation: | APPROVAL SUBJECT TO CONDITIONS |
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EXECUTIVE SUMMARYThe Proposal

The proposal involves the demolition of the existing two and three storey commercial buildings on site and construction of a four-storey apartment building comprising 22 two-bedroomed units and 20 one-bedroomed units, car parking spaces, access, landscaping and hardstanding. The scheme will provide 100% market housing.

Vehicular and pedestrian access to the site will be from Richmond Road via a private road which also serves Olton Business Park (the business park). A new pedestrian footpath will be provided to the front of the site. A section of the private road from the front of the application site to Richmond Road will be repaired and improved as part of the proposed development.

The proposed development will provide 46 off-street car parking spaces and includes the initial installation of Electric Vehicle (EV) charging points for 6 spaces and infrastructure for future provision. Cycle parking and refuge storage areas will be provided on the ground floor of the building.

A landscape scheme has been submitted in support of the application which shows the proposed landscaping strategy for the site. This includes new tree planting, hedgerows and landscaping throughout the site and a communal garden serving the

apartments. A 4m green wall acoustic screen is proposed along the boundary with the railway line.

Summary of Planning Balance

As a result of the housing land supply shortfall in the borough, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- *The Benefits*

The application site is a brownfield windfall site which is well related to local services, sustainable modes of transport and public open spaces. The scheme would make a contribution to addressing the shortfall in housing land supply in the borough, which is a social benefit. Limited positive weight is attributed to the social benefits of the proposed development in the planning balance.

The construction phase of the development will deliver some economic benefits and future occupants of the dwellings will also contribute to the vibrancy of the area, which is also an economic benefit. As directed by paragraph 81 of the Framework, significant positive weight is attributed to the economic benefits of the proposed development in the planning balance.

The proposal would not detract from the character and appearance of the area, rather the development would be a respectful addition which enhances its surroundings. The proposal includes new tree planting, hedgerows and landscaping throughout the site which will enhance biodiversity. EV charging points and infrastructure for future provision is proposed. The proposal will therefore deliver environmental benefits when compared to the existing situation on site. Limited positive weight is attributed to the environmental benefits of the proposed development in the planning balance.

- *The Adverse Impacts*

The proposal would result in the loss of the existing two and three storey commercial buildings on site. On the basis of the evidence submitted, the scheme would not meet any of the exception criteria listed in Policy P3 (a) of the Local Plan which seeks to retain land for employment use(s). The proposal would therefore conflict with the provisions of Policy P3 (a) of the Local Plan. Moderate negative weight is attributed to this matter in the planning balance.

Where other adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning condition. Accordingly, for the reasons set out in this Report, and subject to appropriate conditions, the proposed development would not conflict with the relevant policies within the Local Plan or guidance in the Framework. Neutral weight is attributed 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 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: -

- Whether the proposal would provide an appropriate site for residential development having regard to policies in the development plan and national guidance.
- The effect of the proposal, by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area.
- The effect of the proposal on highway safety and the free flow of the road network.
- Other Material Considerations
 - Amenity
 - Climate Change
 - Drainage
 - Ecology
 - Economic Benefits
 - Housing
 - Trees
 - Other Matters
- Planning Balance and Conclusion

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Drainage and Lead Local Flood Authority – No objection subject to condition.

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

SMBC Affordable Housing - The scheme is unviable and unable to support any s106 contribution towards the off-site provision of affordable housing. A contribution towards off-site affordable housing is therefore not sought.

SMBC Ecology – No objection subject to condition.

SMBC Highways – No objection subject to condition.

SMBC Landscape – No objection subject to condition.

SMBC Policy and Spatial Planning – No objection subject to assessment.

SMBC Public Protection - No objection subject to condition.

SMBC School Place Planning Team – A contribution of £2,758 is sought towards specialist education needs provision.

SMBC Urban Design – No objection subject to condition.

Canal and River Trust – No objection subject to condition.

Network Rail – No objection subject to condition.

West Midlands Fire Service - The approval of Building Control will be required to Part B of the Building Regulations 2010.

West Midlands Police – Recommend that all apartments conform to the standards laid out in the Secured by Design `Homes 2019` guide.

PUBLICITY

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

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

Amenity

- Overlooking.
- Loss of privacy.
- Loss of light.
- The proposal does not protect the amenity of existing residents.
- Pollution.
- Light pollution.

Design

- The proposal does not conserve or enhance the existing street scene and is out of keeping with the surrounding area.

Highways

- Increased traffic congestion.

- Danger to highway and pedestrian safety.

Landscape

- Loss of trees.

Other Matters

- No affordable housing provision.
- Lack of public consultation.

Non-planning Matters

- Land ownership matters.
- Existing tree(s) damaging access road serving numbers 1, 3, 5, 5b, 7, 7a, 9, 9a 11 and 11a Richmond Road.

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 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 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 13 May 2021 the Local Plan Review 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 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 (PPG).

Whether the proposal would provide an appropriate site for residential development having regard to policies in the development plan and national guidance

Development Plan

Policy P5 of the Local Plan supports new housing on unidentified sites in accessible locations where they contribute to meeting borough wide needs and towards enhancing local character and distinctiveness. In order to find support in Policy P5, developments should; (a) be located in accessible locations; (b) contribute to meeting borough wide housing needs and; (c) enhance local character and distinctiveness.

(a) Accessibility

In terms of the first test, Policy P7 of the Local Plan provides accessibility criteria in relation to local circumstances. Policy P7, amongst other things, seeks to ensure that new development is focused in the most accessible locations and promotes ease of access. When looking at housing development, this Policy sets out criteria of walking distances for new development as detailed in the table below.

| | Policy P7 distance requirement | Local Authority Calculation of distance |
|----------------|--------------------------------|---|
| Bus Stop | 400m | 150m (Richmond Road) |
| Rail Station | 800m | 300m (Olton) |
| Food Store | 800m | 100m (Richmond Road) |
| Primary School | 800m | 800m (Margaret's C of E Primary School) |
| GP Surgery | 800m | 800m (Richmond Medical Centre) |

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

(b) Contribute to meeting borough wide housing needs

Turning to the second test, paragraph 11 of the Framework indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5-year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i)

the application of policies in the Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 3.60 years (as of 1st April 2021) and therefore the tilted balance is engaged. This shortfall is considered to be substantial on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be substantial this should be given significant weight.

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

(c) Enhancing local character and distinctiveness

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

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

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

National Policies

Paragraph 7 of the Framework confirms the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 defines the three objectives of sustainable development as economic, social and environmental. Paragraph 9 states decisions should play an active role in guiding development towards sustainable solutions. The proposal seeks to redevelop a windfall site in a sustainable location for new homes, so in this regard it would meet these objectives.

Paragraph 60 of the Framework confirms the Government's objective of significantly boosting the supply of homes. Paragraph 39 c) also promotes the benefits of using suitable windfall sites within existing settlements for homes. As the proposal would deliver housing growth within an existing settlement it would comply.

Paragraph 124 of the Framework advises that planning decisions should support development that makes efficient use of land. Paragraph 124 a) also advises this should take into account an identified need for different types of housing, while paragraph 124 e) highlights the importance of securing well-designed, attractive and healthy places. The proposal seeks to maximise the developable area of the site to address an identified housing need in a manner which enhances the character and appearance of the area, so in this regard it would meet these aims.

- *Summary*

The application site is a brownfield windfall site which is well related to local services, sustainable modes of travel, and public open spaces, and would contribute to meeting the borough's housing need. An assessment of the effect of the proposal on the character and appearance of the area is set out in the next section of this Report. Officers have concluded that the proposal would meet the relevant criteria as set out in Policy P5 of the Local Plan.

For the reasons given, the principle of the redevelopment of this brownfield windfall site for residential use (Class C3 of the Use Classes Order (1987) (as amended)) and associated works is supported by both local and national planning policy.

The effect of the proposal, 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. Developments will be expected to create a sense of place.

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

In order to determine the impact the proposal would have on the character and appearance of the area, it is useful to review the existing character and appearance of the application site and surrounding area.

- *The Existing Situation*

The application site is ca. 2600 sq m in size and currently accommodates two and three storey commercial buildings which have a footprint ca. 1040 sq m. The commercial buildings are between ca. 8.9m and 11.1 m in height.

To the north of the application site is the business park which is occupied by a variety of land uses. To the east is a private access road which serves the application site and business park, beyond which is the Grand Union Canal. To the south is Richmond Road along which there are several residential dwellings. To the west is a railway line which passes the site on a raised embankment.

The site is not in a conservation area, has no formal designation of protection or preservation, and none of the trees surrounding the site are subject to a tree preservation order.

- *Layout, Scale and Massing*

In terms of layout, the layout is, to a certain degree, dictated by the location of the site and its relationship to established commercial and residential uses, the railway line and canal, as well as the private access road from Richmond Road which serves the business park.

The proposed building broadly reflects the building line of the existing commercial buildings on the site. The existing vehicular access points and car parking will be retained and modified to serve the proposed building. The proposed building has been orientated within the site to address the private road that runs between the site and neighbouring canal, thus increasing natural surveillance along this currently under surveyed road and canal towpath. The proposed building will also provide surveillance of the car parking areas.

With regard to scale and massing, the proposed building will have a footprint of ca. 845 sq m, a reduction in building footprint of ca. 195 sq m when compared to the existing buildings on site. The existing two and three storey commercial buildings on the site will be replaced with a four-storey residential building measuring ca 11.6 m in height, an increase in height of between ca. 0.5 m and 2.7 m above that of the existing buildings on site.

The proposed building will be sited directly adjacent to buildings on the business park, which are occupied by a variety of land uses, and are two-storey in height. The proposed building will be sited between 31.5 m and 55 m from the main rear elevations of the dwellings on Richmond Road, which are two-storey in height. Accordingly, the proposed building has a closer spatial and visual relationship with the business park than the dwellings on Richmond Road. Furthermore, the proposed building would be comparable in scale, mass and disposition to the buildings to be demolished, and given its spatial and visual relationship with the immediate area, it would complement the existing massing and scale of the surrounding neighbourhood and would not appear overly intrusive when viewed from Richmond Road.

- *Appearance*

In terms of appearance, the existing buildings to be demolished are predominantly red brick with flat and pitched rooflines. Buildings at the business park vary, with a mixture of red brick, timber cladding, render and prefabricated buildings. Roofs are flat and pitched. The two-storey dwellings on Richmond Road are a mixture of red brick and white render. Accordingly, whilst there is a degree of general continuity of building materials in the form of red brick, there is also clear variation in the character and appearance of materials and buildings.

The apartment is proposed to have a contemporary aesthetic in terms of the material treatment and elevational style. The vertical mass of the building is broken up using

fenestration and architectural detailing. The main body of the building will be constructed of a mixture of red bricks and fenestration will have dark grey frames. Fenestration is aligned vertically and architectural detailing such as horizontal brickwork between windows and external balconies, helps create vertical articulation. Balconies project out from the main body of the building and are constructed of rockpanel stone cladding with glass balustrades, which also create vertical articulation. The fourth storey uses grey cladding that visually detaches this level from the main mass of the building to appear more subservient. This floor includes a number of external balconies with brick and glass balustrades. Proposed building materials are secured by means of condition (Condition 3).

- *Landscaping*

A landscape scheme has been submitted in support of the application which shows the proposed landscaping strategy for the site. This includes tree planting, hedgerows and landscaping throughout the site and a communal garden. A 2m acoustic fence is proposed along the northern boundary of the site and a 4m green wall acoustic screen is proposed along the boundary with the railway line. Landscaping and tree planting is discussed in more detail in the Tree section of this Report.

- *Summary*

The site is located within an accessible location where the principle of development is supported. The proposal would not detract from the character and appearance of the area, rather the development would be a respectful addition responding acceptably to its surroundings. The proposed building, whilst clearly more contemporary in appearance than its immediate neighbours, would not be out of place within the area rather, in design terms, it would provide a welcome addition to this site, improving its appearance and that of its immediate surroundings.

The development would therefore be appropriate in terms of its scale, massing, layout, design and landscaping and accords with guidance in Policies P10, P14 and P15 in the Local Plan. Positive weight is attributed to this matter in the planning balance.

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

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.

- *Traffic Impact*

Chapter 5.0 (Traffic Generation and Impact) of the TS provides details of the number of vehicle trips the existing and proposed uses could generate during the AM and

PM peak periods (08:00-09:00 & 17:00-18:00). Table 6 (Total Vehicle Trip Generation – Existing Use) indicates that the existing office and car servicing depot could generate approximately 37 two-way vehicle trips during the AM peak period, approximately 38 two-way vehicle trips during the PM peak period, and approximately 288 two-way vehicle trips over a 12-hour period (07:00-19:00). Table 7 (Vehicle Trip Rates and Trip Generation – Proposed Use) of the TS indicates that the proposed apartments could generate approximately 10 two-way vehicle trips during the AM peak period, approximately 15 two-way vehicle trips during the PM peak period, and approximately 111 two-way vehicle trips over a 12-hour period (07:00-19:00). The development proposals could therefore generate approximately 27 fewer two-way vehicle trips during the AM peak period, 23 fewer two-way vehicle trips during the PM peak period, and 177 fewer two-way vehicle trips over a 12-hour period. The reduced number of vehicle trips the development proposals could generate compared to the existing uses could be considered a betterment to the operation and capacity of the local highway network.

In the interest of highway safety, a Demolition and Construction Management Plan is secured by means of condition (Condition 4).

- *Car Parking*

The development proposals include the provision of 46 car parking spaces within the application site to serve the proposed apartments, which equates to approximately 1.2 spaces per apartment. The TS includes a review of the Census 2011 data, to establish existing local car ownership levels. The review indicates that approximately 94% of one-bed apartments in the locale either have one car or no car at all, and approximately 85% of two-bed apartments have one car or no car at all. A total of 26 cycle parking spaces are also proposed within the ground floor of the apartment building. The level of car parking proposed is considered to be acceptable to serve the development proposals especially considering the sustainable location that the site holds with the Olton train station and bus stops nearby.

- *Highway Works*

The location of the private access road serving the application site is shown on Drawing Number 30930-000 (Site Location Plan). It has been noted that the access road currently has several potholes, and some sections are in a poor state of repair. The applicant has confirmed that they are able to carry out repairs to the private access road, and will carry out repairs where it is reasonably related to the development proposed. Such a scheme can be secured by means of Grampian condition (Condition 6).

- *Summary*

The Highway Authority has reviewed the documents submitted and is satisfied that the proposal is suitably designed in terms of its access arrangements, composition and layout and the quantum of development proposed would not have an adverse effect on highway safety or the free flow of the road network.

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

Amenity

Policy P14 of the Local Plan seeks to protect the amenity of existing occupiers of houses when considering new developments. Careful consideration must therefore be given to the impact development will have on the amenity of existing neighbours.

- *Living Conditions – existing neighbours*

The nearest residential properties to the application site are numbers 1, 3, 5, 5b, 7, 7a, 9, 9a 11 and 11a Richmond Road.

The application site currently comprises of two and three storey commercial buildings. The commercial buildings which face the dwellings on Richmond Road measures ca. 11.1 m (adjacent to No. 11a) and 8.9 m (adjacent to No.1) in height and are sited a minimum of ca. 22 m from the rear boundaries of dwellings on Richmond Road.

The existing two and three storey commercial buildings on the site will be replaced with a four-storey residential building measuring ca 11.6 m in height, an increase in height of between ca. 0.5 m and 2.7 m. The proposed building broadly reflects the building line of the existing commercial buildings on the site, thereby ensuring a minimum separation distance ca. 22 m is maintained between the main body of the apartment building and the rear boundaries of dwellings on Richmond Road. A separation distance of between ca. 31.5 m and 55 m is maintained between the main body of the apartment building and the main rear elevations of dwellings on Richmond Road. It is therefore considered that the proposed building is appropriately proportioned and sited so as not to cause any undue visual intrusion, overbearing effect, or loss of privacy or undue disturbance to the occupants of dwellings on Richmond Road.

The existing vehicular access point and car parking area adjacent to the rear boundaries of dwellings on Richmond Road which serves the existing commercial building will be retained and modified to serve the proposed residential building. There will therefore be no adverse impact on neighbour amenity associated with the use of the car park.

Based on the submitted plans and documentation, your officers are satisfied that the quantum of development proposed can be accommodated on the site in a manner which ensures the amenities of existing residents is protected.

- *Living Conditions – future occupants of the development*

Policy P14 of the Local Plan also seeks to protect the amenity of potential occupiers when considering new developments. Careful consideration must therefore be given to whether a development provides reasonable living conditions for future residents.

- *Noise*

The application site is located at the southern end of the business park. To the north of the application site is the business park which is occupied by a variety of land uses, including: Dulux Decorator Centre, Rudders and Paynes Ltd., Discount Home Décor, Porotherm Training & Demonstration Centre, EH Smith Builders Merchants. To the east is a private access road which serves the application site and business park, beyond which is the Grand Union Canal. To the west is the Birmingham to Stratford-upon-Avon railway line which passes the site on a raised embankment. The impact of activities associated with the business park and railway line on the amenity of the occupiers of future residents of the development requires careful consideration.

A Noise Assessment (NA) prepared by Nova Acoustics has been submitted in support of the development proposals. The NA has been amended on several occasions in response to observations of your Public Protection Officer. Based on the conclusions of the NA, the proposal has been amended during the lifetime of the application to incorporate a number of noise mitigation measures into the fabric of the building and external environment.

In terms of the fabric of the building, the scheme incorporates a plenum glazing system for windows. A plenum glazing system involves installing two separate leaves of glazing with openings at the top and bottom. This allows fresh air to enter through the top of the inner secondary leaf and exit through the bottom of the outer leaf (or vice versa).

The scheme incorporates a ventilation strategy which ensures ventilation is installed to all habitable rooms, thereby allowing fresh air to enter rooms in the event the plenum glazing windows are closed.

The scheme also incorporates acoustic screens on balconies in order to provide acoustic shielding to these areas. As balcony areas are accessed via doors located off living rooms, the acoustic screens also provide additional shielding for living room windows and the primary living areas they serve.

With regard to the external environment, to complement the measures incorporated into the fabric of the building, the scheme incorporates a 2m high acoustic screen along the boundary with the business park to the north, which helps shield the application site from noise emanating from the business park. The scheme also incorporates a 4m green wall acoustic screen between the railway line and communal garden, which helps shield the garden and building from noise emanating from the railway line.

The noise mitigation measures are secured by means of condition (Conditions 20, 22, 23, 24, 25 & 26). In addition to conditions requiring the instillation of the mitigation measures, a condition is recommended requiring the submission of a validation report, so the acoustic performance of the mitigation measures installed at the site can be verified by the Local Planning Authority (Condition 21).

For the reasons outlined, provided the noise mitigation measures are implemented, internal and external noise levels are expected to be within acceptable levels and thus the proposal will provide a satisfactory environment for future residents of the development.

- *Internal Floor Space*

The 22 two-bedroomed units have an internal floor area of between ca. 62 to 72 sq m, and the 20 one-bedroomed units have an internal floor area of between ca. 50 to 57 sq m. Windows and / or doors provide natural light to all habitable rooms. Officers consider the apartments provide sufficient amenity space and natural light for future occupiers.

- *Amenity Space*

Twenty-nine of the 42 apartments have private outside space in the form of enclosed patio areas or balconies. No private amenity space is provided for 13 of the apartments. However, a communal garden area is provided to the rear of the site. The communal garden includes a 2m acoustic fence along the northern boundary of the site and a 4m green wall acoustic screen along the boundary with the railway line, thereby ensuring noise from the business park and railway line is reduced to an acceptable level. In addition, the apartments will be located a short walk from Grand Union Canal, and Barn Lane Recreation Ground, which will allow future residents easy access to areas of public open space.

- *Summary*

Drawing matters together, based on the submitted plans and documentation, and subject to conditions, officers are satisfied that the quantum of development proposed can be accommodated on the site in a manner which ensures the amenities of existing residents living around the perimeter of the site, and future residents of the development, is protected.

The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework. Neutral weight is attributed to this matter 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 Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR 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 SLPR 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 deceleration.

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 urban drainage are secured and biodiversity and landscape mitigation is achieved. Officers also note that new dwellings will be constructed to modern Building Regulation standards and will therefore have a far greater thermal efficiency than older dwellings. Whilst not yet reaching net zero, such standards will, by their very nature, help reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions. Whilst not a requirement of the Local Plan, the proposal includes the initial installation of EV charging points for 6 spaces and infrastructure for future provision. This is secured by means of condition (Condition 19).

Furthermore, it is important to note that amended Building Regulations came into effect from 15th June 2022 and are applicable to new builds. This relates to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations. Part S (Infrastructure for the charging of electric vehicles) are also bolstered and become a building regulation requirement. Whilst new measures will not apply to schemes which are already subject to a building notice; full plans application to Building Control; or initial notice to Building control and which commence work for each building before 15 June 2023, it is our understanding that anything subject to such Building Control applications after the 15 June 2022 will need to meet these new regulations as standard. An informative is added to the recommended decision to alert the applicant to this.

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.

The application has been supported by a Flood Risk Assessment (FRA). The Drainage and Lead Local Flood Authority's Drainage Engineers have reviewed the FRA and are satisfied that the proposal would not give rise to flood risk or drainage issues, and this can be secured by means of condition (Condition 7).

The proposal therefore accords with Policy P11 of the Local Plan and guidance in the Framework. Neutral weight is attributed to this matter in the planning balance.

Ecology

Policies P10 and P15 of the Local Plan require that proposals conserve and enhance biodiversity and promote green infrastructure.

Paragraphs 179 and 180 of the Framework also seek to promote and enhance biodiversity.

In terms of protected species, the application has been accompanied by a Preliminary Ecological Appraisal (PEA). The Council's Ecologist has reviewed the PEA and raised no objection subject to the recommendations of the appraisal being followed. This can be secured by means of condition (Conditions 13 & 15).

With regard to biodiversity, the Council's Ecologist is satisfied that a net biodiversity gain can be achieved on-site subject to appropriate mitigation for the habitats on site. Therefore, no off-site compensation is required. This can be secured by means of condition (Condition 14).

The proposal therefore accords with Policy P10 of the Local Plan and guidance in the Framework. Positive weight is attributed to this matter in the planning balance.

Economic Benefits

The proposal would support a number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify the number of jobs created, the proposal would support a significant number of trades that would be involved in the construction process. This matter would be of significant benefit to the local economy. Further, the future occupiers of the dwellings would increase local spend in the area at local shops and other services. In summary, there would be economic benefits during construction and from the expenditure of future residents through their occupation of the new dwellings. Thus, as directed by paragraph 81 of the Framework, significant weight is attributed to the economic benefits of the scheme in the planning balance.

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.

- *Tree Loss*

The proposal involves the removal of one individual tree and a ca. 3m section of hedgerow. Whilst the loss is regrettable, it should be noted the tree / hedge which are to be removed are low quality (category C).

- *Replacement Trees*

The proposal has been accompanied by a landscape scheme which shows landscaping and tree planting within the site. The proposal seeks to provide tree planting and new hedgerows to the front of the site to create a green edge fronting the private road, and in and around the communal garden area to the rear of the site. The proposal seeks to provide ca. 37 new trees on site. The exact quantum of tree planting across the site will be informed by the detailed hard and soft landscape design. This can be secured by means of condition (Condition 9 & 10).

- *Tree Protection*

Officers recognise that the scale of the proposal 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. This can be secured by means of condition (Condition 8).

- *Future Management*

To ensure the aspirations of the landscape scheme are fully realised and trees and landscape features are maintained, a landscape management condition is recommended (Condition 12).

A 4 m green wall acoustic screen is proposed along the boundary with the railway line which, in addition to providing a noise barrier to the communal garden, will include climbing plants and vegetation. The detailed landscape design and future maintenance of this screen can be secured by means of condition (Conditions 11 and 12)

- *Summary*

The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of a site and an area is an important part of any proposal. The landscape scheme demonstrates how the proposal provides an appropriate level of tree planting and landscaping across the site. The proposal therefore accords with Policies P10 and P14 of the Local Plan and guidance in the Framework. Positive weight is attributed to this matter in the planning balance.

Housing

- *Affordable Housing*

Paragraph 64 of the Framework advises that, in most cases, the provision of affordable housing should only be sought for major residential developments (i.e., 10 or more homes or the site has an area of 0.5 hectares or more).

Policy P4 a) of the Local Plan advises that contributions will be expected to be made in the form of 40% affordable dwelling units on each development site, but the Council will take into account a number of factors. These factors include at point iii

'the economics of provision, including particular costs that may threaten the viability of the site'.

The application has been accompanied by a Financial Viability Statement (FVA) prepared by Mill Acre Development Consultancy Limited. The FVA advises at paragraph 5.9 that ... *"the scheme is unable to contribute towards affordable housing or meet any other planning contributions. The proposals will however provide a CIL payment to SMBC"*.

The Local Planning Authority's consultants Cushman and Wakefield (C&W) have carried out a review of the FVA and concluded that the scheme cannot support any s106 contributions. The Council's Affordable Housing Team concur with the findings of C&W. The exception test in Policy P4 a) is therefore met. The proposal therefore accords with Policy P4 a) iii of the Local Plan and guidance in the Framework.

- *Housing Mix*

The application site is located in Olton where the Council's Meeting Housing Needs SPD (the SPD) advises the Council will seek 40% of new housing development to be 1 or 2 bedroom market dwellings. The proposal provides 42 residential units in the form of 22 two-bedroomed units and 20 one-bedroomed units, and thus meets the requirements of the SPD.

Neutral weight is attributed to these matters in the planning balance

Other Matters

- *Loss of Business Premises*

Policy P3 (a) of the Local Plan seeks to ensure that an adequate supply of land remains available for employment purposes. Policy P3 (a) advises that alternative uses may be allowed where certain criteria are met. The criteria are listed as:

- i. The site is relatively isolated from other business premises or is out of place in the context of other neighbouring uses, such as residential; or*
- ii. It is clearly demonstrated that there is no longer a need to retain the site/premises for their intended business class purpose; or*
- iii. In the case of vacant premises, there is no longer a reasonable prospect of attracting business development in market terms;*
- iv. The alternative use will support sustainable development principles and will directly support employment locally;*

The proposal involves the demolition of the existing two and three storey commercial buildings on site which have an internal floor space of ca. 1701 sq m. The buildings are not isolated from other business premises, no detailed evidence has been submitted to clearly demonstrate that there is no longer a need to retain the buildings for their current employment uses, the premises are not vacant, and the proposed development will not create a new employment use. Therefore, on the basis of the evidence submitted, the scheme would not meet any of the criteria listed in Policy P3 (a) Local Plan and would therefore conflict with this policy.

The applicant has advised that at present the buildings are leased to Halfords, Jask Creative and Rethink, with ca. 1022 sq m occupied by Halfords of which ca. 465 sq m is the workshop, ca. 279 sq m is a disused office which has not been used for over 10 years, and ca. 279 sq m is only used about once a week for training. Circa 186 sq m is occupied by Jask Creative, however this lease expires March 2023 and Jask Creative are moving to another office in Solihull which better meets their needs. Circa 372 sq m is occupied by Rethink, however Rethink are vacating the premises in March 2023.

The application site is not allocated as 'employment land' in the Local Plan. The proposal will result in the loss of unallocated employment land, which while not vacant, is currently underoccupied. Furthermore, two of the three occupants' leases will expire in March 2023 and will not be renewed. For these reasons, officers consider moderate negative weight should be attributed to the conflict with Policy P3 (a) of the Local Plan in the planning balance.

- *The effect of this residential use on the operation of existing businesses at Olton Wharf Business Park*

In addition to the impact of the operations undertaken at the business park on the amenity of occupiers of future residents of the proposed development, the impact of the development on the operations undertaken at the business park also requires careful consideration.

As previously set out earlier in this Report, a Noise Assessment has been submitted in support of the development proposals which sets out a package of measures to ensure the proposal provides a satisfactory environment for future residents of the development.

In addition to providing a satisfactory environment for future residents, the measures will also ensure suitable mitigation is provided so the proposed development can be integrated effectively with the operation of the business park, thereby satisfying the requirements of paragraph 187 of the Framework, which seeks to ensure existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

- *Impact on Railway Line*

The application site is located adjacent to the Birmingham to Stratford-upon-Avon railway line which passes the site on a raised embankment. Network Rail have reviewed the application and raise no objection subject to conditions for the protection of the railway line (Conditions 4, 8, 16 & 17).

- *Impact on Grand Union Canal*

The application site is located adjacent to the Grand Union Canal. The Canal and River Trust have reviewed the application and raise no objection subject to conditions for the protection of the Grand Union Canal (Condition 18).

- *Education Provision*

The Council's School Place Planning Team have advised that there is no requirement for a primary education contribution, as this is covered by CIL, and there is already capacity within secondary schools to accommodate the pupil yield from the scheme. The School Place Planning Team have advised that a contribution of £ 2,758 towards specialist education needs provision is sought. However, for the reasons outlined earlier in this Report, the LPA's consultants C&W have carried out a review of the applicants FVA and concluded that the scheme cannot support any s106 contributions.

- *Pollution*

Concerns have been raised regarding pollution, including light pollution, as a result of the proposed development.

The application site is not within an Air Quality Management Area and the proposed development does not meet the requirements for an Air Quality Assessment as set out in the Council's Local Validation Criteria 2020. The application site is located in the mature suburbs of Olton and currently accommodates an office building and car servicing depot and is classified as previously developed land. The application site is located adjacent to a business park and railway line and close to the A41 Warwick Road, and the proposed development needs to be considered in this context.

As set out earlier in this Report, the Local Highway Authority have advised that the development proposals could generate approximately 27 fewer two-way vehicle trips during the AM peak period, 23 fewer two-way vehicle trips during the PM peak period, and 177 fewer two-way vehicle trips over a 12-hour period compared to the existing lawful uses. Furthermore, to reduce the impact of the proposed development on local residents during the construction phase, a Demolition and Construction Management Plan is secured by means of a condition (Condition 4).

Drawing matters together, based on the submitted plans and documentation, and subject to conditions, officers are of the opinion the proposal would not give rise to increased levels of pollution, including light pollution, when considered in context with the lawful uses of the site and surrounding built environment.

- *Community Infrastructure Levy*

The proposed development would be liable for CIL. The chargeable development takes account of the net additional gross internal floorspace of the development subject to deductions for demolitions (which is circa 1701 sq m) multiplied by the current chargeable rate for the Olton area which is £98.25 per sq m. The chargeable development is therefore 1,422 sq m which is based on the GIA of the proposed development (3123 sq m) minus the area to be demolished (1701 sq m). The total CIL figure equates to £139,711.

- *Contaminated Land*

The application has not been accompanied by a Contaminated Land Report however, this can be secured by means of condition (Condition 27).

- *Other*

Concerns have been raised regarding public consultation. The application was advertised in accordance with the relevant legislation, with 46 individual neighbour letters posted, a site noticed posted onsite, and a press notice placed in the local newspaper. The scheme has also been amended during the lifetime of the application, and therefore a public re-consultation exercise was undertaken with 46 individual neighbour letters posted, thereby allowing local residents an opportunity to comment on the amended scheme.

Neutral weight is attributed to these matters in the planning balance.

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 and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise.

The Framework is an important material consideration. It advises that housing

applications should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date Development Plan (as in Solihull) means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. This is often referred to as the 'tilted balance'.

The outcome of this application therefore depends on:

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

- *The Benefits*

The application site is a brownfield windfall site which is well related to local services, sustainable modes of transport and public open spaces. The scheme would make a contribution to addressing the shortfall in housing land supply in the borough, which is a social benefit. Limited positive weight is attributed to the social benefits of the proposed development in the planning balance.

The construction phase of the development will deliver some economic benefits and future occupants of the dwellings will also contribute to the vibrancy of the area, which is also an economic benefit. As directed by paragraph 81 of the Framework, significant positive weight is attributed to the economic benefits of the proposed development in the planning balance.

The proposal would not detract from the character and appearance of the area, rather the development would be a respectful addition which enhances its surroundings. The proposal includes new tree planting, hedgerows and landscaping throughout the site which will enhance biodiversity. EV charging points and infrastructure for future provision is proposed. The proposal will therefore deliver environmental benefits when compared to the existing situation on site. Limited positive weight is attributed to the environmental benefits of the proposed development in the planning balance.

- *The Adverse Impacts*

The proposal would result in the loss of the existing two and three storey commercial buildings on site. On the basis of the evidence submitted, the scheme would not meet any of the exception criteria listed in Policy P3 (a) of the Local Plan which seeks to retain land for employment use(s). The proposal would therefore conflict with the provisions of Policy P3 (a) of the Local Plan. Moderate negative weight is attributed to this matter in the planning balance.

Where other adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning condition. Accordingly, for the

reasons set out in this Report, and subject to appropriate conditions, the proposed development would not conflict with the relevant policies within the Local Plan or guidance in the Framework. Neutral weight is attributed 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 in favour for the proposed development and the proposal would therefore benefit from the presumption in favour of sustainable development.

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

RECOMMENDATION

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

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

1. CS05 - Approved plans

2. CS00 - Three years

3. CC06 - Materials to be submitted

4.No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Plan shall be strictly adhered to and shall provide for:

- Demolition methodology statement (including mitigation measures)
- the anticipated movements of vehicles;
- the parking and loading/unloading of staff, visitor, and construction vehicles;
- the loading and unloading of plant and materials;
- hours of operation and deliveries;
- the storage of plant and materials used in constructing the development;
- vehicle routing; a turning area within the site for construction vehicles; and
- traffic management measures; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.
- Details of any scaffolding works within 10m of the railway boundary.

Reason: In the interest of highway safety and residential amenity in accordance with Policies P8 and P14 of the Solihull Local Plan 2013, and in the interests of protecting the railway and its boundary from over-sailing scaffolding, demolition machinery and dust and debris.

5. The development shall not be occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved

Plan shall be implemented within 3 months of full occupation. Thereafter, the occupier of the premises shall review the Travel Plan on a biannual basis. The review report shall be submitted biannually to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy P8 of the Solihull Local Plan 2013.

6. The development hereby approved shall not commence until a scheme ('the scheme') detailing repairs and improvements to be undertaken to the area of the private access to the front of the application site to the junction with Richmond Road has been submitted to and approved by the local planning authority. The scheme shall then be carried out prior to first occupation of any dwelling unless otherwise agreed in writing with the local planning authority.

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

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

- 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 that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy P11 of Solihull Local Plan 2013.

8. 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.

i. details of ground levels, earthworks and excavations to be carried out near to the railway boundary.

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, and to protect the adjacent railway and its boundary.

9. CL04 – Hard and Soft Landscaping details to be submitted

10. CL06 – Implementation of soft landscaping scheme

11. CL10 - Details of boundary treatment to be provided

12. CL 12 - Schedule of landscape maintenance to be provided

13. 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 pollution control measures during the development, protective tree fencing, and details concerning appropriate working practices and safeguards for bats, nesting birds, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. 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 protect important habitats during development.

14. The development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of timings, specifications for bat and bird boxes, native, fruit-bearing or nectar-bearing tree and shrub species planting and access gaps for hedgehogs in any new fences.

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

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

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

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

16. A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

17. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.

Reason: To prevent any piling works and vibration from de-stabilising or impacting the railway.

18. No development shall take place until a Method Statement detailing the method of demolition of the existing building and the design and means of construction of the foundations of the new building hereby permitted, together with any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the structural integrity of the adjacent Grand Union Canal (such as vibration monitoring during piling operations or establishment of stand-off distances from the canal for operating plant or machinery) during both demolition and construction operations. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from demolition / site clearance works, foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development

19. A scheme of Electric Vehicle (EV) charging shall be submitted in writing for approval by the Local Planning Authority. The approved scheme shall detail arrangements for EV charging across the development site, including information on the number/proportion, type, performance/power, housing/fitting, location and use of all associated EV charging facilities. The approved scheme shall be fully installed and operational before the occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To assist and promote the move to a low carbon future and to promote sustainable forms of transport in accordance with guidance in the NPPF.

20. The validation noise report required by Condition 21 shall not be undertaken until the methodology has been agreed with the Local Planning Authority. The methodology shall include (but is not exclusive to) assessment of the use of the skips and truck movements (particularly when trucks are using the exit of the industrial estate). Tests shall be carried out in accordance with BS EN ISO 16283-3:2016 Field measurement of sound insulation in buildings and of building elements. Façade sound insulation or another methodology agreed with the Local Planning Authority. The tests will be undertaken on site.

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

21. The development hereby approved shall not be first occupied until a validation noise report is submitted to and approved in writing by the Local Planning Authority.

The validation report will assess the acoustic performance mitigation installed at the site to address noise from the industrial estate and the railway line. The validation report will demonstrate:

1. The noise levels within the curtilage of the development (i.e within rooms and on balconies) do not exceed the predicted levels of the Nova Noise Report Ref 8389RH Version 2 dated 21/11/2022. Particular regard should be made to Tables 12 (target without rating), 18 and 19.
2. The performance of the acoustic glazing and vents as predicted in the Nova Noise Report Ref 8389RH Version 2 dated 21/11/2022. Particular regard should be made to Tables 13, 14, and 15.

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

22. The development hereby approved shall not commence until a scheme for the 2 acoustic barriers as shown on drawing number 30930-001 Rev C has been submitted to and agreed in writing by the Local Planning Authority. The specifications will have regards to the Nova Noise Report Ref 8389RH Version 2 dated 21/11/2022, drawing number 30930-001 Rev C and each will have a minimum surface mass of 10kg/m². The scheme shall be implemented in accordance with the approved details prior to first occupation and thereafter maintained.

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

23. The development hereby approved shall not commence until a scheme for the Balcony Shields has been submitted to and agreed in writing with the Local Planning Authority. The specifications will have regards to the Nova Noise Report Ref 8389RH Version 2 dated 21/11/2022 as well as drawings 30930 – 006 Rev B and 30930-001 Rev C and each will have a minimum surface mass of 10kg/m². The scheme shall be implemented in accordance with the approved details prior to first occupation and thereafter maintained.

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

24. The development hereby approved shall not commence until a scheme of noise insulation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented to ensure that Plenum (secondary glazed) windows will be installed in all windows/glazed areas and external doors to all habitable rooms. The Plenum windows shall meet with the specification indicated in Tables 13 and 14 of The Nova Noise Report Ref 8389RH Version 2 dated 21/11/2022. The scheme shall be implemented in accordance with the approved details prior to first occupation and thereafter maintained.

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

25. The development hereby approved shall not commence until a scheme of noise insulation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented to ensure that ventilation is installed to all habitable rooms. All such vents shall meet the specification indicated in Table 15 of The Nova Noise Report Ref 8389RH Version 2 dated 21/11/2022. The scheme shall be implemented in accordance with the approved details prior to first occupation and thereafter maintained.

Any mechanical ventilation will need to provide comfort cooling (circa 4 air changes per hour), whilst ensuring noise break in (from the ventilation plant) is acceptable. The noise level generated when the ventilation is operating on the maximum setting shall not exceed NR 30 (dB daytime) and NR 25 dB (night-time).

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

26. In the event that any external plant/equipment is installed, the development hereby approved shall not commence until a scheme of noise insulation for external plant and equipment has been submitted to and agreed in writing by the Local Planning Authority. The equipment/plant must be installed and thereafter used and maintained in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

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

27. CN20 (Full Tiered Contaminated Land Conditions)

Informative Notes:

1. Noise during Construction.
2. Burning or Refuse on Demolition and Construction Sites.
3. Dust Control on Demolition and Construction Sites.
4. Nesting Bird Advisory Note.
5. Community Infrastructure Levy.
6. Street Naming and Numbering.
7. Network Rail BAPA (Basic Asset Protection Agreement).
8. Climate Change Informative.
9. Note to developer/owner advising that there is a is an industrial estate that operates within the vicinity.
10. Note to owners/occupiers advising that there is a is an industrial estate that operates within the vicinity.