

APPLICATION REFERENCE: PL/2021/03072/MAJFDW

Site Address: Kingshurst Village Centre and former Mountford Public House, Marston Drive, Over Green Drive, Gilson Way and Church Close.

Proposal:	Demolition of existing local centre and development of new mixed-use local centre including up to 79 residential units (including a new vicarage) (Use Class C3), retail, commercial, business and services and healthcare (Use Class E (a),(b),(c),(d),(e),(f),(g)(i)), hot food take-away (Sui generis), and local community uses (Use Class F1 and F2 (a),(b)), open space, landscaping, car parking and associated infrastructure.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The approval of an application which in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

The Proposal

Approved Scheme

Outline planning permission was granted on 22nd September 2020 for the demolition of the existing local centre and development of a new mixed use local centre including up to 86 residential dwellings (Use Class C3), up to 1,200 sq m of retail uses (Use Class A1-A5), up to 1,700 sq m of healthcare and community uses (Use Class D2) with open space, landscaping, parking and associated infrastructure (all matters reserved except access) (PL/2020/01235/MAOOT).

Current Scheme

Following the grant of outline planning permission, technical assessment and design work has progressed to inform the detailed development scheme. Several amendments have been made to the approved scheme to reflect feedback received

following public and stakeholder consultation. The amendments can be summarised as follows: -

- The amount of non-residential floor space increased from 2,900 sq m to 3,450 sq m (+ 550 sq m).
- The number of new residential dwellings has been reduced from 86 to 79 (-7 units).
- School Square (adjacent to Kingshurst School) has been enlarged to become a focal point in the north of the site and is connected by a green corridor running north to south terminating at the park.
- St Barnabas' Church has a new lay-by to support access for the delivery of key services such as weddings and funerals.
- A new landscape buffer has been created around the church to help create improved street presence.
- Church parking has been consolidated to Church Close.
- A new four bed vicarage has been added to the Masterplan and is designed in accordance with the Parsonage Design Guide.
- Parking for Development Parcel 6 (adjacent to School Square and Kingshurst School) has been moved to the rear of the properties to enable School Square to be enlarged and form a plaza outside the school.
- A house has been removed on Development Parcel 6 to enable the existing pedestrian path from School Close to the new School Square to be enhanced.
- The community and health building has been repositioned to follow a crescent form to the street frontage to reinforce a strong pedestrian connection to the school.
- A second storey has been introduced to retail units on the corner of the Boulevard / Gilson Way.
- Additional Sustainable Urban Drainage features have been added addressing the requirements for attenuation across the site.
- To support the local centre, new dwellings have been removed to increase public car parking.
- Additional landscaping has been provided to reinforce the pedestrian environment.

An illustrated masterplan showing the location of the main amendments is shown at Appendix 1 of this Report.

To facilitate the above amendments, a full planning application has been submitted. The current scheme seeks full planning permission for the demolition of existing local centre and development of new mixed-use centre including up to 79 residential units (including a new vicarage) (Use Class C3), open space, landscaping, car parking and associated infrastructure.

The new mixed-use centre will include: -

- Retail, commercial, business and services and healthcare (Use Class E (a), (b), (c), (d),(e),(f),(g)(i)) – up to 3,150 sq m
- Local community uses (Use Class F1 and F2 (a), (b)) – 200 sqm
- Hot food take-away (Sui generis) – up to 100 sqm

The proposed uses are hereafter referred to as ‘the new local centre’.

A description of the proposed uses in the new local centre is set out in Appendix 2 of this Report.

Summary of planning balance

The benefits

Kingshurst Village Centre is located within the North Solihull Regeneration Area and the Solihull Local Plan (Local Plan) identifies a number of challenges and objectives with respect to this Area, most notably: A (Reducing Inequalities), C (Sustaining the Attractiveness of the Borough), G (addressing imbalance in the Housing Offer Across the Borough) and H (Increasing Accessibility and Encouraging Sustainable Travel).

Policy P19 (a) of the Local Plan and Policy Policy NS1 (Kingshurst Village Centre) of the Solihull Local Plan – Draft Submission Plan (Draft Local Plan) support the re-development of Kingshurst Village Centre to ensure its continued sustainability and economic success.

The proposal will deliver a new local centre which will provide retail, commercial, business & services, healthcare, local community uses and a hot food take-away. The proposal will deliver 79 high quality residential dwellings in the form of 12 one-bed maisonettes, 5 two-bed houses, 45 three-bed houses, 16 four-bed houses and one vicarage, which will help the Council meet the current housing shortfall within the borough.

The proposal will deliver social-economic benefits through economic activity both in relation to the construction phase and jobs created in the new local centre. It is expected the new local centre will support in the region of 90 full time equivalent jobs. In the longer term, future occupants of the development will likely use local businesses and services in the new local centre. The social-economic benefits should be accorded significant positive weight in the planning balance.

The proposal would deliver environmental benefits, as the scheme has an aspiration to achieve net zero carbon. The aspiration of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national and local planning policy and supports the actions of the Council’s Climate Change Emergency statement. Further environmental benefits are derived from the scale, massing, layout, design and landscape of the scheme, as this will significantly enhance the site and its surroundings. Finally, the proposal will deliver new open space and landscaping throughout the scheme, including landscaping to link the new centre and Kingshurst School to Kingshurst Park. There will also be qualitative enhancements to Kingshurst Park. The environmental benefits should be accorded significant positive weight in the planning balance.

The adverse impacts

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by planning condition. Accordingly, for the reasons set out in this Report and subject to appropriate conditions, the proposal would not conflict with the relevant policies within the Local Plan or guidance in the Framework. This should be accorded neutral weight in the planning balance.

Overall planning balance and conclusion

The proposal will provide a new local centre with employment and community facilities and delivery of high-quality housing when the Council cannot demonstrate a five-year housing supply. It will also help tackle challenges identified within the Local Plan. In conclusion, for the reasons outlined in this Report, the overall planning balance is clearly in favour for the proposed development and proposal therefore benefits 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 development having regard to the most important and up-to-date policies in the development plan and national guidance;
- The effect of the proposal by reason of its scale, massing, layout, design and landscape on the character and appearance of the area;
- The effect of the proposal on highway safety and the free flow of the road network; and
- The effect of the proposal on the amenities of the occupiers of neighbouring properties and future residents of the development.
- Other Material Considerations
 - Drainage
 - Landscape
 - Ecology
 - Housing
 - Other matters
 - Environmental and social-economic benefits
 - Public sector equality duty
 - Human rights
- Planning Balance and Conclusion

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Kingshurst Parish Council – No observations.

Lead Local Flood Authority – No objection subject to condition.

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

SMBC Affordable Housing – No objection.

SMBC Economic Regeneration Business Development – the proposal plays a critical role in the future economic health of Kingshurst and the wider Solihull economy, and from an economic development and regeneration perspective, should be supported.

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

SMBC Public Protection – No objection subject to condition.

SMBC Public Health – No observations.

SMBC Rights of Way – No observations.

SMBC School Place Planning Team – No education contributions sought.

SMBC Urban Design - 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 - No objection subject to condition.

Warwickshire County Council Planning Archaeologist – No observations.

COMMUNITY INVOLVEMENT

The Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Solihull Metropolitan Borough Council adopted its Statement of Community

Involvement (SCI) in 2007. The SCI was updated in January 2020. The new SCI is entitled: *Reviewing the Plan for Solihull's Future, Solihull Local Plan Review, Statement of Community Involvement (January 2020)*.

The SCI contains guidelines for developers to follow when consulting on planning applications within the boundaries of the local authority. The document states that the Council would expect developers of applications for major development to involve the wider community in the development of their proposals at a pre-application stage.

In line with the SCI and Framework a consultation exercise was undertaken to present the proposed redevelopment options to residents and stakeholders. The purpose of this consultation was to allow residents, local ward and parish councillors and other interested parties the opportunity to be involved in the proposals from the beginning, providing opinions on the use of the site and to ask questions about intentions for regeneration.

2016

To progress change at Kingshurst, a draft masterplan was prepared in 2016 to consider capacity and focus redevelopment aims. Engagement with the community and stakeholders on this scheme has helped define objectives and key challenges.

January 2017

Community consultation undertaken in January 2017 generated over 400 responses. Five different design approaches were presented including complete demolition, partial demolition and retention with refurbishment. The most supported approach was complete demolition and the least popular option was for retention and refurbishment, suggesting the community would like to see a high level of change.

June 2017

Four masterplan concepts were developed following early engagement, each proposing demolition of the existing centre and new residential use, retail, health uses for a GP and dentist, community centre including library, office space and flexible areas for community uses. Of these four concepts, option 2 consisting of the siting of village uses directly to the north of the park and to the south of a newly aligned Marston Drive, was endorsed by Cabinet in June 2017 as the preferred option.

2017

Following identification of the preferred option, further public consultation was undertaken to focus feedback on design elements and confirm support. This consultation also sought to make early contact with residents and businesses that may be directly affected.

Two drop-in sessions at Kingshurst Library and an online forum reinforced strong support for the proposals with 76% either agreeing or strongly agreeing with the

masterplan approach. A number of issues were raised, the key items being parking, retail servicing, how the village centre interacts with the park and community facility provision.

In addition to the positive response from the community, the businesses that were engaged also responded positively to the principles of the scheme indicating that, subject to the negotiation of terms, they would like to stay within the centre post-development.

February/March 2019

Two consultation events were held on the 25th February and the 7th March at Kingshurst Library (pre-Covid 19). Approximately 80 residents attended and were invited to consider presentation material and complete a questionnaire.

To ensure the consultation event was attended by as many interested parties as possible, the event was advertised online and via a letter to approximately 400 homes and local businesses in the local area. Local councillors were also invited. A clear majority of residents supported the redevelopment of the centre and preference for total redevelopment of a larger site than previously consulted to maximise opportunity for change. The majority agreed, or strongly agreed a larger site area (extended from the site consulted on in 2017) would help deliver transformational change.

February 2020

Following public consultation on the Planning Brief in March 2019, additional technical work and on-site surveys were undertaken to inform development of an illustrative masterplan. Two consultation events were held on the 25th February and the 27th February at The Space in Kingshurst to present this work to the local community and gather feedback (pre-Covid 19).

The event was advertised online and via a letter to homes and businesses in the local area. Local councillors were also invited.

The consultation material was presented as a number of boards explaining the objective of the proposal to create a high quality, community focussed centre, the illustrative masterplan, indicative amount of retail, community and residential floorspace, and proposed timeframes. Prior to the event interested parties could request to receive a copy of the information that was to be displayed on the day. A total of 180 people attended the events over the two days and in total 150 responses were received.

The consultation produced a similar conclusion to the 2019 events, with the clear majority of residents being in support of the redevelopment of the centre with residents agreeing that the proposed development would be beneficial to themselves and the wider community.

Outline planning application (June – September 2020)

An outline planning application was submitted for the demolition of existing local centre and the development of a new mixed use local centre including up to 86 residential dwellings (Use Class C3), up to 1,200 sq m of retail uses (Use Class A1-A5), up to 1,700 sq m of healthcare and community uses (Use Class D2) with open space, landscaping, parking and associated infrastructure (all matters reserved except access). The outline planning application was approved on 22nd September 2020.

July 2021

Following the grant of outline planning permission, technical assessment and design work progressed to inform the detailed development scheme. Several amendments were made to the approved scheme to reflect feedback received following public and stakeholder consultation.

September 2021

Public consultation on the revised illustrative masterplan took place in September 2021. Two consultation events were held on the 21st September between 3pm and 6:30pm, and the 23rd September between 11.30am and 2:30pm at The Parade, Kingshurst Shopping Centre, Marston Drive to present this work to the local community and gather feedback. Approximately 200 people attended the events over the two days. In total 85 responses were received. The consultation produced a similar conclusion to the earlier events, with the clear majority of residents being in support of the redevelopment, with residents agreeing that the proposed development would be benefit to themselves and the wider community in Kingshurst. Some residents still maintained an objection that parking would be an issue.

Summary

Drawing matters together, the applicant has undertaken a thorough and robust consultation exercise in accordance with the Council's adopted Statement of Community Involvement and guidance in the Framework.

PUBLICITY

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

144 individual neighbour letters were sent to households around the perimeter of the site. Three site notices were posted around the site and a press notice was placed in the local newspaper.

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 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.

The Draft Local Plan was submitted to the Secretary of State on the 13th May 2021. The Review Inquiry hearings were held between September 2021 and February 2022. The Review will gain importance in decision making as the review process progresses.

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.

Kingshurst Village Centre is allocated for a housing led mixed-use development in Policy NS1 (Kingshurst Village Centre) of the Draft Local Plan.

It is considered that relevant policies pertinent to this application, including Policy NS1, have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report considers the proposal against the Local Plan, the relevant policies of the Framework, the National Planning Practice Guidance ('PPG').

Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance

Policies in the development plan

The Local Plan sets out that Solihull has a strong reputation for its high quality built and natural environment, economic success and prosperity, excellent transport links, as well as being a desirable place to live. However, the Local Plan recognises there are significant problems and challenges facing the Borough and identifies 12 key challenges which include:

Challenge A refers to the North Solihull Regeneration Area setting out a number of issues that include significant levels of deprivation, crime and worklessness, poor quality urban environment, green space and public realm, lack of variety of tenures, lack of market and affordable housing. The objective from this is given as closing the gap of inequality between the most and least affluent wards of the Borough such as between the Regeneration Area and the rest of the Borough.

Challenge C acknowledges the challenge of accommodating more development while improving the environment in the North Solihull Regeneration Area, conserving the qualities of mature suburbs that make them attractive and ensuring residential and other amenities are protected. Where impact is unavoidable satisfactory mitigation should be incorporated (Objective C). One of the stated objectives from this is to ensure high quality design and development that integrates with surroundings and creates safer, inclusive, adaptable and sustainable places that make a positive contribution to the borough's sense of place, attractiveness and to quality of life.

Challenge G identifies a shortage of smaller and family sized homes, particularly affordable housing, that prevents many households satisfying their housing needs, particularly in the mature suburbs. One of the objectives from this is to provide an adequate amount and variety of homes that are affordable by local people, including homes for rent, purchase and immediate tenure.

Challenge H identifies difficulties of access to services, facilities and employment leading to social exclusion, in the North Solihull Regeneration Area. The objective from this is to improve accessibility and ease of movement for all users to services, facilities, jobs and green infrastructure and reduce the need to travel.

Policy P19 (a) (Range and Quality of Local Services) of the Local Plan explains that Solihull has a variety of local centres which need to be developed and sustained in a way which ensures their continued sustainability and economic success. The policy identifies 13 local centres including Kingshurst. Paragraph 12.5 of the supporting text identifies the challenges which the policy seeks to address, including Challenges A and C.

The policy advises the scale and nature of new development should reflect the centre's role and function in serving local needs, the opportunity to reduce the need to travel or the need to sustain the economic viability and vitality of the centre.

Appropriate development could include retail, leisure, community and other facilities (such as housing). All new development will need to be sensitive to local character and enhance the public realm.

The policy seeks to promote the vitality of local shopping centres through a variety of facilities that could benefit the local community, including those to meet cultural needs and the needs of diverse groups such as youth facilities. The provision of facilities will be expected to support sustainable development principles and meet the requirements of other relevant parts of the plan, including Policy P15 that seeks to secure design quality.

Supplementary Planning Guidance

The North Solihull Strategic Framework (2005) SPG and 2009 Addendum 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 which advises:

'The North Solihull regeneration programme will have made a real difference to people's lives where there will be an increased choice in the housing stock through widening the housing mix, size, type and tenure and improved quality, improved opportunities and access to employment, a more highly skilled workforce and a better range of jobs. Local communities will have become healthier, safer and mixed with easier access to thriving community hubs and village centres, enhanced greenspace and public realm' (p.26, paragraph 4.1.6).

National guidance

Paragraph 11 of the Framework explains that there is a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted. This matter is explored in more detail in the Housing section of this Report.

Paragraph 86 of the Framework explains that the term town centre includes local centres and ... *'decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation'*.

Paragraph 94 of the Framework explains that *'planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard'*.

Summary

Drawing matters together, the proposal seeks to address a number of challenges identified in the Local Plan with respect to the North Solihull Regeneration Area, specifically Challenges A, C, G & H.

The principle of the redevelopment of the site to provide a new local centre is supported by Policy P19 (a) of the Local Plan, providing the development is sensitive to local character and enhances the public realm.

Finally, the proposal meets key national objectives in providing a centre that is viable, vibrant and multi-faceted and will deliver significant social, economic and environmental benefits through the regeneration of an existing local centre.

The principle of the redevelopment of the site for a mixed-use local centre including up to 79 residential units therefore benefits from strong policy support.

The effect of the proposal by reason of its scale, massing, layout, design and landscape 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 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.

Paragraph 126 of the Framework requires the creation of high quality, beautiful and sustainable buildings and places. Paragraph 130 requires that development is sympathetic to local character.

The current situation

In order to determine the impact the proposal will 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.

Kingshurst Village Centre is an early 1960s local shopping centre that historically supported a range of uses including flats & dwellings, retail uses, and healthcare and community uses. The centre complex is arranged in a restrictive inward facing layout so that the façade of the shops and plaza area that should form the heart of the community are invisible from the outside. This results in a lack of natural surveillance throughout the current site layout and lack of integration between the centre and the community it serves.

The exterior façade of the 1960s centre is uninviting and largely composed of retail service yards, garages, the rear of flats and anti-vandal infrastructure on top of walls. The complex is in poor condition with increasing operational and maintenance costs.

St Barnabas' Church is located to the northwest of the site which acts as a visual node / local landmark when viewed from the adjacent streets. Kingshurst Primary School is to the northeast with pedestrian access navigating through the centre and is very restrictive at present. Kingshurst Park is located to the south and provides good amenity space for the surrounding area.

The application site is not in a conservation area, has no formal designation of protection or preservation, and none of the trees within or around the perimeter of the application site are subject to Tree Preservation Orders (TPO).

The proposal

The proposal will see the demolition of the existing local centre and the development of new mixed-use local centre including up to 79 residential units, new local centre, and open space, landscaping, car parking and associated infrastructure.

- *Layout, design and appearance*

The extent of the application site is shown on drawing number 18023 BDS XX XX DR A 0150 S4 P01 (Proposed Location Plan). The application site has been subdivided into several development parcels (DP), which have been identified for various forms of development. DP 1, 3 & 4 are located adjacent to Kingshurst Park and will provide a mixture of residential dwellings. DP 5 is located adjacent to St Barnabas Church and will provide a mixture of residential dwellings. DP 2 & 7 are located adjacent to Kingshurst School and will be the location of the new local centre. DP 6 is located adjacent to Kingshurst School and will provide residential dwellings. St Barnabas Church is within the application site however, no development works is proposed other than amendments to parking, so it has not been allocated as a DP.

The application is supported by detailed plans, street scene drawings, and a comprehensive Design and Access Statement which provides the narrative behind the development of the masterplan. The new village centre will contain a range of uses and the focus for investment and regeneration in the area. Residential development will make up the largest part of the development with the new local centre at its heart providing important services for the local community. This is important to ensure that the role of the neighbourhood is met in terms of providing day-to-day requirements as well as acting as a focal point for the community in terms of community facilities and services.

The submitted plans demonstrates that the proposal will create a centre with its own identity, which has a strong sense of place by creating a distinct Boulevard, High Street and Mews where individual development creates a new landmark frontage building, which will raise the image and profile of the centre. The character of the place will also be established by the mix of uses and activities. A perimeter block layout is proposed, which delineates between public and private spaces with a

range of house types including maisonettes, semi-detached, detached and terraced arrangements. The buildings are arranged to create a strong frontage onto Kingshurst Park and the Boulevard with a mixture of frontage and tandem parking.

The perimeter block layout and Boulevard, High Street, Mews and Church Close provides pedestrian and cycle connectivity across the site and helps facilitate easy access to the new local centre for existing residents living in the surrounding area and future residents of the development. The existing pedestrian path from Kingshurst School and School Close will be retained and enhanced, thereby allowing existing residents living to the north of the site easy access to the local centre and School. In addition to providing easy access to the local centre, the layout will provide access to public transport in the form of the new bus stops which are to be located on the Boulevard adjacent to the Anchor Store.

The architectural treatment of buildings is an important part of any proposal. The proposal seeks to ensure the proposed buildings create their own identity and visual impression, which helps foster a distinctive sense of place, but is also respectful of the character and appearance of the surrounding area. In this regard, the proposal has adopted a contemporary architectural response which reflects an understanding of the locality with regards to uniformity and material.

In terms of appearance and materials of the residential dwellings, the proposal provides high-quality housing with a contemporary appearance, whilst also incorporating a number of common features throughout the site, such as house entrance canopies, brick details and solar shading. This common language through architectural design will give a sense of identity to the regenerated site. The proposed bricks will be of a light shade and used throughout the different building typologies. The different textures, patterns and depth of the bricks will give a distinct identity to each elevation. Using good quality materials and simple feature details will assure longevity of the elevations' style.

With respect to the appearance and materials of the new local centre, the glazed façades facing the Street and Boulevard provides an active frontage along the main footfall route/ movement network, with active uses at street level, such as shops, a pharmacy and community café.

The Anchor Store at the junction of the Boulevard and Street affords a sheltered colonnaded canopy by way of recessing the main entrance, providing space for protection and shading. The curved corner together with the relocated Kingshurst art installation provides an anchor point to the scheme at the junction, helping with wayfinding and placemaking. Details of waymarking and signage is secured by condition (Condition 46). The south elevation at ground level, housing part of the Anchor Store forms the backdrop for a destination bus stop for the Village Centre. At first floor level, a regular rhythm of full height windows provides the pattern, form and function for the spaces behind. In order to provide a coherent appearance throughout the development and assist with placemaking, the proposed materials palette continues the contemporary appearance of the high-quality housing, the existing Kingshurst site and locality is characterised by a predominance of traditional brick of varying colours such as oranges, reds and buff, reflecting differing construction dates. The proposed materials are chosen in accordance with

aesthetics and net zero aspirations, and the consistent use of materials provides a coordinated appearance for the whole scheme. Elements such as the weave mesh and railing are used creatively to provide plant screening at high levels. Details such as projecting bricks, recessed panels, canted panels etc. are proposed to add texture and provide architectural articulation and relief.

In order to establish how the proposed materials (including boundary treatments) will tonally fit with the existing buildings in the locality and the proposed materials palette for the works, a condition is recommended requiring samples of all building materials to be submitted prior to construction (Conditions 3 and 45).

- *Landscape*

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 proposal seeks to enhance the site and its surroundings in a number of ways. Within the central section of the site a landscaped corridor will be established. The corridor will run between Kingshurst Park to the south of the site and existing landscape area to be retained in the northern section of the site (School Square). The corridor will link established landscaped areas in and around the site and will be supported by enhanced landscaping and tree planting framed by strong building frontages. The building layout will provide natural surveillance to key public spaces, including the landscape corridor, which will enhance the quality of the public realm in that area. The scheme has also sought to define the parking for the church area and parking adjacent to School Square with hedge planting and trees to help break up the expanse of car parking. Landscape features have been used to try and reinforce the pedestrian footpath links. Landscaping, including its future management and maintenance, is discussed in more detail in a Landscape section of this Report.

- *Scale and massing*

In terms of the scale and massing of the residential dwellings, existing housing around the perimeter of the application site is predominately two-storey, however there are examples locally of three-storey, and even taller residential development with the high rise residential blocks. The scheme has been designed to reflect the prevailing character of the area. To create a diverse and adaptable village centre the proposal includes a variety of dwelling types, scales and sizes. Building heights include two-storey maisonettes and two and three storey houses. Three storey dwellings are, for the most part, located at corner plots where the scale of the dwellings provide focal points and visual gateways. Overall, the proposed dwellings are to a scale and form which complement the existing surrounding character.

With respect to the scale and massing of the new local centre, to create a diverse and adaptable village centre the proposal includes building types, scale and sizes that offer the potential to adapt changing requirements. Two-storey buildings are proposed to house the new local centre. The new local centre has been influenced by the amount of accommodation required and the sloping topography constraints of the site, whilst responding sensitively to the scale of the residential elements of the proposal. The proposal reflects and respects the scale of the wider development, thereby providing a comprehensive but coherent scale and massing.

- *Summary*

Drawing matters together, the application is supported by a comprehensive Design and Access Statement which provides the narrative behind the development of the masterplan. The submitted plans demonstrate how the proposal can bring forward the quantum of development proposed. The proposal seeks to integrate the new Kingshurst development into the existing neighbouring urban fabric, reinforce the links with Kingshurst Primary School, St Barnabas' Church and Kingshurst Park, and increase the visibility of the community assets and amenities that the centre has to offer. The redevelopment of Kingshurst Village Centre is complex, issues of ownership, land assembly and phasing along with development viability are evident in the numerous iterations of the masterplan that have been considered. To secure a comprehensive development in an appropriate timescale, conditions requiring a phasing plan identifying all phases of development is recommended (Conditions 5 and 6). To ensure an appropriate mix of uses are provided within the new local centre whilst allowing flexibility for the centre to adjust to serve the needs of the local community, a condition is recommended which limits the floorspace of each proposed use (Condition 4). 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 and enhances the public realm in accordance with Policy P15 of the Local Plan and guidance in the Framework.

This should be accorded positive weight 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.

A Transport Assessment (TA) prepared by Hub Transport Planning Ltd has been submitted in support of the development proposals. The following text provides an assessment of the development proposals and the information provided in the TA.

- *Accessibility*

Table 2 of the TA provides a summary of the existing key local facilities and amenities located within a reasonable walking distance of the application site. The development proposals include the provision of new local centre, which will improve the accessibility of the development site and will also be of benefit to the existing residential area.

The development proposals include the provision of traffic calming features (in the form of raised tables) at the proposed junctions and along the Boulevard. The

provision of the traffic calming features and the implementation of a 20mph speed limit and pedestrian crossings within the site, would reduce vehicle speeds within the application site and surrounding area. The lower vehicle speeds should provide a safer environment for pedestrians and cyclists. A new cycle link is also proposed between Meriden Drive and Chester Road to further encourage cycling in the area.

There are currently two existing bus stops within the application site boundary; one along Marston Drive and another along Over Green Drive. As part of the development proposals, the existing bus stops will be removed and new bus stops will be provided within the development site along the Boulevard. A bus stop and associated shelter will be provided on the southern side of the Boulevard, adjacent to Plot 39. A bus stop and associated flag pole is proposed along the northern side of the Boulevard, adjacent to the Anchor Store. The position and type of bus stops proposed and diversion of the bus services have been agreed with Transport for West Midlands (TfWM). Vehicle tracking drawings have also been provided to demonstrate that a bus can safely manoeuvre within the proposed and existing junctions along the diverted route(s).

- *Traffic Generation*

Chapter 5.0 of the TA sets out the number of vehicle trips the development proposals could generate. Table 4 indicates that the proposed dwellings will generate approximately 48 two-way vehicle trips during the AM peak period (08:00-09:00) and approximately 47 two-way vehicle trips during the PM peak period (17:00-18:00). The proposals will result in less than one additional vehicle trip per minute during the peak periods. The Highway Authority notes that the vehicle trips highlighted in Table 4 are based on 86 dwellings being provided as per the outline planning application however, the current proposals are for 79 dwellings therefore, the number of vehicle trips the proposals could generate should be slightly lower than those highlighted in Table 4 of the TA.

With regards to vehicle trips being generated by the new local centre, a separate traffic generation assessment has not been carried out. This is due to the number of existing retail and health uses that will be replaced as part of the development proposals, so the new units will not necessarily generate additional vehicle trips compared to the existing units. It is also anticipated that the new local centre will predominantly be used by local residents and future occupants of the new residential dwellings, who will make use of sustainable modes of transport (i.e. walking, cycling, public transport, etc.). It is also likely that the majority of vehicle trips to the retail and health units will be pass-by trips, so visitors will be visiting the units on their way to/from another destination.

- *Traffic Impact*

Chapter 6.0 of the TA provides details of the junction modelling that has been carried out to establish whether the traffic generated by the development proposals will have an impact on the operation or capacity of the local highway network. Tables 5 to 12 summarise the impact the additional vehicle trips generated by the development will have at the proposed junctions and nearby existing junctions, most notably the Over Green Drive / Silver Birch Road T-junction. The results demonstrate that the

proposals will have a negligible impact on the operation and capacity of the junctions in both the 2020 base scenario and the 2036 future scenario.

- *Site Accesses*

As part of the previously approved outline planning application, the access arrangements were approved. The current access arrangements appear to be the same as those previously approved. The development proposals include the retention of five existing junctions off the public highway to serve the development site, comprising three junctions off Over Green Drive and two junctions of Gilson Way. A new junction will also be provided off Over Green Drive to serve the parcel of land to the south-west corner of the application site.

Details of the proposed junctions have been provided including swept path drawings to demonstrate that cars and refuse vehicles can manoeuvre into/out of each junction. Raised tables are proposed at some of the junctions in order to reduce vehicle speeds in and around the application site. This will require alterations or the removal of existing traffic calming features to accommodate the new traffic calming features. The Highway Authority is satisfied that safe and suitable access into the site can be achieved. This will also help address comments made by West Midlands Police regarding vehicle speeds at this junction.

- *Site Layout*

The development proposals have been designed to give priority to pedestrians and cyclists with a focal pedestrian / cycle route proposed, linking the existing public park to the new local centre and Kingshurst Primary School. Areas of shared space have also been proposed within the site, along the roads identified as 'Mews' and 'Street'.

The Highway Authority previously raised concerns with the position of the retail units on and around the junction of the Boulevard and Gilson Way, as it could lead to vehicles parking on-street on and around the junction. To overcome this, on-street parking restrictions (i.e., double yellow lines) will be installed to prohibit on-street parking from occurring and protect the junction.

A Stage 1 Road Safety Audit (RSA) has been undertaken of the proposed site layout. The RSA identified several issues with the proposed site layout however, these have since been addressed or rebutted, with details provided in the Road Safety Audit Designer's Response prepared by the applicant's highway consultants PJA.

- *Summary*

The Highway Authority has reviewed the application and are satisfied that the proposal would not give rise to highway safety issues that cannot be reasonably mitigated by conditions. In the interest of highway safety, the imposition of conditions is recommended to secure the delivery of traffic calming features (Condition 19), estate roads (including footways and cycleways (Condition 20), a cycle link between Meriden Drive and Chester Road (Condition 21), bus stops (Condition 23) and a 20mph speed limit within the application site (Condition 24). A condition is also

recommended to secure a new Traffic Regulation Order to introduce on-street parking restrictions on and around the Gilson Way / Boulevard junction (Condition 25). To help reduce the impact of the development on the local road network during the construction phase, a Construction Management Plan (CMP) condition is recommended (Condition 22). The CMP will include the following highway information; details of anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; vehicle routeing; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway. All work will need to be undertaken in accordance with these details. Finally, to help promote more sustainable transport choices, a travel plan and travel information pack condition is recommended (Condition 26).

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

This should be afforded neutral weight in the planning balance.

The effect of the proposal on the amenities of the occupiers of neighbouring properties and future residents of the development

Policy P14 of the Local Plan seeks to protect the amenity of existing and potential occupiers of houses when considering new developments. Careful consideration must be made to amenity of both existing neighbours, as well as future occupiers of the proposed new dwellings.

Living conditions – existing neighbours

- *Numbers 39, 41, 43, 45, 74, 49, 51, 53, & 55 Gilson Way*

Considering the impact of the proposal on the amenity of the occupiers of these dwellings, the submitted plans indicate 2 & 3 storey residential units and a 2-storey building housing the new local centre will be sited adjacent to dwellings on Gilson Way. The proposed layout provides a separation distance of circa. 20 and 25 metres between the main front elevations of these dwellings and the new residential dwellings and local centre. The proposal ensures the new residential dwellings and local centre do not appear overbearing or cause any material harm to the amenities of residents of numbers 39, 41, 43, 45, 74, 49, 51, 53, & 55 Gilson Way.

- *Numbers 73, 75, 77 & 84 Over Green Drive and 89 Broomcroft Road*

In terms of the impact of the proposal on the amenity of the occupiers of these dwellings, the submitted plans indicate four 2-storey residential units and one 3-storey residential unit will be sited adjacent to dwellings on Overgreen Drive and Broomcroft Road. The proposed layout provides a separation distance of circa. 23 and 30 metres between the main front / side elevations of these dwellings and new residential dwellings. Number 84 Over Green Drive is located adjacent to the western boundary of the site. The submitted plans indicate 2-storey residential units

will be sited adjacent to the boundary with this neighbour. The proposed layout provides a separation distance of circa. 1 and 2 metres between the flank elevation of the new residential units and the boundary with number 84 Over Green Drive. The proposal ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 73, 75, 77 & 84 Over Green Drive and 89 Broomcroft Road.

- *Numbers 29, 30, 31 & 32 Holliars Grove*

These dwellings are located adjacent to the western boundary of the site and the submitted plans indicate 2-storey residential units will be sited adjacent to the boundary. The proposed layout provides a separation distance of circa. 1 and 2 metres between the flank elevations of the new residential units and the rear boundaries of these neighbours. The proposed layout provides a separation distance of circa. 17 metres between the main rear elevations of these dwellings and flank elevations of the new residential dwellings. The proposal ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 29, 30, 31 & 32 Holliars Grove.

- *Numbers 62, 64 & 66 Overgreen Drive and 28 Holliars Grove*

Turning to the impact of the proposal on the amenity of the occupiers of these dwellings, these dwellings are located adjacent to the northern boundary of the site where the submitted plans indicate 2-storey residential units will be sited adjacent to the boundary. The proposed layout provides a separation distance of circa. 4 and 6 metres between the rear and flank elevations of the new residential units and the northern boundary. The proposed layout provides a separation distance of circa. 8 metres between the flank elevations of number 62 and flank elevations of the new residential dwellings; circa. 20 metres between the rear elevations of the new residential units and front elevations of numbers 64 and 66; and circa. 11 metres between the rear elevations of the new residential units and flank elevation of number 28. The proposal ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 62, 64 & 66 Overgreen Drive and number 28 Holliars Grove.

- *Numbers 1, 2, 3, 4 & 5 Church Close and 47 Over Green Drive*

Considering the impact of the proposal on the amenity of the occupiers of these dwellings, which are located adjacent to the northern boundary of the site where the submitted plans indicate there will be modifications to Church Close and the parking area between St Barnabas' Church and the existing centre. The existing landscaped area to the front numbers 1, 2, 3, 4 & 5 Church Close will be retained and modified. A new car parking area serving the village centre will be sited beyond the retained landscape area, circa. 22 and 36 metres from the front elevations of numbers 1, 2, 3, 4 & 5 Church Close. This relationship ensures the new car park and associated activity (i.e. vehicular movements) would not cause any material harm to the amenities of residents of numbers 1, 2, 3, 4 & 5 Church Close.

A new parking area (5 spaces) will be created to the south of number 47 Over Green Drive. Considering the scale of the car park and separation distance (circa. 12

metres to the boundary), its use would not have any undue impact on the amenity of the occupiers of number 47 Over Green Drive.

- *Numbers 40, 42 & 44 School Close*

These dwellings are located adjacent to the northern boundary of the site where the submitted plans indicates 2-storey residential units will be sited. The proposed layout provides a separation distance of circa. 29 metres between the rear elevations of the new residential units and the main rear elevations of these dwellings. The proposal ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 40, 42 & 44 School Close.

The existing pedestrian route between School Close and the site will be retained and enhanced, although it should be noted that as this route also provides vehicular access to the rear of number 6 Church Close, any enhancements will need to ensure vehicular access to this dwelling is maintained.

- *Number 6 Church Close*

This dwelling is located adjacent to the northern and western boundaries of the application site. The submitted plans indicate a 2-storey residential unit will be sited adjacent to this boundary. The proposed layout provides a separation of distance of circa. 3 and 5.5 metres from the new dwelling and boundary with number 6, and circa. 6.5 metres between the flank elevation of the new residential units and flank elevation of number 6. The submitted plans indicate that the vehicular access from School Close to the rear of number 6 Church Close will be retained. The proposal ensures the new residential dwelling does not appear overbearing or cause any material harm to the amenities of residents of number 6 Church Close.

- *Kingshurst Primary School*

Kingshurst Primary School is located adjacent to the eastern boundary of the site. The submitted plans indicate a mixture of 2-storey residential units, 2-storey buildings housing the new local centre, and a parking and service area will be located adjacent to this boundary. The main school buildings are located circa. 20 metres from the boundary with the application site with car parking, hard surfaced areas and a landscaped area sited immediately adjacent to the boundary. This relationship ensures the built form adjacent to the boundary does not appear overbearing or cause any material harm to those using the school.

Officers recognise that the parking and service area serving the new centre will bring activity in terms of vehicle movements and associated activity in close proximity to the boundary. The landscaped area within the school grounds will be maintained and the submitted landscape plan indicates a landscape buffer strip will be provided within the new parking and service area adjacent to the school boundary. On this basis and subject to conditions detailed in the following section, officers are satisfied that sufficient land is provided in this part of the site to help mitigate noise and provide the necessary landscape buffer strip and planting.

Living conditions – future occupants of the development

In terms of the amenity of future occupants of the development, the submitted plans show how the quantum of development proposed can be accommodated on site to provide an appropriate level of amenity space for future residents, including private gardens. The smallest gardens serve 1 bedroom ground floor maisonettes of plots 20, 22 and 24 respectively. While these gardens are small, they still provide between circa. 33 and 42 sq m of private amenity space, which officers consider to be acceptable given the quantum of residential development each space will serve. Officers note that no private amenity space is provided for the first-floor maisonettes of plots 20, 22 and 24. However, these units will be located a short walk from Kingshurst Park and a 10-minute walk from Babbs Mill Park, which will allow future residents easy access to areas of public open space.

The submitted plans also show how the quantum of development proposed can be accommodated on site so as to provide appropriate separation distances between residential dwellings and other buildings. The closest separation distances between first floor habitable room windows which directly face one another is between circa. 18 and 19 metres (plots 1 to 4 facing plots 16 to 18, and plots 14 to 18 facing plots 20 to 24). These dwellings are 2-storey in height. During site visits officers observed similar relationships between dwellings in the immediate area. Accordingly, officers consider the separations distances proposed to be acceptable.

Living conditions – existing residents, pupils and teachers at Kingshurst School, and future occupants of the development

The submitted plans indicate that buildings housing the new local centre will be located adjacent several existing residential properties on Gilson Way, new residential properties on the Boulevard, and Kingshurst School. A service area serving the new centre is located adjacent to the boundary with Kingshurst School, which is accessed via an entrance opposite several properties on the Boulevard

To ensure the amenity of existing residents, pupils and teachers attending the school, and future occupants of the development is not adversely affected by the proposed uses and associated activities, conditions are recommended limiting the hours of the operation of the new uses and limiting the hours deliveries can be taken at or despatched from the service area (Conditions 16 and 17). To protect the neighbourhood from dust, fumes, odour emissions and noise, conditions requiring details of any cooking / odorous extract ventilation systems or any air conditioning, electrical or mechanical ventilation to be installed is recommended (Conditions 9 and 10).

The application has not been accompanied by a noise impact assessment. The Council's Public Protection Officer is satisfied that a noise impact assessment is not required prior to determination of the planning application. However to secure appropriate internal and external noise levels at future residential units, a noise impact assessment (including mitigation measures if required) is recommended (Condition 8).

Notwithstanding the separation distances between dwellings as detailed earlier in this report, several residential units have the potential to overlook existing and

proposed private amenity space, however a condition can be imposed to ensure any such windows are obscurely glazed, thereby preventing any undue overlooking (Condition 18).

Officers recognise that the scale of the proposed development will undoubtedly have an impact of residential amenity during the construction phase. However, whilst this is regrettable, any such disturbance will be temporary. In addition, a condition is recommended which requires a Demolition and Construction Environmental Management Plan to be submitted to the local planning authority for approval. The Plan will include details of control measures to minimise noise, vibration and dust emissions escaping beyond the development site boundary. All work will need to be undertaken in accordance with these details (Condition 12).

- *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 application 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.

This should be accorded neutral weight in the planning balance.

Other Material Considerations

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 PPG advises that when considering major development (such as the current application), sustainable drainage systems should be provided unless demonstrated to be inappropriate.

In terms of what sort of sustainable drainage system should be considered, the PPG advises '*generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

1. *into the ground (infiltration);*
2. *to a surface water body;*
3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer.*

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those

local situations where they anticipate particular sustainable drainage systems not being appropriate’ (Paragraph: 080 Reference ID: 7-080-20150323).

The application has been supported by a Flood Risk Assessment & Drainage Strategy (November 2021). Having reviewed this documentation, the Lead Local Flood Authority, whilst not opposed to the principle of development, initially raised concerns that the drainage modelling suggests that the 5 dwellings proposed in the south-west corner of the site (adjacent to Over Green Drive), could be subject to 300mm of flooding in a 1 in 100-year (+ 40% allowance for climate change) storms) event. The modelling suggests that flood risk will not be increased on third-party land outside the application site.

Following discussions between the applicant and the Lead Local Flood Authority the scheme has been amended with the design of the sustainable drainage system proposed in the south-west corner of the site (adjacent to Over Green Drive) modified and increased in size. The drainage modelling has been updated to reflect the changes and an updated Flood Risk Assessment & Drainage Strategy (March 2022) has been submitted which includes the updated drainage modelling.

The Lead Local Flood Authority have reviewed the documentation and have confirmed that, subject to conditions, their original concerns have been addressed, and the proposal would not give rise to flood risk or drainage issues that cannot be reasonably mitigated by conditions, including a condition securing a lifetime management and maintenance plan (Conditions 27, 28 and 29).

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

This should be accorded neutral weight in the planning balance.

Landscape

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, replacement trees & landscaping, tree protection and future management

- *Tree loss*

The current development proposals necessitate the removal of twenty-four individual trees, ten groups of trees, three hedges and the partial clearance of a further two groups of trees and two hedges. It should be noted however, that apart from the loss of five category A and B trees (T13, T14, T15, T17 and T19), the trees which are to be removed are considered of low arboricultural quality and the removals detailed within Table 1 of the Arboricultural Impact Assessment (AIA) are considered unavoidable to make efficient use of the site and deliver the comprehensive regeneration of the site.

Nevertheless, the site's most important trees, which occupy areas of soft landscape within the north-eastern extent of the site, together with those trees 'offsite' along the southern boundary of the site along the edge of Kingshurst Park, have been retained and integrated within the development. Collectively these trees make an important contribution to the amenity of the site.

- *Replacement trees and landscaping*

The loss of category A and B trees cannot be directly mitigated for in the short-term. However, the need for replacement planting has been recognised during the design and development of the scheme and their loss can be balanced against the quantum of new planting proposed on the updated drawing number 18023-SMBC-ZZ-XX-DR-L-1001-S3-P03 (Landscape Masterplan).

The Landscape Masterplan includes the planting of: -

- 18 multi-stem trees;
- 82 extra-heavy standard / semi mature trees;
- 3 features trees; and
- 64 rear garden trees.

The diversity of tree species specified will contribute positively to the character and quality of the urban environment and help address the aspirations of the Framework that new streets are tree-lined. Changes have also been made to the landscape masterplan to introduce street trees wherever possible across the development to improve the quality of place, particularly along the Boulevard and Mews Streets.

Further opportunities have been taken to incorporate trees elsewhere within the development such as within the areas associated with the new housing on Over Green Drive and within rear gardens, which again is in line with the Framework and National Design Guide.

The applicant has also sought to define the church area with hedge and tree planting and added some trees to help break up the expanse of car parking.

Landscape features have also been used to try and reinforce the pedestrian footpath links, which includes a pedestrian-only access between the two car parking areas, and a new footpath link between the parking and School Square, enabling pedestrians' easy access to the new open space and footpath network. Considerable areas of soft landscape are proposed throughout the layout of the site that is capable of receiving new high-quality planting.

The landscape strategy and replacement tree planting is secured by conditions (Conditions 34, 35, 36, 42 and 43).

- *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 scheduled for retention are suitably protected during the construction phase. The Arboricultural Impact Assessment provides a detailed scheme for safeguarding retained trees during the construction phase which the Council's Landscape Architect considers to be appropriate. This can be reinforced by condition (Conditions 31, 32 and 33).

- *Future management*

Planting and landscaping have been designed to be relatively low maintenance, with the expectation that yearly monitoring and management visits will take place for many of these areas. To ensure the aspirations of the Landscape Masterplan are fully realised and trees and landscape features are maintained, landscape and ecological management conditions are recommended (Conditions 13, 37, 38 and 39 40). Furthermore, to ensure landscaped areas are appropriately secured, conditions are recommended detailing the position of all proposed boundaries and maintenance access gates (Conditions 40 and 46).

- *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 is regrettable, but not unsurprising given the scale of the proposal. The Landscape Masterplan demonstrates how the proposal provides an appropriate level of replacement planting across the site. The Landscape Masterplan also demonstrates how existing trees have been incorporated into the landscape, how new landscaping and trees will be provided across the site, and how the overall landscape strategy helps to reinforce the links between Kingshurst School, St Barnabas' Church and Kingshurst Park, and increase the visibility of the community assets and amenities in the new local centre.

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

This should be accorded positive weight in the planning balance.

Public Open Space

Policy P20 (b) of the Local Plan requires the provision for and maintenance of appropriate open space, sports and recreational facilities as an integral part of new residential development.

Policy P20 (b) requires the provision of 2.86ha per 1000 population of green space. The Green Spaces Strategy 2013 defines green space as including play, sport, and allotments – therefore 0.52ha of green space should be provided for the 79 dwellings proposed (182 people assuming average household size of 2.3 people).

In addition, 0.4ha of informal green space per 1000 population is required, with a minimum of 0.2ha for settlements over 300 people. Informal green space is defined in the Green Spaces Strategy 2013 as providing general amenity green space. Therefore, 0.07ha should be provided for this scheme.

The principal area of publicly accessible open space is currently provided by 'School Square Open Space', which lies to the north-eastern extent of the site, and where the most important trees on the site have been retained. The Landscape Masterplan identifies this area as including the provision of 'Doorstep Play' and integrates with an area of hard landscape paving and seating outside the school entrance to provide an important social space. Further 'Doorstep Play' is illustrated on the Landscape Masterplan along the Mews Street providing an active and fun route between the Park and the School. Full details of the proposed 'Doorstep Play' is secured by condition (Condition 43).

The Landscape Masterplan includes the provision of: -

- Green Space = 0.128ha; and
- Informal/Amenity green space = 0.026ha.

There is, however, a shortfall of 0.392 ha green space and 0.04ha amenity green space.

This shortfall can be mitigated through the delivery of environmental enhancements to the adjacent Kinghurst Park to the south of the application site. The delivery of the proposals outlined within Drawing Number 18023-SMBC-XX-XX-DR-L-1006-S3-P01 (Kinghurst Park Illustrative Masterplan), which accompanies the application.

The proposed enhancements to Kinghurst Park (approximately 1ha) include the following:

- New and replacement play equipment to the existing Local Play Space;
- New replacement and additional seating;
- Footpath widening and resurfacing;
- New footpath connection to Over Green Drive;
- Planting to include ornamental trees for seasonal colour, native hedgerow, wildflower / floral meadow;
- Biodiversity enhancements through planting; and
- Signage and wayfinding & community notice board.

The proposed enhancements to Kingshurst Park are considered to be appropriate compensation and these proposals are secured by condition (Condition 44).

The proposal therefore accords with Policy P20 (b) of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

Green Infrastructure

Policy P20 (b) of the Local Plan also requires major commercial development proposals over 1000 sq m to provide new open space and/ or contribute to enhancement of the green infrastructure network. The new local centre is 3,450 sq m

The development proposals incorporate sustainable drainage systems, through the consideration of a range of techniques. The sustainable drainage systems presented will contribute towards wider sustainability considerations, including visual amenity, the conservation and enhancement of biodiversity, landscape character and local distinctiveness, as well as contributing towards flood alleviation and water quality control in accordance with Policy P11. The introduction of a diverse range of native marginal plants, species rich grassland and a variety of tree and shrub planting to the swales and rain gardens will conserve and enhance biodiversity and landscape quality throughout the development. This, together with the introduction of features of incidental play along the Mews Street will also positively enhance the green infrastructure network across the site and deliver the open space/green infrastructure contribution.

Following discussions with the Lead Local Flood Authority, to better contribute towards flood alleviation and water quality control, the sustainable drainage system proposed in the south-west corner of the site (adjacent to Over Green Drive) has been modified and increased in size. This feature is in a prominent position on the corner of the public highway adjacent to Kingshurst Park. To maximise the visual amenity and aid enhanced biodiversity in this location, a condition is recommended requiring a detailed hard and soft landscape scheme to be submitted for approval (Condition 41).

The current scheme has developed the green infrastructure network across the site by planting sustainable drainage areas with a diverse range of native marginal plants, species-rich grassland and a variety of trees and shrubs, which contribute positively to the biodiversity value of the site, visual amenity and local distinctiveness.

The proposal therefore accords with Policy P20 (b) of the Local Plan and guidance in the Framework.

This should be accorded neutral weight 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 an Ecological Impact Assessment and Bat Survey and Assessment Report, and the Council's Ecologist has confirmed no further work is required.

The application has also been accompanied by a Phase 1 Habitat Survey and Biodiversity Impact Assessment (BIA). 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 and managed by condition (Condition 13). To limit the impact of development on the natural environment during the construction phase, a Construction Environmental Management Plan is recommended (Condition 15). Finally, to limit the impact of the development on protected species post development, a lighting condition is recommended (Condition 14).

The proposal therefore accords with Policies P10 and P15 of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

Housing

- Five-year housing land supply

Paragraph 11 of the Framework indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5-year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 4.19 years (as of 1st April 2020) and therefore the tilted balance is engaged. This shortfall is considered to be limited on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be limited this can have a bearing on the weight attached to the tilted balance.

- Affordable housing provision

Paragraph 64 of the Framework advises that, in most cases, the provision of affordable housing should only be sought for major residential development.

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 Cushman & Wakefield. The FVA advises at paragraph 1.9 that ... *"the scheme cannot viably provide affordable housing in accordance with policy P4a of the Solihull Local Plan 2013 due to viability (criterion iii of policy P4a "The economics of provision, 4a "including particular costs that may threaten the viability of the site")"*.

The Council's Affordable Housing Team concur with the findings of the FVA and have confirmed the exception test in Policy P4 a) is met. On this basis, no affordable housing / housing mix conditions will be attached to the permission, as these are not necessary to make the development acceptable in planning terms, so cannot be secured by condition(s).

The proposal therefore accords with Policy P4 a) of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

- *Affordable housing aspirations*

The Council has plans to deliver at least 40% affordable housing and aspires to deliver up to 100% affordable housing within the scheme. The final level of affordable housing provision within the scheme is subject to the Council securing appropriate funding. Once funding has been secured, the full business case and final level of affordable housing provision within the scheme will be reported to Cabinet for consideration in the summer of 2022. Subject to Cabinet approval, the Council as landowner, would be responsible for the delivery of affordable housing provision within the scheme.

Members should be aware that the Council's plans and aspirations for affordable housing within the scheme will not be secured or delivered by the grant of planning permission, as based on the findings of the FVA, affordable housing provision is not necessary to make the development acceptable in planning terms, so cannot be secured by condition.

The Council's plans and aspirations for affordable housing provision within the scheme therefore carries no weight in the planning balance.

- *Housing Mix*

The application site is in the Regeneration Housing Market Area where the Council's 'Meeting Housing Needs' SPD advises *'in these locations there is evidence of a mismatch between the local housing demand of newly forming house households within the housing market area and housing supply. The Council will seek 30% of all new market dwellings to be 1 or 2 bedroom in size in these locations'* (p.32).

The proposal will deliver 79 high quality residential dwellings in the form of 12 one-bed maisonettes (15%), 5 two-bed houses (6%), 45 three-bed houses (57%) and 16 four-bed houses and one vicarage (22%). The proposal provides a total of 17 (21%) 1 or 2 bed dwellings, compared to a requirement of 24 (30%) suggested in the Meeting Housing Needs SPD, which is a shortfall of 7 dwellings.

Policy P4 (c) of the Local Plan provides guidance on market housing mix. Policy P4 (c) advises that in assessing the housing mix the Council will have regard to the economics of provision, including costs that may threaten the viability of the site (point iv), and the need to achieve a successful housing development (point vi). The FVA confirms the scheme cannot viably provide affordable housing. Consequently, the limited shortfall is linked to viability and economics of provision which Policy P4 (c) iv confirms the Council will have regard to when considering housing mix. It is therefore considered that the shortfall of smaller units is primarily driven by viability issues outlined in the FVA, and the proposed mix is needed to achieve a successful housing development. This approach is supported by Housing Strategy officers.

The proposal therefore accords with Policy P4 (c) of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

Environmental and social-economic benefits

Paragraph 94 of the Framework explains that *'planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration [emphasis added]. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard'*.

Environmental benefits

Paragraph 152 of the Framework advises that *'the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'*.

On 8th October 2019 Solihull Metropolitan Borough Council declared a Climate Change Emergency recognising the gravity of climate change and committing, through its Climate Change Prospectus, to minimise the environmental impacts of its

own activities, whilst contributing to the improvement of the wider environment through local action.

The *Planning Statement including Housing Need Statement – Kingshurst Village Centre* submitted in support of the application advises that the proposal has an ‘ambition to achieve net zero carbon is considered within the *Design & Access Statement*’ (p.47, para 8.23). The *Design & Access Statement* advises that ... ‘overall scheme to aspire to achieve net zero carbon status’ (p.7). The ambition of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national and local planning policy requirements and supports the actions of the Council’s Climate Change Emergency statement.

In respect of Electric Vehicle (EV) charging, the *Transport Assessment* advises that the ... ‘each residential dwelling will be provided with infrastructure to install a charging point. The wider development will provide 10 EV bays in total; therefore, the EV bay provision will meet the requirements of Policy P9 of the *Solihull Local Plan (Draft Submission Plan)*’ (p.23, paragraph 4.18). A condition requiring details of EV charging facilities is secured by condition (Condition 7).

Finally, the proposal would deliver environmental benefits, as the scale, massing, layout, design and landscaping will significantly enhance the site and its surroundings. The proposal will deliver new open space and landscaping throughout the scheme, including landscaping to link the new centre and Kingshurst Primary School to Kingshurst Park. There will also be qualitative enhancements to Kingshurst Park.

Social-economic benefits

The Framework supports sustainable development and identifies three overarching objectives, including social and economic objectives. The social objective seeks to support vibrant, healthy communities in a well-designed safe built environment with appropriate accessible services and open spaces. The economic objective seeks to create a strong responsive, competitive economy supported by necessary infrastructure.

- The current situation

Solihull is a broadly affluent Borough with generally above average levels of school performance and low crime rates compared to the West Midlands levels and extent of deprivation. However, the Borough is challenged by a prosperity gap and performance indicators within the North Solihull Regeneration Area significantly lag behind the rest geographically. Solihull can be split into the northern area (including the regeneration zone), the urban west (including Solihull town centre), the rural east and the semi-rural south. Ward profile data collated by SMBC gives an indication of socio-economic circumstances and specific issues at a local level. The latest profiles were produced in 2016 with some measures updated in 2019.

There are considerable issues in respect of deprivation, skills, employment and health in the local area compared to both Solihull and England averages. Kingshurst

Village Centre is located within Smith's Wood Ward, on the boundary with Kingshurst & Fordbridge. Compared to both the Solihull and England average there are considerable issues in respect of deprivation, skills, employment and health. Despite improvement in absolute terms there has been persistent low performance against comparators.

The existing village centre is outdated with a poor-quality environment and there is too much retail floorspace. Smaller sized units have not adapted to changes in the retail sector or the needs of retailers and vacancy rates and overall lack of investment add to the physical impact. Village centres like Kingshurst have generally seen significant decrease in occupancy as customers shop in different ways. The village centre provides a GP surgery within a converted residential house, dentist, pharmacy and optometrist. There are also a number of historic community uses including a library, Solihull Connect service, and Solihull Community Housing facility. Community facilities are dated, poor quality, and not fit for purpose.

- *The proposal*

The proposal will deliver a new local centre which will provide retail, commercial, business & services, healthcare, local community uses and a hot food take-away. The proposal will deliver 79 high quality residential dwellings in the form of 12 one-bed maisonettes, 5 two-bed houses, 45 three-bed houses, 16 four-bed houses and one vicarage, which will help the Council meet the current housing shortfall within the borough.

The proposal would deliver social-economic benefits through economic activity both in relation to the construction phase and jobs created in the new local centre. It is expected the new local centre will support in the region of 90 fulltime equivalent jobs. In the longer term, future occupants of the development would likely use local businesses and services in the new local centre.

Drawing matters together, the Framework confirms decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and decisions makers should consider the social, economic and environmental benefits of estate regeneration. The existing social-economic condition of the application site and wider area is a key driver for the regeneration of the village centre. Regeneration has the potential to bring about long term sustainable benefits through changes to the types of housing available to local people, improvements to community facilities, retail, leisure and the natural environment, and access to employment and a better range of jobs.

The environmental and social-economic benefits should be accorded positive weight in the planning balance.

Other Matters

- *Air quality*

The Council Public Protection Officer recognise that an air quality assessment will need to be balanced against the impacts that are currently and historically presented

by the existing use of the site as a local centre including residential development. Given this context, it is unlikely that significant air quality impacts will be presented by the proposed scheme, and therefore no air quality recommendations or conditions have been requested.

- *Contaminated land / ground gas*

A Phase 1 Geo-Environmental Assessment has been submitted in support of the application which recommends additional work is undertaken prior to development commencing. The Council's Public Protection Officer is satisfied this information is not required prior to determination and can be secured by condition (Condition 11).

- *CIL contribution*

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016. The proposed development is CIL liable. However, the application site is in the 'North Solihull Regeneration Area', which pages 2 and 3 of the CIL Charging Schedule advises a *nil* CIL rate will apply to the use classes sought by the proposal. Therefore, no CIL payment is required.

- *Education provision*

The School Place Planning Team have advised that they are not seeking a contribution towards education provision because there are already sufficient school places in the area to meet the pupil yield that this development will create.

The above matters should be accorded neutral weight 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 is only one factor that needs to be considered and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human rights

In determining this 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

The planning acts require that 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 applications involving the provision of housing should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date Local 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

Kingshurst Village Centre is located within the North Solihull Regeneration Area and the Local Plan identifies a number of challenges with respect to this Area, most notably: A (Reducing Inequalities), C (Sustaining the Attractiveness of the Borough), G (addressing imbalance in the Housing Offer Across the Borough) and H (Increasing Accessibility and Encouraging Sustainable Travel).

Policy P19 (a) of the Local Plan and Policy NS1 of Draft Local Plan support the re-development of Kingshurst Village Centre to ensure its continued sustainability and economic success.

The proposal will deliver a new local centre which will provide retail, commercial, business & services, healthcare, local community uses and a hot food take-away. The proposal will deliver 79 high quality residential dwellings in the form of 12 one-bed maisonettes, 5 two-bed houses, 45 three-bed houses, 16 four-bed houses and one vicarage, which will help the Council meet the current housing shortfall within the borough.

The proposal would deliver social-economic benefits through economic activity both in relation to the construction phase and jobs created in the new local centre. It is expected the new local centre will support in the region of 90 fulltime equivalent jobs. In the longer term, future occupants of the development would likely use local businesses and services in the new local centre. The social-economic benefits should be accorded significant positive weight in the planning balance.

The proposal would deliver environmental benefits, as the scheme has an aspiration to achieve net zero carbon. The aspiration of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national and local planning policy and supports the actions of the Council's Climate Change Emergency statement. Further environmental benefits are derived from the scale, massing, layout, design and landscape of the scheme, as this will significantly enhance the site and its surroundings. Finally, the proposal will deliver new open space and landscaping throughout the scheme, including landscaping to link the new centre and Kingshurst School to Kingshurst Park. There will also be qualitative enhancements to Kingshurst Park. The environmental benefits should be accorded significant positive weight in the planning balance.

The adverse impacts

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by planning condition. Accordingly, for the reasons set out in this Report and subject to appropriate conditions, the proposal would not conflict with the relevant policies within the Local Plan or guidance in the Framework. This should be accorded neutral weight in the planning balance.

Overall planning balance and conclusion

The proposal will provide a new local centre with employment and community facilities and delivery of high-quality housing when the Council cannot demonstrate a five-year housing supply. It will also help tackle challenges identified within the Local Plan. In conclusion, for the reasons outlined in this Report, the overall planning balance is clearly in favour for the proposed development and proposal therefore benefits from the presumption in favour of sustainable development.

RECOMMENDATION

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

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

1. CS00 (Compliance with all plans)
2. CC01 (Development within 3 years)
3. CC02 (Materials to be submitted)
4. The development hereby approved shall not exceed the following specified uses as defined in the Town and Country Planning Act (Use Classes) Order 1987 as amended:
 - Retail, commercial, business and services and healthcare (Use Class E (a),(b),(c),(d),(e),(f),(g)(i)) – up to 3,200 sqm
 - Local community uses (Use Class F1 and F2 (a), (b)) – 300 sqm
 - Hot food take-away (Sui generis) – up to 100 sqm

Reason: To ensure compliance with the approved plans and the Local Plan allocation for the site in accordance with Policy P19 of the Solihull Local Plan 2013.

5. Before the development hereby approved commences a phasing plan identifying all phases of development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all phases of the development shall be completed and carried out in accordance with the phasing plan unless agreed in writing with the Local Planning Authority.

Reason: In order to secure a comprehensive development of the site in an appropriate timescale in accordance with Policy P14 & P15 of the Solihull Local Plan 2013.

6. The development hereby approved shall be implemented either as a whole or in phases, in accordance with a phasing plan to be submitted to and agreed in writing by the Local Planning Authority and wholly in accordance with this permission. All phases of the development shall be completed to the satisfaction of the Local Planning Authority unless agreed in writing.

Reason: In order to secure a comprehensive development of the site in an appropriate timescale in accordance with Policy P14 & P15 of the Solihull Local Plan.

7. Before the development hereby approved is brought into use a scheme detailing the installation / provision of residential dwelling Electric Vehicle (EV) Charging facilities (including make and model) and other scheme wide provision (such as the installation, use and management of shared or public EV charging provision). The approved scheme shall be carried out before the occupation and use of the development and be thereafter retained.

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.

8. No use of the development hereby approved shall commence until a noise impact assessment, prepared by a suitably qualified and technically competent individual, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall establish and quantify noise impacts presented by the site (commercial, retail and community use and activity noise including car park use, plant and machinery noise etc.) on existing and proposed noise sensitive receptors. It shall include assessment of off-site noise affecting the development site (and its future occupants). The noise impact assessment shall identify necessary noise mitigation measures, to ensure suitable control of noise impacts (for both onsite and offsite sensitive receptors) and to secure appropriate internal and external noise levels at residential units. The assessment shall meet with the procedural requirements of BS8233:2014, BS4142:2014+A1:2019 and other recognised national standards, where appropriate. All approved mitigation measures shall be carried out before the occupation and use of the development and be thereafter retained.

Reason: In order to protect future occupants and nearby noise sensitive receptors from external noise in accordance with policy P14.

9. Before the development hereby approved is brought into use a scheme for the use and installation of any cooking / odorous extract ventilation systems, incorporating grease and odour filtration or other such mitigation, shall be submitted to and approved by the Local Planning Authority. Installation and thereafter use and maintenance of such equipment, shall be in accordance with the approved scheme. Note: The scheme should specify in detail the provisions to be made to control grease and odour. Plans showing internal layout of ducting etc. will not be required except where they are relevant to grease and odour control equipment.

Reason: To protect the neighbourhood from dust, fumes or odour emissions in accordance with policy P14 of the Solihull Local Plan 2013.

10. Before the development hereby approved is brought into use any air conditioning, electrical or mechanical ventilation scheme 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: In order to protect future occupants and nearby noise sensitive receptors from external noise in accordance with policy P14.

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

(1) Site Characterisation

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

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
 - (a) human health,
 - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - (c) adjoining land,
 - (d) groundwaters and surface waters,
 - (e) ecological systems,

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA / Environment Agency's Land Contamination Risk Management (LCRM)

(2) Submission of Remediation Scheme

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

(3) Implementation of Approved Remediation Scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

(5) Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of any proposed remediation over a period of to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority before the development hereby approved is first used or occupied.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA / Environment Agency's Land Contamination Risk Management (LCRM)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P14 of the Solihull Local Plan 2013.

12. Demolition and construction work shall not begin until a Demolition and Construction Environmental Management Plan has been submitted in writing for approval by the local planning authority. The plan shall detail control measures to minimise noise, vibration and dust emissions escaping beyond the development site boundary. Specific safeguards relating to the burning of waste, and other items on site, shall also be sought and all agreed works which form part of the scheme shall be adopted and maintained throughout the demolition and construction phases of the development.

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

13. A landscape (and Ecology) management plan, including medium (5-10 years) and long term (10-25 years) design objectives, management actions, responsibilities, future monitoring and maintenance schedules for all landscape, habitat mitigation and compensation works, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

The plan should include details of planting and maintenance of all new planting, details of habitat enhancement/creation measures and management, such as native species planting, marshy and semi-improved neutral grassland creation, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles/deadwood). The landscape (and Ecology) management plan shall be carried out as approved.

Reason: To ensure a net biodiversity gain and in accordance with NPPF and enhance the character of the development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

14. Prior to the commencement of work on site, full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To minimise impact on nocturnal animals, protect existing and future occupants from lighting impacts, and 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 guidance in in the NPPF, and ODPM Circular 2005/06.

15. 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 bats, badgers, hedgehogs, amphibians and nesting birds 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 in accordance with NPPF, ODPM Circular 2005/06.

16. No deliveries shall be taken at or despatched from the service area in DP2 & DP7 on the drawing number 18023_BDS-XX-XX-DR-A-0154-S4-P01 outside the hours of 0700 to 2200 Monday to Friday, 0900 to 2000 Saturday and 0900 to 1800 on Sundays. Reason:

To safeguard local amenity in accordance with Policy P14 of the Solihull Local Plan 2013.

17. The uses hereby permitted within DP2 & DP7 on drawing number 18023_BDS-XX-XX-DR-A-0154-S4-P01) shall not be open to customers / member of the public outside the following times: 07:00 - 23:00hrs.

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

18. First floor windows to be installed in the flank elevation(s) of the following plots as shown on Drawing Number 18023-BDS-ZZ-00-DR-A-0158-S4-P11 (Proposed Masterplan) shall be obscurely glazed and opening shall be restricted to a maximum of 100mm using a permanent restrictor. The windows shall thereafter be permanently retained in that condition.

Plot number and elevation:-

- Plot 14 facing number 84 Over Green Drive
- Plot 20 facing number 29, 30 & 31 Holliars Grove
- Plot 24 facing plots 11, 12 & 13
- Plot 18 facing plots 8, 9 & 10
- Plot 26 facing plots 51 & 52
- Plot 38 facing plots 39 & 40
- Plot 46 facing plots 47 & 48
- Plot 79 facing plot 78
- Plot 78 facing plot 79

To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan 2013.

19. No dwelling, or Use Class as detailed in Condition 3 of this permission, shall be occupied or used until the junctions and traffic calming features have been laid out and constructed in general accordance with Drawing Number 18023-BDS-ZZ-XX-

DR-A-1006-S4-P04 (Parking & Access Plan) and to the standard specification of the Local Highway Authority.

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

20. No dwelling, or Use Class as detailed in Condition 3 of this permission, shall be occupied or used until the estate roads (including footways and cycleways) serving it have been laid out and substantially constructed to the satisfaction of the Local Highway Authority in accordance with details approved in writing by the Local Planning Authority.

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

21. No dwelling, or Use Class as detailed in Condition 3 of this permission, shall be occupied or used until the cycle link between Meriden Drive and Chester Road has been laid out and constructed to the standard specification of the Local Highway Authority.

Reason: To encourage the use of sustainable modes of travel to accord with Policy P8 of the Solihull Local Plan 2013.

22. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, 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; a turning area within the site for construction vehicles; details of vehicle routeing; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

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

23. No dwelling, or Use Class as detailed in Condition 3 of this permission, shall be occupied or used until the new bus stops, bus shelter, flag pole and associated road markings have been implemented in general accordance with Drawing Number 18023-BDS-ZZ-00-DR-A-0158-S4-P11 (Proposed Masterplan) and constructed to the standard specification of the Local Highway Authority.

Reason: To ensure adequate bus stops are provided to promote more sustainable travel choices in accordance with Policy P8 of the Solihull Local Plan 2013.

24. No dwelling, or Use Class as detailed in Condition 3 of this permission, shall be occupied or used until a scheme has been approved in writing by the Local Planning Authority and implemented to amend the existing Traffic Regulation Order to introduce a 20mph speed limit within red line boundary and the installation of associated infrastructure.

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

25. No Class E use as detailed in Condition 3 of this permission shall be occupied or used until a scheme to implement a new Traffic Regulation Order to introduce on-street parking restrictions on and around the Gilson Way / Boulevard junction has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall provide details of the enforcement of the new on-street parking restrictions, including funding. The new Traffic Regulation Order shall be implemented in accordance with the approved scheme.

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

26. Before the development is occupied (or at such later time as may be agreed in writing with the Local Planning Authority) a Travel Plan and a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter, the Travel Plan shall be reviewed 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.

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

27. No 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 the satisfactory drainage of the site in accordance with Policy P11 of the Solihull Local Plan 2013.

28. No work shall commence until such a time as the detailed design for a scheme to manage the surface water flood risk to and from the development, based on the designs in the Flood Risk Assessment (FRA), and confirming all built development will be outside areas identified to be at flood risk in the 100 year plus climate change event storms has been submitted to and approved in writing by the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include:

- a) Detailed hydraulic modelling confirming the appropriate sizing of the flood alleviation features.
- b) Full detailed design drawings
- c) Design reporting including methodology and maintenance commitments
- d) Independent model audit confirming the appropriateness of the modelling and findings
- e) Demonstration that the improvement/protection and maintenance of existing flood defences will be provided.
- f) Identification and provision of safe access and egress route(s).
- g) Confirmation of the opening up of any culverts across the site.
- h) Finished floor levels are set no lower than 150mm above surrounding ground levels or no lower than the 1 in 100 year plus allowance for climate change plus 300mm freeboard whichever is the higher.

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.

29. No above-ground work shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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.

30. Prior to the commencement of work on site, the tree survey and Arboricultural Impact Assessment by Aspect Arboriculture (October 2021, ref 10625_AIA.001 Rev A), which accompanies the application shall be updated to a line with the updated Landscape Masterplan (Drawing number 18023-SMBC-ZZ-XX-DR-L-1001-S3-P03). The updated Tree Survey and Arboricultural Impact Assessment Report shall include a detailed Arboricultural Method Statement (AMS) supported by 1:500 scale technical drawings should be prepared which expand on Appendix C of the Arboricultural Impact Assessment Report by Aspect Arboriculture (October 2021, ref 10625_AIA.001 Rev A) shall be submitted to and approved in writing by the Local Planning Authority. To include a schedule of works to retained trees e.g. access facilitation pruning and details of all special engineering works within the Root Protection Area (RPA) and other relevant construction details, including, for example 'no dig' construction. Details of proposed levels and service routes should be included, and a scheme for auditing tree protection and subsequent reporting to the Council.

Reason: In the interests of protected species and habitats in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

31. The tree work hereby approved must be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations All pruning works should be undertaken in accordance with section 7.3 (for removal of deadwood), section 7.6 (for crown lifting) and section 7.8 (for selective pruning) of BS3998: 2010 Tree Work -Recommendations. Works should be carried out by a competent tree contractor, to ensure that cuts are performed correctly and positioned to avoid future structural defects or physiological issues, facilitate growth, and maintain aesthetic value.

Reason: In the interests of protected species and habitats in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

32. Prior to the commencement of work on site all existing trees/hedges and large shrubs except those agreed for removal, shall be protected by barriers as specified within BS5837: 2012, or a suitable alternative. Details of the specifications and methodologies for tree protection measures, type of fencing and its siting, including a methodology for any proposed works that encroach within the root protection areas of retained trees shall be submitted to and approved, thereafter the tree barriers shall be implemented and maintained on site as approved. The protected areas shall be kept free of all materials, equipment and building activity during the site development, and ground levels within the protected areas shall not be raised or lowered.

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.

33. No works or development shall take place until a scheme of supervision/site monitoring for the tree (landscape/ecological) protection measures and working practices during construction has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and may include details of:

- Induction, training and personnel awareness of arboricultural (ecological/landscape) matters to all construction personnel on site.
- Identification of individual responsibilities and key personnel.
- Statement of delegated powers.
- Phasing, timing and methods of site visiting, inspection and record keeping, including updates.
- Procedures for the relocation of tree protection barriers to a secondary position during construction to facilitate works within proximity to retained trees
- Procedures for dealing with variations and incidents; and
- Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction.

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.

34. The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include details of tree planting in hard landscape, including details of appropriate soils volumes and planting pits, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species,

plant sizes and proposed numbers/densities where appropriate; implementation programme.

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.

35. The development hereby approved shall not be occupied until full details of the surface water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of sustainable drainage system combined with street tree planting in hard surfacing, and the results of the assessment provided to the Local Planning Authority. Where a SuDS scheme combined with street tree planting is to be implemented the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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.

36. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

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.

37. Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

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.

38. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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.

39. Not later than 1st October in each of the 5 calendar years following the planting of any trees, hedges or shrubs on this site in connection with the development hereby permitted the operator shall submit to the Local Planning Authority a written statement detailing:

- a) the number, location and species of any trees, shrubs, hedge plants which have died, become diseased or seriously damaged in the preceding 12 months, and
- b) proposals for the replanting and maintenance of any such failures with plants of similar size and species within the following six months

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.

40. The development hereby approved shall not be occupied until full details of where access is required by large mowing machines. Details shall include a 3.6m width lockable swing gate should be provided. Indicative areas for these are shown on the updated Landscape Masterplan. However, exact locations of these should be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

41. Notwithstanding the submitted plans, no development shall take place until a detailed hard and soft landscape scheme of the drainage scheme and green space on the corner of Over Green Drive as shown on Drawing Number 18023-BDS-Z1-ZZ-DR-A-1200-S4-P01 (Development Parcel Zonal Plan - DP1) has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The works shall describe the design, function and appearance of the attenuation pond, Health and Safety risk to the public, including the retaining structure/gabion wall and the habitat enhancement through on site signage and interpretation. Signage to include a depth gauge marker post. Details to include the positions, design, materials and type of retaining structure/gabion wall, including habitat walls/ hibernaculum for the benefit of invertebrates, and amphibians. Such details shall include plans, sections and structural calculations to prove that the wall(s) is/are capable of supporting the likely future loading. Soft landscape works shall include planting details of a diverse range of native marginal

plants, species rich grassland and a variety of tree and shrub planting. Tree planting to include the mitigation measures required for the loss of the existing street from trees this location, using larger tree stock and strategic placement of equivalent significance to the role and canopy coverage of those trees to removed.

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.

42. Notwithstanding the submitted plans, no development shall take place until a detailed hard and soft landscape scheme of the 'School Square Open Space' scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The works shall include the detail design of the 'Doorstep Play' and the design, function and appearance of the area of hard landscape paving and seating outside the school entrance to provide an important social space. These details shall include proposed finished levels or contours; means of enclosure; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, lighting etc.); retained historic landscape features.

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.

43. Notwithstanding the submitted plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of 'Doorstep Play' to be erected on the Mews Street between the Park and the School. The 'Doorstep Play' shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure delivery of the development hereby approved in a satisfactory manner in accordance with Policy P20 of the Solihull Local Plan 2013.

44. Notwithstanding the submitted plans, no development shall take place until a detailed hard and soft landscape scheme for Kingshurst Park has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The works shall include the detail design of the proposals outlined within the Kingshurst Park Illustrative Masterplan (18023-SMBC-XX-XX-DR-L-1006-S3-P01). These details shall include the following:

- New and replacement play equipment to the existing Local Play Space
- New and additional seating
- Footpath widening and resurfacing
- New footpath connection to Over Green Drive
- Planting to include ornamental trees for seasonal colour, native hedgerow, wildflower / floral meadow and bulbs
- Biodiversity enhancements through planting
- Signage and wayfinding, community notice board

These details shall include proposed finished levels or contours; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, lighting

etc.); retained historic landscape features and proposals for restoration/enhancement. Soft landscape works shall include details of tree, shrub and hedgerow planting, including details of wildflower/ floral meadow and bulb planting, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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.

45. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.

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.

46. The development hereby approved shall not be occupied until full details of a signage scheme has been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Except where otherwise stipulated by conditions attached to this permission the signage scheme shall include interpretation material explaining the function and biodiversity benefits of the SuDS, swales, and rain gardens, including any necessary Health and Safety information (including depth gauge marker posts as required) pertaining to a risk lead approach to design. The signage scheme shall include details indicating the positions, design, materials, and type of signage to be erected.

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.

Appendix 1 - Key masterplan changes



1. New lay-by and vicarage created for the church
2. Parking layout updated for church
3. Housing plots removed and new parking added and increased car parking
4. Road layout amended to create better link to park and increased car parking
5. A new entrance square created for School
6. Housing layout revised to improve pedestrian link
7. Housing layouts updated to suit new road layout
8. Retail units repositioned & first floor units added
9. Road layout amended to Mews
10. Housing removed to make space for SuDS
11. Turning head locations amended

Appendix 2 - Description of proposed use classes

Class E – Commercial, Business and Service

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

- E(c)(i) Financial services,
- E(c)(ii) Professional services (other than health or medical services), or
- E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

- E(g)(i) Offices to carry out any operational or administrative functions,

Class F - Local Community and Learning

F1 Learning and non-residential institutions

- F1(a) Provision of education
- F1(b) Display of works of art (otherwise than for sale or hire)
- F1(c) Museums
- F1(d) Public libraries or public reading rooms
- F1(e) Public halls or exhibition halls
- F1(f) Public worship or religious instruction (or in connection with such use)
- F1(g) Law courts

F2 Local Community

F2(a) Shops (mostly) selling essential goods, including food

F2(b) Halls or meeting places for the principal use of the local community

Sui generis

Hot food take-away