

THE TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

THE METROPOLITAN BOROUGH OF SOLIHULL (KINGSHURST VILLAGE) COMPULSORY
PURCHASE ORDER 2021

STATEMENT OF REASONS

CONTENTS

1.	INTRODUCTION	1
2.	THE ORDER LAND	3
3.	ENABLING POWERS	5
4.	PURPOSE OF THE ORDER AND THE SCHEME	6
5.	PLANNING	8
6.	JUSTIFICATION FOR THE USE OF THE ORDER POWERS	26
7.	EFFORTS TO ACQUIRE BY AGREEMENT	40
8.	CONSULTATION	44
9.	ALTERNATIVE OPTIONS	48
10.	DELIVERY AND FUNDING	51
11.	IMPEDIMENTS TO DELIVERY	54
12.	SPECIAL CONSIDERATIONS	55
13.	SPECIAL CATEGORIES OF LAND	56
14.	VIEWS OF GOVERNMENT DEPARTMENTS	57
15.	STOPPING UP ORDER	58
16.	HUMAN RIGHTS	59
17.	EQUALITY AND DIVERSITY	62
18.	EXTENT OF SCHEME	65
19.	ADDITIONAL INFORMATION	66
20.	DOCUMENTS	67
21.	APPENDICES	68

1. INTRODUCTION

- 1.1. This document is the Statement of Reasons of Solihull Metropolitan Borough Council (“**the Council**”) prepared in connection with the making of a compulsory purchase Order entitled The Metropolitan Borough of Solihull (Kingshurst Village) Compulsory Purchase Order 2021 (“**the Order**”) which is to be submitted to the Secretary of State for confirmation. The Council is the Acquiring Authority for the purposes of the Order.
- 1.2. The Council has made the Order pursuant to the powers in Section 226(1)(a) of the Town and Country Planning Act 1990. These powers are explained later in this Statement of Reasons. In this document the land included within the Order is referred to as “**the Order Land**”. The Council is the local planning authority and the local highway authority for the Order Land.
- 1.3. The Order has been made to facilitate the redevelopment and improvement of the Order Land by the Kingshurst Village Centre Regeneration scheme (“**the Scheme**”).
- 1.4. Kingshurst is located within the Kingshurst & Fordbridge ward, one of the three wards comprising the North Solihull Regeneration Area (“**the NSRA**”), an area with significant levels of deprivation, high levels of crime, fear of crime, worklessness, poor health, poor access to employment and a poor quality urban environment. The NSRA includes areas that are amongst the 10% most deprived in England.
- 1.5. To reduce the inequality gap between the north and south of the Borough, create high quality neighbourhoods each with a distinctive sense of place, and create healthy, safe and sustainable communities, the Council has since 2005 promoted a range of interventions in the NSRA including the regeneration of its local centres (now known as “Village Centres”). Kingshurst is the last of three Village Centres requiring regeneration, after Chelmund’s Cross and Smith’s Wood, both of which have successfully undergone redevelopment.
- 1.6. Interventions in the North Solihull Village Centres have provided improved accommodation for a range of commercial uses, new housing, schools, healthcare and community facilities and high quality public realm.

- 1.7. The regeneration of Kingshurst Village Centre is specifically identified as a key priority with the Solihull Council Plan 2020-2025, which continues the commitment that was previously contained in the 2018-2020 Council Plan, identifying the regeneration of Kingshurst as a once in a generation opportunity to create a high quality, community focussed centre at the heart of a large suburban neighbourhood. Action P15 of the Council's Economic Recovery Plan (2020) now goes further to identify the successful redevelopment of Kingshurst Village Centre as one of the key investment projects needed to ensure the Borough experiences a sustainable, inclusive and resilient economic recovery from the impact of Covid-19.
- 1.8. Kingshurst Village Centre has considerable scope to be radically redesigned to a high standard as a well-integrated health and community-led scheme with a vibrant local centre and sustainable low energy homes that are adaptable to changing needs.
- 1.9. The Order is necessary to assemble the land and property interests that are required to enable development to take place. The benefits of the redevelopment can only be derived from a comprehensive scheme that allows for changes in the underlying infrastructure as a pre-cursor to coherent wholesale redevelopment of the commercial and residential buildings. If the Order were not granted then the fragmented land ownerships would wholly frustrate the development taking place and fail to achieve the objectives set out in paragraphs 1.5-1.8 above.
- 1.10. The Scheme has the benefit of outline planning permission under reference number PL/2020/01235/MAOOT, which was granted on 22 September 2020, following consideration and approval by the Council's Planning Committee on 16 September 2020.
- 1.11. This Statement of Reasons has been prepared in compliance with paragraphs 22 and 196 of the Government's "*Guidance on compulsory purchase process and the Criche! Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion*" (July 2019) ("**the Guidance**").

2. THE ORDER LAND

Description of the Order Land

- 2.1. The Order Land is situated at Kingshurst Village Centre, Solihull, comprising 38 plots of land over an area of approximately 3.5 hectares. The Order Land currently comprises a dilapidated mixed-use local centre dating predominantly from the 1950s and 1960s, including residential, retail, healthcare and community uses, including a church and vicarage. It also includes parcels of vacant land, two car parking areas, three blocks of garages, the carriageway and subsoil of a number of roads. A number of parcels of land required for the delivery of the Scheme are already in the ownership of the Council, and are therefore excluded from the Order Land.
- 2.2. The Order Land is bounded to the north by Church Close and the southern-most boundaries of the properties on Church Close and School Close. To the south, by Marston Drive and Kingshurst Park beyond. To the east, by Gilson Way and the western side of Kingshurst Primary School. To the west, by Over Green Drive and to the south west, by the site of the former Mountford Public House which has been demolished.
- 2.3. The existing parade shopping complex was built in the late 1950s and the condition of the buildings within the Order Land is generally poor. The centre is inward facing and has an uninviting exterior facade, comprising of service areas, waste storage, garages and yard areas. The enclosed nature of the centre also constrains access, egress and the linkages with adjacent amenities (including Kingshurst School and the Park).
- 2.4. Existing retail facilities are outdated and no longer meet the requirements of businesses, while the level of provision far exceeds local need, resulting in high levels of vacancy. The issues associated with the poor layout are worsened by the overall decline of the Village Centre. As a result, the environment of the centre has become of poor quality and intimidating. Prior to the Council's acquisition of property in the centre over the last three years, levels of vacancy within the centre were high and assets managed by the Council attracted very limited levels of interest.
- 2.5. The existing residential use within the parade is predominantly provided in upper floor apartments above retail with external walkway accesses in close proximity to retail service areas. The majority of the maisonettes are managed by Solihull Community

Housing on behalf of the Council. External amenity space is limited and quality of the residential units has deteriorated over time and is now very poor. Houses at Church Close and Colling Walk are in a mixture of Council and private ownership. These face the retail service yards and car parking. The total number of residential units within the Order Land is 35, of which 13 are open market units (the majority of which were previously sold by the Council under the Right to Buy), and 22 are affordable housing units for social rent.

- 2.6. The physical fabric of the buildings, including the flats above the shops, has deteriorated to the extent that ongoing repair, maintenance and management is likely to become increasingly unaffordable. The centre is subject to crime and anti-social behaviour; this has further impacted on the declining levels of usage and the value of the centre as a focus for service provision within the local community.

Interests in the Order Land

- 2.7. The Council has identified 86 interests within the Order Land and, following negotiations over a lengthy period, has acquired 9 residential and 16 commercial interests since 2013, in addition to those already in the long-term ownership of the Council prior to the development of the Scheme. As a result, the Council is now the owner of approximately 89% of the freehold interests within the Order Land, subject to the leasehold interests and tenancies detailed in the table below. The remaining 11% of freehold interests within the Order Land are in third party ownership.

- 2.8. The outstanding interests to be acquired are set out in Table 1 below:

Table 1

Use	Number of outstanding interests	Types of interest
Residential (Private)	4 interests	Freeholds
Residential (Council)	21 interests	Tenancies
Garage	19 interests	Tenancies
Commercial	14 interests	Leaseholds

3. ENABLING POWERS

3.1. The Council has the power under Section 226(1)(a) of the Town and Country Planning Act 1990 (“**the Act**”) to make a compulsory purchase order for land in its area if the Council thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. Section 226(1A) of the Act provides that the Council may not exercise this power unless it thinks that such development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.

3.2. The Government has prepared the Guidance. The Council has had regard to and followed the Guidance where appropriate in relation to the Order. Paragraph 1 of the Guidance provides that,

“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life”

Paragraph 2 goes on to state that, *“a compulsory purchase order should only be made where there is a compelling case in the public interest”*

3.3. The Guidance provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Section 1 of Tier 2 provides specific guidance for local authorities on the use of their powers under section 226 of the Act. Paragraph 65 of the Guidance provides that the power is,

“intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their local plan or where strong planning justifications for the use of the powers exist”.

3.4. The promotion of the Order for the Scheme is in accordance with the Guidance.

4. PURPOSE OF THE ORDER AND THE SCHEME

- 4.1. Kingshurst Village Centre is a 1950s local shopping precinct that provides a mixture of retail, residential, community and health uses. In close proximity to the centre are Kingshurst Park, Kingshurst Primary School and St Barnabas Church. The key drivers for change are the condition and function of the existing centre, which have been summarised in section 2 above, and socio economic factors linked to the regeneration area.
- 4.2. To date the only major work to take place within the area has been provision of the new primary school and limited residential development at Over Green Drive. A high quality centre is fundamental to improving quality of life for the local community and will help take advantage of the economic opportunities represented by planned growth in both Solihull and the wider West Midlands.
- 4.3. The purpose of the Order is therefore to facilitate the redevelopment and improvement of the Order Land and the wider Kingshurst area and to implement a Scheme comprising a new mixed-use local centre including up to 86 residential dwellings (of which at least 60% will be affordable), retail uses, healthcare and community uses with areas of high quality public realm, open space, landscaping, parking and associated infrastructure.
- 4.4. The vision is to create a health-led Scheme that promotes physical and mental wellbeing and safe attractive spaces for the community through more effective use of the land with high quality public realm enhancing linkages to Kingshurst Park, the School and St Barnabas Church. This will be achieved through a number of interventions that include new homes built to 'Lifetime Homes' standards with a high level of affordable or social provision, together with sustainable health and community facilities and modern commercial accommodation to attract local supporting services.
- 4.5. It is intended that in delivering the Scheme, the following uses will be provided (references to Use Classes in this Statement of Reasons are references to the use classes in effect when the outline planning application was submitted in June 2020 and used to determine the application in September 2020):

Table 2

Use Class	Quantum
Residential (Use Class C3)	up to 86 residential dwellings
Town centre uses (Use Class A1-A5)	up to 1,200 sq m
Leisure and community uses (Use Class D2)	up to 1,700 sq m

4.6. The approximate breakdown of land uses and accommodation that are intended to be provided by the Scheme are shown in the Development Parcels Plan attached to this Statement of Reasons at Appendix A, but in summary is as follows:

Table 3

Development Parcel	Quantum and Use Class
DP1	Ca. 25 residential dwellings (Use Class C3)
DP2	Town centre uses (Use Class A1-A5) and leisure and community uses (Use Class D2)
DP3	Ca. 28 residential dwellings (Use Class C3)
DP4	Ca. 20 residential dwellings (Use Class C3)
DP5	Ca. 9 residential dwellings (Use Class C3)
DP6	Ca. 4 residential dwellings (Use Class C3)
DP7	Town centre uses (Use Class A1-A5)
Remainder of the Order Land	Infrastructure uses, including new spine road, high quality public realm, landscaping and public open space.

5. PLANNING

Introduction

- 5.1. The need for the comprehensive redevelopment of the Order Land is recognised in planning policy at national, regional and local levels, including emerging policy as detailed in this section.
- 5.2. The site is identified in the adopted Solihull Local Plan (2013) as being located within the NSRA (paragraph 2.4) and is allocated in the Draft Local Plan Review (2016 and 2020, Kingshurst Village Centre) with a capacity for ca. 100 new homes. Both the adopted and emerging Plans support the principle of redevelopment of the village centre.
- 5.3. The Scheme will secure a successful future for Kingshurst Village Centre to meet the objectives of local planning policy to develop local centres (including Kingshurst) in a way which ensures their continued sustainability and economic success.
- 5.4. Consistent with the above, outline planning permission was granted in September 2020 for a form of development by which the Scheme can be implemented.
- 5.5. The purpose of the remainder of this section is to explain in greater detail the relevant national and local planning policy framework, the compliance of the Scheme with that policy, and the grant of planning permission.

National Planning Policy

- 5.6. The National Planning Policy Framework (2019) (“**the NPPF**”) sets a presumption in favour of sustainable development and a positive approach to planning as a means of supporting the country’s economic and housing growth, while protecting the environment. It directs local planning authorities to approve development proposals that accord with the development plan without delay.
- 5.7. Paragraph 8 of the NPPF advises that there are three dimensions to sustainable development economic, social and environmental. It is advised that all roles are viewed mutually and not in isolation.
- 5.8. Paragraph 11 sets three overarching objectives to achieving sustainable development:
 - 5.8.1. “an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is

available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

5.8.2. a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

5.8.3. an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

5.9. Paragraph 9 confirms that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF itself. The policy areas and policies of the NPPF most relevant to the delivery of the Scheme are summarised below.

Delivering a Sufficient Supply of Homes

5.10. Chapter 5, Delivering a sufficient supply of homes, confirms the Government's objective of significantly boosting the supply of homes by bringing forward a sufficient amount and variety of land where it is needed. It also identifies the importance of addressing the needs of groups with specific housing requirements, that land with permission is developed without unnecessary delay, and sets out that in a major development involving provision of housing, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Economy and Employment

5.11. Chapter 6, Building a strong, competitive economy, confirms that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 5.12. In line with Paragraph 104(a), planning policies should support an appropriate mix of uses across an area, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

Healthy and safe communities

- 5.13. Chapter 8, Promoting healthy and safe communities, sets out that planning decisions should aim to achieve healthy, inclusive and safe places. In order to achieve this development should seek to:

5.13.1. promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

5.13.2. be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and

5.13.3. enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- 5.14. Paragraph 92 states policies and decisions should seek to provide social, recreational and cultural facilities and services in order to meet community needs, and:

5.14.1. plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

5.14.2. Take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

- 5.14.3. Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - 5.14.4. Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - 5.14.5. Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 5.15. Paragraph 93 states planning policies and decisions are expected to 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.
- 5.16. Furthermore, paragraph 119 of Chapter 11 goes on to confirm that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

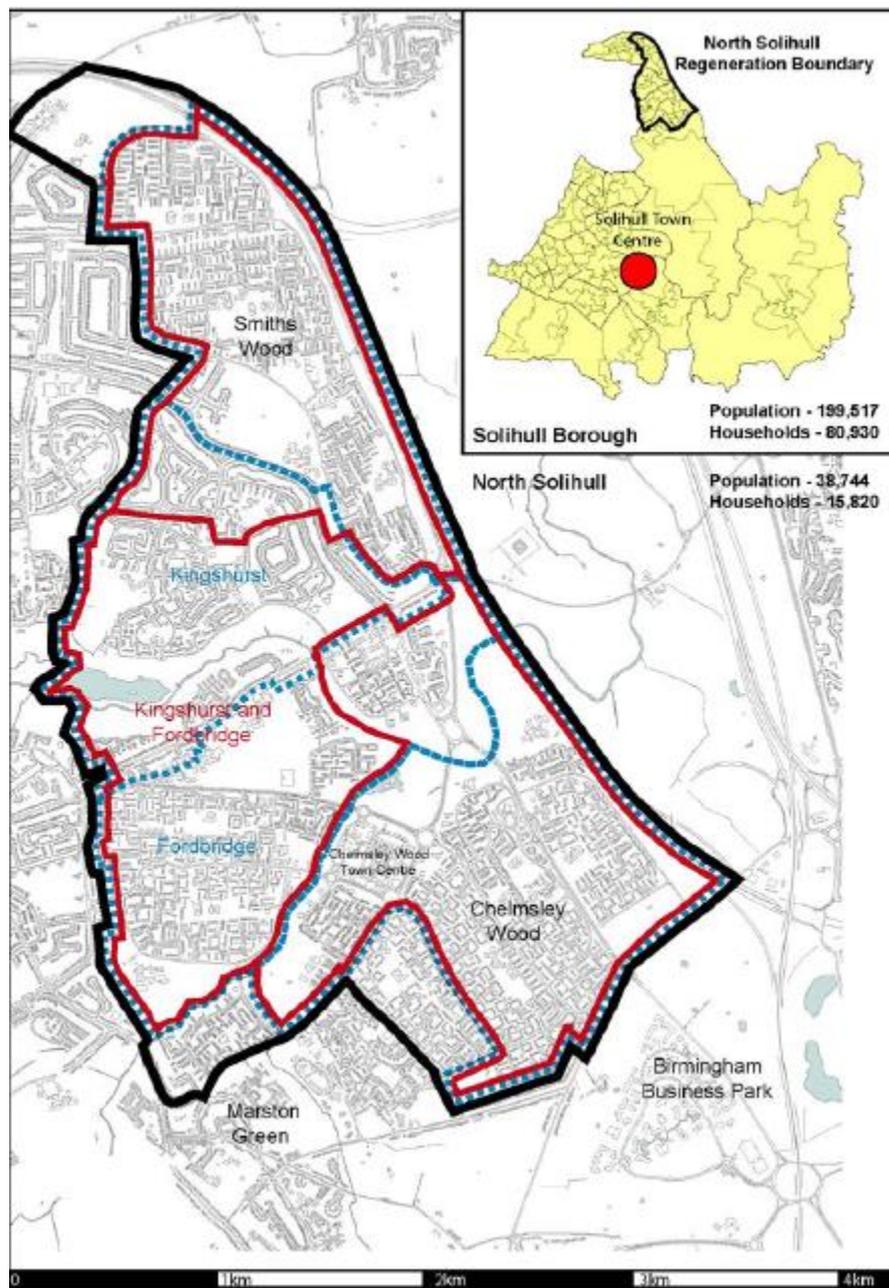
Design and Amenity

- 5.17. Chapter 12, Achieving well-designed places, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It confirms that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It also identifies the importance of effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.18. In line with Paragraph 127, planning decisions should ensure that developments:
- 5.18.1. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - 5.18.2. are visually attractive as a result of good architecture and appropriate landscaping;

- 5.18.3. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 5.18.4. establish and maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- 5.18.5. optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- 5.18.6. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Solihull Local Plan: Shaping a Sustainable Future (December 2013)

- 5.19. The Council's adopted Local Plan sets out the policies and criteria for development within the Borough, and covers the plan period 2011–2028.
- 5.20. The Order Land is included within the defined boundaries of the NRSA. The boundaries of the NSRA are illustrated by the spatial portrait diagram at Figure 2 of the adopted Local Plan, and are shown in further detail in the diagram below:



- 5.21. The Plan identifies a series of key challenges facing the Borough and objectives to address these. Challenges A, B, C and G are relevant to the Scheme.
- 5.22. Challenge A seeks to reduce inequalities between the Borough and the NSRA. Significant levels of deprivation with high levels of crime, fear of crime and worklessness are identified in the latter, alongside poor public transport links with the south of the Borough, employment areas and poor access by walking and cycling to local services and facilities and economic assets. There is an inadequate supply of business premises, particularly space for small and medium size enterprises, a skills gap and low educational attainment.

- 5.23. Challenge A notes the poor-quality urban environment (including main retail centre), green space and public realm, lack of variety of tenures, lack of market and affordable housing. There is poor health and significantly lower life expectancy with the gap between the best and the worst wards in the Borough widening.
- 5.24. The Plan therefore seeks to close the gap of inequality between the most and least affluent wards in Solihull, particularly by reducing the inequities that exist between NSRA and the rest of the Borough.
- 5.25. Challenge B seeks to address affordable housing needs, including a shortage of affordable housing, particularly for rent. A need to widen the housing offer in the NSRA to meet the aspirations of local households is identified, as well as the need for a range of affordable housing for older people and for people with learning, physical and sensory disabilities and mental health needs.
- 5.26. The following objectives are set out to address Challenge B:
- 5.26.1. Additional development to help meet the Borough's local housing need, whilst ensuring high quality places across the Borough through continuing to improve the quality of the environment in the NSRA and the mature suburbs;
 - 5.26.2. Maximise the provision of affordable housing of the right size, type and tenure and in the right location to help meet the Borough's local housing need;
 - 5.26.3. Address constraints in supply including the inability to deliver affordable housing in recent years through windfall development by reducing site thresholds; and
 - 5.26.4. Widen the range of options for older people and those with disabilities through provision of accommodation which is designed to meet these diverse needs.
- 5.27. Challenge C seeks to sustain the attractiveness of the borough for people who live, work and invest in Solihull and accommodating additional development to meet the Borough's needs. The Plan will work to improve the quality of the environment in the NSRA and ensure sufficient amenity space, opportunities for secure children's play and that residential and other amenities are protected.

- 5.28. To address Challenge C, the Plan will ensure high quality design and development which integrates with its surroundings and creates safer, inclusive, adaptable and sustainable places which make a positive contribution to the Borough's sense of place, attractiveness and to people's quality of life.
- 5.29. It will ensure development does not have an adverse impact on residential and other amenities, and will widen the range of options for older people and those with disabilities through accommodation designed to meet these diverse needs.
- 5.30. Challenge G recognises the imbalance in the housing offer across the Borough, including a shortage of smaller and family-sized homes and particularly affordable housing. In addition, a shortage of market housing, particularly larger, higher value family accommodation in the NSRA which means that households able to move to higher value homes have a restricted local choice.

Housing policies

- 5.31. Policy P4 – Meeting Housing Needs outlines the requirements expected for new housing development. The policy outlines that the Council will require developers of allocated and unidentified sites to make a contribution to affordable housing on residential sites of 0.2 hectares or more, or housing developments of 3 or more (net) homes to meet the housing needs of the Borough. Affordable housing includes social rented, affordable rented or intermediate – tenure housing.
- 5.32. Policy P4 sets out that contributions will be expected to be made in the form of 40% affordable dwelling units on each development site, but will take into account:
- 5.32.1. Site size;
 - 5.32.2. Accessibility to local services and facilities and access to public transport;
 - 5.32.3. The economics of provision, including particular costs that may threaten the viability of the site;
 - 5.32.4. Whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site;
 - 5.32.5. The need to secure a range of house types and sizes in the locality in helping to achieve socially balanced and mixed communities; and

- 5.32.6. The need to achieve a successful housing development. Where on site provision is not feasible or viable there will be a financial contribution towards the provision of affordable housing that would not otherwise be provided, elsewhere within the Borough.

Transport

- 5.33. Policy P8 'Managing Demand for Travel and Reducing Congestion' seeks to ensure that new development reduces the need to travel and has regard to transport efficiency and highway safety. Travel demands associated with development should be managed to minimise detrimental impact to the efficiency of the highway network.

Environment and Sustainability

- 5.34. Development should consider and incorporate sustainable measures throughout design and implementation to ensure that climate change, natural environment and water management have been addressed and impact mitigated.
- 5.35. Policy P9 'Climate Change' requires developers to follow a sequential approach to carbon reduction for all new development, and "where feasible and viable, new development should incorporate decentralised energy and heating networks". Where lower cost solutions such as decentralised networks are viable, developers should aim to achieve zero carbon for all new developments in excess of 1,000 sqm unless it is demonstrated that this is not feasible or viable.
- 5.36. Policy P11 'Water Management' seeks to ensure that all new development shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so. Developers shall ensure that adequate space is made for water within the design layout of all new developments.

Design and Amenity

- 5.37. Policy P15 will 'Secure Design Quality' throughout the Borough to ensure the local distinctiveness and character is conserved and enhanced. This Policy sets out a number of criteria for all new developments in the Borough to consider and follow. The criteria require that development:
- 5.37.1. Conserves and enhances local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment.

- 5.37.2. Ensures that new development achieves the highest possible standard of environmental performance through sustainable design and construction and the location and layout of the development.
 - 5.37.3. Secures the sustainable long-term use of new development through flexible, robust and future-proofed design e.g. high-speed digital connectivity.
 - 5.37.4. Makes appropriate space for water within the development, using sustainable drainage (SuDS) principles, to minimise and adapt to the risk of flooding.
 - 5.37.5. Conserves and enhances biodiversity, landscape quality and considers the impact on and opportunities for green infrastructure at the earliest opportunity in the design process.
 - 5.37.6. Integrates the natural environment within the development through the provision of gardens, quality open space and/or improved access to, enhancement or extension of the green infrastructure network.
 - 5.37.7. Creates attractive, safe, active, legible and uncluttered streets and public spaces which are accessible, easily maintained and encourage walking and cycling and reduce crime and the fear of crime.
- 5.38. Policy P14 'Amenity' will seek to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development and will permit development only if it respects the amenity of existing and proposed occupiers and would be a good neighbour.

Range and Quality of Local Services

- 5.39. Policy P19 'Range and Quality of Local Services' identifies a number of Local Centres within the Borough, including Kingshurst, and the need for these to be developed and sustained in a way which ensures their continued sustainability and economic success. The scale and nature of new development is required to 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.
- 5.40. Appropriate development in these locations includes retail, leisure, community and other facilities. All new development will need to be sensitive to local character and enhance the public realm.

Summary assessment of compliance with national and local policy

- 5.41. A summary assessment of the Scheme against relevant themes contained in the Development Plan and the NPPF is provided:

Local Centre

- 5.41.1. The principle of the redevelopment of this site to provide a new local centre is supported by policy P19(a) of the Solihull Local Plan, providing the development is sensitive to local character and enhances the public realm. 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.
- 5.41.2. The new local centre will be a sustainable development making effective use of previously developed brownfield land (NPPF paragraph 117) and contributing to a mix appropriate to the centre (NPPF Paragraph 104). Minimising the number and length of journeys needed for shopping, leisure, education and other activities (NPPF paragraph 104) will encourage and strengthen the Village Centre.
- 5.41.3. The Scheme will secure the removal of the existing outdated, poor quality retail units in Kingshurst that no longer meet the needs of local businesses, and their replacement with an appropriate quantum of modern, high quality commercial spaces that will support the future economic growth and productivity of the area.
- 5.41.4. Retail, healthcare and community space will provide active ground floor uses to maximise natural surveillance and vitality, complement the function of the retail centre and anchor footfall. The community aspect is vitally important and the key driver to the success of the new centre. Public services will be provided in modern facilities connected to the new retail centre to provide a footfall driver, key to the success of the retailers. The new scheme will integrate key local places, e.g. the church, park and school to maximise use and complementary trips.

- 5.41.5. The Scheme is designed to enhance the Village Centre and act as a catalyst for wider change. In the development proposals for which outline planning permission has been obtained (see further below), an anchor unit is shown with rear servicing suitable for a convenience operator, supported by up to 6 smaller units flexibility to combine or divide for future uses. The retail element proposed is reduced relevant to market requirements to ensure a sustainable centre. Modern design and massing and openness will create a significantly better, safer environment that consumers feel more at ease to use and retailers will want to operate from.
- 5.41.6. Retail units are outward facing with a road frontage, visibility, flexible day/night operating hours, convenient parking nearby, and be located in proximity to the health, education and community uses.
- 5.41.7. The planning officer's report in connection with the outline planning permission concluded, "the Illustrative Masterplan demonstrates 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 guidance in Policy P15 of the Local Plan."

Residential

- 5.41.8. The Scheme is designed to enhance the Village Centre and act as a catalyst for wider change. Attractive new residential development will secure long term regeneration. An attractive and deliverable residential development will be essential to ensure the long-term sustainability of the village centre and create a successful place in accordance with the requirements of Local Plan Policies P15 and P19(a).
- 5.41.9. Links to new retail and community uses will ensure the village centre functions well, and benefits of proximity to the school, church and park are maximised and function as the focal point of the local community.
- 5.41.10. Local Plan Policy P4 requires developers of allocated and unidentified sites to make a contribution to affordable housing of 40% of on-site dwellings on residential sites of 11 units or more, to meet the housing needs of the Borough.

- 5.41.11. The Scheme provides a housing mix weighted to address identified shortfalls. In particular, the Scheme will deliver significantly in excess of the minimum 40% requirement for provision of affordable housing, as the Council has committed to providing at least 60% affordable housing in this case. This will make a significant contribution towards reducing existing shortfalls in provision.
- 5.41.12. Family housing will meet local needs and the Scheme allows for a policy compliant mix of affordable and market housing. Residential parcels are clustered to allow phasing alongside development of the retail and community uses. The Scheme allows for private amenity space and car parking to create an attractive environment.
- 5.41.13. The planning officer's report in connection with the outline planning permission confirms that, "the proposal therefore accords with Policy P4 of the Local Plan". It also meets the aims of NPPF chapter 5.
- 5.41.14. Policy P14 of the Solihull 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.
- 5.41.15. The planning officer's report notes, "drawing matters together, on the basis of the illustrative plans, officers are satisfied that the relationship with neighbours is acceptable and the quantum of development proposed can be accommodated on the site to ensure the amenities of existing residents living around the perimeter of the application site is protected. Careful attention will be required at the reserved matters stage in terms of the appearance of the residential units and the location of habitable room windows to ensure that there is no undue overlooking of private rear gardens, but officers are content the relationship is acceptable." The planning officer's report concludes that, "the proposal therefore accords with Policy P14 of the Local Plan."

Economy and Employment

- 5.41.16. Development will meet the economic objective of the NPPF to help build a strong, responsive and competitive economy (paragraph 11). The development will strengthen the local centre, providing higher quality

retail floorspace and healthcare uses, with supporting community space to increase footfall and create a sustainable Village Centre in accordance with the requirements of Local Plan Policy P19(a).

- 5.41.17. The design has been considered to allow future flexibility, particularly in the retail floorspace to respond to market demand. The proposed development and will strengthen the long-term prospects of the commercial elements within the centre.
- 5.41.18. Visibility, a clear route to the centre and new open spaces through the site will ensure the centre is accessible to the local catchment and provides attractive spaces for informal meeting.

Environment and Sustainability

- 5.41.19. Development will meet the environmental objective of the NPPF (paragraph 11) to protect the natural environment and future sustainability. The development is designed to retain existing mature tree planting and create new areas of public open space. Landscaping and planting are maximised to support biodiversity and net gain by minimising the loss of existing trees wherever possible and providing opportunities for new open space and positive landscaping within the site.
- 5.41.20. Policy P10 of the Solihull Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. It also recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. The Scheme's public realm strategy demonstrates that the necessary quantum of open space can be accommodated within the site boundary, so as to accord with Policy P20 (b) of the Local Plan. The planning officer's report confirms the proposal accords with these Local Plan policy requirements.
- 5.41.21. Policy P7 of the Solihull Local Plan requires that all new development should be focused in the most accessible locations, should seek to enhance existing accessibility level and promote ease of access and encourage walking and cycling. Accordingly, the creation of a new centre with facilities to support the local population will encourage sustainable travel, and particularly pedestrian movements.

- 5.41.22. Policy P11 of the Local Plan also requires that all new developments shall incorporate sustainable drainage systems. The detailed design stage will enable the creation of a scheme resilient to the impacts of climate change, accounting for sustainable drainage and a low energy approach to design in accordance with this policy.

Land assembly

- 5.41.1. NPPF paragraph 119 supports the use of compulsory purchase powers to facilitate land assembly where this can help to bring more land forward for meeting development needs and/or secure better development outcomes. On this occasion, as a result of the complexity of different interests in the Order Land, it is clear that the assembly of the site for the successful delivery of the Scheme cannot be secured in a comprehensive, timely manner without the Order.

Other Relevant Guidance

Solihull Council Plan 2018-2020 and 2020-2025

- 5.42. The regeneration of Kingshurst Village Centre is again set out as a key commitment in the Solihull Council Plan 2020-2025, continuing the commitment made in 2018:

The regeneration of Kingshurst is a once in a generation opportunity to create a high quality, community focussed centre at the heart of a large suburban neighbourhood.

As the third local centre to be regenerated in North Solihull, Kinghurst should build on the success of previous schemes at Chelmund's Cross and Smith's Wood. Kingshurst Village Centre has considerable scope to be radically redesigned to a high standard so that it offers a range of local services and plays a strong role in building social capital and local pride.

In this way, the redeveloped centre will help ensure that Kingshurst becomes a sustainable, well integrated community that benefits from its proximity to the economic opportunities at the airport, NEC and the rest of the UK Central Hub (Solihull Council Plan 2018-2020)

SMBC Economic Recovery Plan (May 2020)

- 5.43. The Council's Economic Recovery Plan (2020) identifies the successful redevelopment of Kingshurst Village Centre as one of the key investment projects needed to ensure

the borough experiences a sustainable, inclusive and resilient economic recovery from the impact of Covid-19.

Solihull Housing Market Assessment (SHMA, Ecotec, 2019)

- 5.44. The Solihull Housing Market Assessment (SHMA, Ecotec, 2019) identifies Urban, Rural and Regeneration as three local housing markets with interlinkages between. The Regeneration market includes the North Solihull wards of Chelmsley Wood, Smiths Wood, and Kingshurst and Fordbridge (i.e. those comprised in the Order Land), and is characterised by high levels of social housing and adverse socio-economic conditions (e.g. low average household incomes, low educational attainment and skills levels, high levels of worklessness) and is the Borough's main regeneration priority area.
- 5.45. New housing will be spread across all local housing markets, but regeneration policies highlight North Solihull and Solihull Town Centre as a focal point for new build. The Regeneration Housing Market Area has been targeted as a key location for net housing growth, with the aim of achieving a tenure shift – towards owner occupation – without reducing the volume of social housing stock (page iii).
- 5.46. The regeneration of North Solihull (Regeneration HMA) is an important focus for future planning and intervention. The area affords opportunities to deliver residential growth both playing a role in accommodating the Borough's designated housing allocation and enabling a readjustment of the area's tenure balance without reducing number of affordable dwellings.
- 5.47. The SHMA notes that the revised spatial strategy for North Solihull (North Solihull Strategic Framework Addendum, July 2009) focuses regeneration activity around large-scale investments, such as schools and community hubs, and has developed nine Strategic Investment Clusters, following an identified need for the neighbourhood planning process to more successfully bring sites forward and allow a more integrated approach to investment and development (page 52). Kingshurst and Babbs Mill is one of the Strategic Investment Clusters, and it is considered that the delivery of a comprehensive masterplan-led Village Centre, including the integrated health, social care and community hub to be delivered as part of the Scheme, clearly represents the kind of large-scale investment envisaged by the spatial strategy to deliver accessible, transformational change.

Kingshurst Village Centre Planning Brief (2019)

- 5.48. The Kingshurst Village Centre Planning Brief (2019) is a framework document developed by the Council to explain the history of Kingshurst Village Centre, the opportunity for development and the capacity of the site to deliver successful regeneration. The document sets out the need for regeneration, outlining the planning policy framework, steps taken to promote regeneration and a site assessment. Significantly the brief identified the development opportunity, design development, and the next steps.
- 5.49. The Brief was created to establish the baseline position for a proposed scheme supporting the aims of the Local Plan and Local Plan Review and the NSRA.

UKC Infrastructure Programme (2017)

- 5.50. Kingshurst Village Centre is a key investment priority within Solihull Council's UK Central Infrastructure Programme. This Programme is aimed at maximising the opportunity of the HS2 Interchange that will be operational in the Borough by 2028 and in reducing local levels of inequality.

West Midlands Combined Authority Regional Plan

- 5.51. The redevelopment of Kingshurst is also a key investment priority within the Regional Plans of the West Midlands Combined Authority ("**the WMCA**") as part of the East Birmingham and North Solihull Inclusive Growth Corridor. This zone has been identified by the WMCA and its partners as a key focus for strategic investment and as a pilot for its work in Inclusive Growth.

Estate Regeneration: good practice guide

- 5.52. The Council has followed the steps set out in the Government's good practice guide on estate regeneration in the preparation of the Scheme, including the initial feasibility, options appraisal, project development and consultation processes recommended therein.

Outline Planning Permission

- 5.53. Outline planning permission was granted under application reference number PL/2020/01235/MAOOT on 22 September 2020, following consideration and approval at the Council's Planning Committee on 16 September 2020. The description of development is:

Outline planning application with all matters reserved except access for demolition of 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.

- 5.54. A full appraisal of the policies and planning issues relevant to the proposal was carried out and reported in the planning officer's report to the Planning Committee dated 16 September 2020, a copy of which is attached to this Statement of Reasons at Appendix B.
- 5.55. Through the grant of planning permission, the development subject of the outline permission has been considered acceptable when assessed against the Council's development plan in place at the date of the planning permission and all other material considerations.
- 5.56. It is the Council's intention to carry out the development that is the subject of the grant of outline permission in order to implement the Scheme.

6. JUSTIFICATION FOR THE USE OF THE ORDER POWERS

Introduction

- 6.1. The existing Kingshurst centre, whilst appropriate to its time, has become unsustainable and fallen into disrepair. The inward facing design and heavy concrete construction of the shopping centre makes for a poor quality urban environment, an inefficient use of the land and creates secluded unsafe areas requiring extensive remote surveillance to improve safety as far possible within the limitations of the current layout.
- 6.2. The vision for the Scheme is to create a health-led community development that promotes physical and mental wellbeing and safe attractive spaces for the community through more effective use of the land, with high quality public realm enhancing linkages to Kingshurst Park, the School and St Barnabas Church. This will be achieved through a number of interventions that include new homes built to sustainable lifetime standards with a high level of affordable provision (at least 60%) predominantly for social rent, health and community facilities and modern commercial accommodation to attract local supporting services. The Council is currently expanding and refurbishing the primary school that as a result of the redevelopment will be a more inclusive element of the Scheme working in concert with community facilities at St Barnabas Church and within the village centre itself. The overarching nature of the Scheme will make a coherent contribution towards the economic, social and environmental well-being of the area.
- 6.3. Without the Order these holistic improvements could not take place as the integrated nature of the existing development means that any one land interest could frustrate the whole of the Scheme. The Council has been seeking to acquire the necessary land by agreement over an extended period of time and has had considerable success. However there remain numerous interests where discussions are taking place but acquisition has not been achieved. Without public intervention such a comprehensive development would not be financially viable or practical given the extent of land assembly and infrastructure changes necessary to facilitate redevelopment.
- 6.4. As noted previously, in order to justify the use of compulsory purchase powers, the Council must show that it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land, and that it thinks that such development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental

well-being of its area. The remainder of this section explains why the Council thinks that the acquisition of the Order Land will achieve these objectives, by reference to:

- 6.4.1. Contribution to the social needs of the area;
- 6.4.2. Contribution to meeting housing needs;
- 6.4.3. Reducing crime and anti-social behaviour;
- 6.4.4. Improving health;
- 6.4.5. Contribution to environmental wellbeing of the area;
- 6.4.6. Contribution to the economic wellbeing of the area; and
- 6.4.7. The need for all the land within the Order.

Contributing to the Social Needs of the Area

- 6.5. Community facilities are dated, poor quality, and not fit for purpose. The design of the buildings is poor, lacking flexibility and adaptability to change, and they contain significant levels of asbestos. Their physical fabric has deteriorated to the extent that ongoing repair, maintenance and management is becoming increasingly unaffordable. Over time the Council has experienced diminishing use of directly operated facilities, ultimately leading to the closure of the youth centre. Community consultation has demonstrated a preference to define and manage their own use within appropriate spaces, this is illustrated by the active use of the Church hall and latterly a community pilot based in part of the former youth centre. This has helped to define future need reflected in the Scheme masterplan creating a synergy between the existing Church provision, better use of the school spaces and supplemented by a dedicated multi-purpose community meeting space within the Village Centre.
- 6.6. A significant proportion of the communities within the NSRA – including the proposed area of change at Kingshurst, which is in the heart of this Area - are ranked within the 20% most deprived nationally. Of the Lower Layer Super Output Areas (LSOAs) most directly affected by the proposed development of Kingshurst village centre, half are ranked within the 10% most deprived nationally across all indicators (and in relation to the domains of income, employment, education, skills and training and health) (Health Needs Assessment, March 2019). The Joint Strategic Needs Assessment, January 2019, reported:

- 4 out of 10 people in North Solihull live in the most deprived 10% of neighbourhoods in England, including 21% in the most deprived 5% of areas;
- 25 out of 30 most deprived areas in Solihull are in North Solihull;
- The inequality gap among males in Solihull is the 5th highest out of 149 upper tier Local Authorities in England and the 3rd highest among females;
- 13% of North Solihull households are in Housing Need (compared to 3% elsewhere in the borough);
- The North Solihull locality accounts for 62% of all Solihull households on the housing register.

6.7. The highly unappealing nature and poor condition of Kingshurst Village Centre, in the heart of the NSRA, is considered to be a key factor that affects the levels of local deprivation described.

6.8. It is significant that between 2001 and 2011, both wards of Smiths Wood and Kingshurst and Fordbridge were two of only four wards in the Solihull Borough to record a fall in the total population. The number of residents in these wards fell by 3.7% (-979 individuals). This compares to a 3.6% increase in the population across Solihull as a whole (Kingshurst and Fordbridge Ward Profile, 2016).

6.9. The redevelopment of the village centre to create a much more appealing mixed use offer should encourage more people to choose to relocate to the area and cause fewer existing residents to leave, supporting the community that lives there.

Housing Needs

6.10. The Solihull Local Plan was adopted in December 2013. The plan sought to balance projected demographic housing need with constraints, such as Green Belt, and adopted the figure of 11,000 new homes to be delivered over the period 2006-2028, based on the recommendation in the West Midlands Regional Spatial Strategy Phase II Panel Report.

6.11. The following year, the Local Plan was subject to a successful legal challenge. A High Court judgment was handed down on 30 April 2014 and an Order (“the Local Plan Order”) was subsequently made on 15 May 2014.

6.12. The Local Plan Order treats those parts of the Local Plan relating to:

6.12.1. the housing land provision target (the target set by Policy P5, its justification, the housing trajectory and the five year housing land requirement); and

6.12.2. inclusion of two sites at Tidbury Green within the Green Belt;

as not adopted by the Council and remitted to the Planning Inspectorate for re-examination.

6.13. The Local Plan Order is restricted to those parts of the Local Plan directly affected by the Judgment. The majority of the Plan is unaffected and remains adopted, including the allocations.

6.14. The Council consulted on a Pre Submission Local Plan 2020-2036 between October and December 2020, with submission to the Planning Inspectorate for Examination in Public due in March 2021 and adoption expected in late 2021.

6.15. The Pre Submission Plan follows guidance on the standard methodology in the revised NPPF (2019) and Planning Practice Guidance in establishing the Local Housing Needs (“LHN”) figure as a starting point for the Borough’s housing requirement. The LHN for the plan period 2020-2036 is 807 dwellings per annum, or 12,912 overall.

6.16. The site is identified in the adopted Solihull Local Plan (2013) as being located within the NSRA (paragraph 2.4) and is allocated in the Draft Local Plan Review (2016 and 2020, Kingshurst Village Centre).

6.17. The existing Kingshurst Village Centre contains 38 dwellings, comprising 16 market and 22 affordable Council houses. Of this total number, the Order Land contains 35 dwellings, comprising 13 market and 22 affordable Council houses.

6.18. The redeveloped scheme will have a total of 86 units (a net increase of 48 dwellings) with at least 40% affordable housing (34 affordable dwellings, a net increase of 12 affordable dwellings). As well as contributing to the 5 year housing land supply and local housing need the scheme will also help meet wider housing challenges of Solihull.

6.19. Challenge B of the Solihull Local Plan acknowledges the need to widen the housing offer in the NSRA to meet the aspirations of local households. The objective is to accommodate additional development to help meet the need.

6.20. Challenge C of the Local Plan acknowledges the challenge of accommodating more development while improving the environment in the NSRA, conserving the qualities of

mature suburbs that make them attractive and ensuring residential and other amenities are protected.

- 6.21. Challenge G of the Local Plan 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.
- 6.22. The Council commissioned a Housing and Economic Development Needs Assessment (“**HEDNA**”) in 2020 which has been produced in accordance with NPPF and Planning Policy Guidance. This will be used to evidence and support the Pre Submission version of the Draft Local Plan policy on affordable housing.
- 6.23. The HEDNA identifies a need for 578 affordable homes a year; of these 10% should be for shared ownership. The SHMA 2016 (Strategic Housing Market Assessment) identified a split of 80% social rent and 20% shared ownership. This highlights that continued rises in property values in the Borough is increasing the need for social rented housing.
- 6.24. The Pre Submission version of the Local Plan identifies a policy need for social rented accommodation as:
- 30% one bedroom maisonettes/apartments (2 person home) – HEDNA range 25%-35%
 - 35% two bedroom houses (4 person homes) – HEDNA range 30%-40%
 - 25% three bedroom houses (5 person homes) – HEDNA range 20%-35%
 - 10% four bedroom houses (6 person homes) – HEDNA range 5%-15%
- 6.25. The introduction of the Homeless Reduction Act has led to increased need for family accommodation for those families whom the Council has a duty to house. Partly due to the effect of the ‘right to buy’ policy, the Council has fewer houses, especially larger homes with three or more bedrooms. There is an unmet demand for these properties as illustrated in the table below, which shows the numbers on the housing waiting list during 2019/20 and the number of lettings during the year (this includes both Council and Registered Provider lets):

Table 4

Current stock	Need (no. on housing register by bed)	Need (%)	HRA lets 2019/20	% HRA lets
Bedsits			10	1.43%
One bedroom	988	39.22%	371	53.00%
Two bedrooms	781	31.00%	225	32.14%
Three bedrooms	528	20.96%	91	13.00%
Four bedrooms	161	6.39%	3	0.43%
Five bedrooms	52	2.06%	0	0.00%
Six or more bedrooms	9	0.36%	0	0.00%
	2519	100.00%	700	100.00%

- 6.26. A commercially delivered Kingshurst Village centre solution is not viable; therefore grant funding is needed for it to proceed. The Council as applicant could have argued that no affordable housing should be provided in accordance with criteria of Solihull Local Plan Policy P4a “The economics of provision, including particular costs that may threaten the viability of the site”.
- 6.27. However, one of the objectives from the Kingshurst development is to provide an adequate amount and variety of homes that are affordable by local people, including homes for rent, and intermediate tenure. The local economics are such that market values are only marginally above cost and so there is limited viability for any private speculative development. The Scheme is therefore public led and anticipated to be predominantly affordable in nature although the design of the homes is intended to be tenure blind, with flexibility in both design and phasing such that elements of shared ownership and a small element of private sale can be introduced (or removed if market conditions are not favourable). The proposed development will make a significant contribution to meeting this local demand with the development of 86 homes (including a minimum of 60% affordable provision, which will include at least 34 affordable homes, 40% of the total, for social rent). It is intended that the development will be built to exemplar standards in terms of environmental performance, Lifetime Homes and net zero carbon.

Crime

- 6.28. The existing Kingshurst village centre with its inward facing design results in an uninviting exterior facade, comprising of service areas, waste storage, garages and yard areas. The enclosed nature of the centre also constrains access, egress and linkages with adjacent amenities (including Kingshurst Primary School and Park). As a result, the environment of the Centre has become of poor quality and intimidating. Kingshurst village centre is subject to crime and anti-social behaviour, with the Council's understanding being that more than 170 incidents were reported within or adjacent to the centre over a 12 month period to November 2019. This has further impacted on the declining levels of usage and the value of the Centre as a focus for service provision within the local community.
- 6.29. The outline planning permission pursuant to which it is intended the Scheme will be delivered respects 'Secure by Design' principles. The principle is that good urban design produces safe and sustainable developments that future generations will want to uphold. Natural surveillance and defensible space are the key elements that are needed to achieve this. The outline planning permission proposes outward facing development that provides for continuing surveillance with public spaces overlooked by the houses rather than an over reliance on fencing or gates that can be fortress like in appearance.
- 6.30. Railings have been taken away from the park and the landscape design comes into the heart of the Scheme creating an open environment with good visibility throughout.

Health

- 6.31. Profiles prepared in 2016 by the Council's Solihull Observatory of the two wards of Smiths Wood and Kingshurst and Fordbridge found that:
- 2,740 Kingshurst and Fordbridge residents feel that they have a health condition or disability that limits their day to day activities to some extent (of these, 1,417 feel that their activities are limited a lot). This equates to over 21% of the population, above both the Solihull (18%) and England (18%) averages. The impact of overall socio-economic deprivation on illness and disability is most clearly seen when just the working age population (16-64 year olds) is considered, as the rate in Kingshurst and Fordbridge for this group is 52% higher than the Solihull average compared to 20% higher among all age groups.

- 2,662 Smith's Wood residents feel that they have a health condition or disability that limits their day to day activities to some extent (of these, 1,330 feel that their activities are limited a lot). This equates to nearly 21% of the population, above both the Solihull (18%) and England (18%) averages. The impact of overall socio-economic deprivation on illness and disability is most clearly seen when just the working age population (16-64 year olds) is considered, as the rate in Smith's Wood for this group is 59% higher than the Solihull average compared to 20% higher among all age groups.

6.32. A Joint Strategic Needs Assessment of Solihull was carried out by the Council in January 2019. Its findings included that:

- 6.32.1. On average males in the most deprived 10% of the Solihull population can expect to live for 12.8 years less than those in the least deprived, compared to an inequality gap of 9.3 years across England as a whole.
- 6.32.2. Females in the most deprived 10% of the Solihull population have a life expectancy of 11.1 years less than those in the least deprived, compared to the inequality gap of 7.3 years across England.
- 6.32.3. The gap in Life Expectancy at birth between those born in the most and least deprived 10% of the Solihull population has increased in recent years for both males and females.
- 6.32.4. Both males and females born in the most deprived 10% of neighbourhoods in Solihull can expect nearly 18 years fewer healthy life expectancy than those born in the least deprived 10% of the population.
- 6.32.5. There are a particularly high number of 5-9 year olds in both these wards. This means that within this neighbourhood there is a high degree of ill-health preventative which work could occur using a life-course approach.
- 6.32.6. Premature mortality concerns deaths under the age of 75 years. In Smith's Wood, premature mortality from all causes is 48% higher than in England, and in Kingshurst & Fordbridge it is 44% higher.
- 6.32.7. Child development at age 5 is significantly worse than that found in England with 50.2% in Kingshurst & Fordbridge, and 47.1% in Smith's Wood achieving the expected standards (compared to 61.6% for Solihull and 60.4% for England).

- 6.32.8. For women, in Kingshurst & Fordbridge life expectancy is 82.5 and in Smith's Wood it is 80.8 which are below the Solihull average of 84.8 and England figure of 83.1.
- 6.32.9. The population that use Kingshurst Village Centre currently tend to come from the most local neighbourhoods, being Babbs Mill North, Central Kingshurst, Yorkswood and The Trees. These people tend to use two general practices (GPs), namely Kingshurst Medical Practice and Chester Road Surgery. The proportion of children living in low income households is particularly high at these GP practices, and more so than that for older people.
- 6.33. Building on the Joint Strategic Needs Assessment, a Health Needs Assessment (HNA) for Kingshurst Village Centre Redevelopment was carried out by Dr Rebecca Russell, ST2 Public Health Registrar in March 2019. It is a systematic assessment of the health needs of the local population, where 'needs' are defined as the areas of health where interventions may bring about health improvement. All wider determinants of health were considered as it is more likely that redevelopment can affect these more directly and then in turn have an impact on subsequent health.
- 6.34. A selection of the HNA's key findings and objectives is summarised in the table below. This highlights how the Order will contribute to achieving the Scheme's vision of health improvement.

Table 5

Community Involvement	There is dedicated a Community Space Pilot with a steering group with representatives from community groups as well as the Council and an independent chair. The objective of the pilot is providing a specification on what space is required by the community which they will subsequently take ownership of. It will be a permanent unit, fully integrated into the new village centre, improving the perception as an area to live and contribute to community cohesion.
Primary Care Support to Improve Perception and	The GP practice is central to the health centre element of the village centre. Along with the dentist, optician and pharmacy, it has been identified as vital to be kept open during the construction phase. A Health Task Start and Finish group has been convened to

Quality Indicators	determine what services need to be provided and in what manner they will be delivered. Representatives include the NHS Clinical Commissioning Group as well as GP services.
High Crime Rates and Commitment to Improve Safety	The Scheme will adhere to Secure by Design standards. In place of the current inward looking public space with hidden areas that encourage anti-social behaviour, the new village space will be open and outward looking. The increased feeling of safety will increase general wellbeing whilst also enabling better access to the facilities.

- 6.35. The Scheme responds to the issues identified in the HNA. A new health centre will provide a coordinated offer targeted towards the requirements of the local catchment. In addition, the Scheme will create a high quality town centre that integrates with existing assets (including the school and park) and creates healthy streets promoting sustainable forms of access. The Council is committed to ensuring that the promotion of community health continues to represent an important consideration in the ongoing management of the centre, including the letting of commercial units.
- 6.36. Making the redevelopment health and well-being focussed at an early stage has given the Council an opportunity to influence the major elements of layout, building design and service delivery.

Contributing to the Environmental Well-Being of the Area

- 6.37. Challenge C of the Local Plan acknowledges the challenge of accommodating more development while improving the environment in the NSRA, conserving the qualities of mature suburbs that make them attractive and ensuring residential and other amenities are protected. One of the stated objectives 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. The proposed redevelopment of Kingshurst directly meets this objective.
- 6.38. As has been explained in earlier sections, both the layout and condition of the existing Kingshurst Village Centre are not fit for purpose and the Centre is in need for comprehensive regeneration.
- 6.39. The Scheme will create a centre which has a strong sense of place by creating a distinct Boulevard and High Street where individual development creates new landmark frontage buildings, 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 maisonette, semi-detached, terraced arrangement and mansion block. The buildings are arranged to create a strong frontage onto Kingshurst Park and the Boulevard with a mixture of frontage and tandem parking.

- 6.40. The Scheme 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.
- 6.41. 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 an existing landscaped area to be retained in the northern section of the site. 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.
- 6.42. The development proposals include the provision of traffic calming features (in the form of raised tables) at the proposed junctions. 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.

Climate Emergency

- 6.43. On 8th October 2019, Members of Solihull Metropolitan Borough Council unanimously agreed the following statement of intent to protect the environment:

"Solihull Metropolitan Borough Council recognises the gravity of the climate change emergency and will through its Climate Change Prospectus seek to minimise the environmental impacts of its own activities and will contribute to the improvement of the wider environment through local action."

- 6.44. The commitment to this statement aligned the Council with the WMCA, which recognised the climate emergency in June 2019 and outlined targets to reduce carbon emissions. The #WM2041 Green Paper will set out a strategy for achieving a carbon neutral future by 2041. WMCA has also launched the West Midlands Design Charter, which highlights key principles relating to future readiness (including climate resilience and low carbon development), and health and wellbeing.

6.45. In support of its declaration, the Council has set out a number of actions, including to:

"Lead by example and actively encourage responsible environmental practice amongst staff, contractors, suppliers and residents, and encourage local communities to start taking action to implement local air quality and carbon dioxide (CO₂) reduction initiatives"

6.46. The existing buildings in the Kingshurst centre are not energy efficient. Whilst few of the buildings have been assessed for energy performance since the current regulations were introduced, indicating a lack of market demand for sales and lettings, a sample of energy performance certificate (EPC) ratings are set out below:

Table 6

Property Address	Type of Property	EPC Rating	EPC Score
16 The Parade	Non-domestic	E	123
19 The Parade	Domestic	G	1
27 The Parade	Domestic	D	64
31 The Parade	Domestic	G	19
35 The Parade	Domestic	D	63
67 The Parade	Non-domestic	E	118
11 Church Close	Domestic	E	46
14 Church Close	Domestic	C	69

6.47. On a scale of A-G (where A is the highest and G is the lowest), it can be seen above that no properties are rated in excess of C and several score in the very lowest category G. It is notable that under the Minimum Energy Efficiency Standards which came into force in England and Wales in April 2018, it is unlawful to sell or let a building scoring lower than an E. Therefore a number of the properties within the existing centre are at present effectively incapable of beneficial use and occupation.

6.48. The emerging proposals for the redevelopment of the Kingshurst centre are fully aligned with the declaration and intent of the Council. The Scheme will result in the removal of existing energy inefficient buildings and deliver housing that responds to the objectives of the WMCA and the Council, to achieve a net-zero emissions target for 2041.

Contributing to the Economic Wellbeing of the Area

6.49. The Scheme is consistent with the WMCA Strategic Economic Plan (SEP). Specific SEP priorities supported directly by the Kingshurst Village Centre Regeneration initiative include:

- 6.49.1. Housing: action to accelerate the delivery of current housing plan and enable an increase in the level of house building to support the level of growth envisaged in this SEP;
 - 6.49.2. Skills for the Supply Chain and Employment for All: a programme of activity to ensure that the skills of businesses are met and that everybody has the opportunity to benefit from economic growth;
 - 6.49.3. Medical and Life Sciences: action to enable the growth of the health and care sectors in ways that improves the health and wellbeing of the area, reduces demands on public services and enables economic growth;
 - 6.49.4. Exploiting the Economic Geography: making the most of the scale and diversity of the West Midlands geography to enable economic growth and community wellbeing.
- 6.50. Existing retail facilities in the centre are outdated and no longer meet the requirements of businesses. In addition, the level of provision far exceeds local need, thus resulting in high levels of vacancy with 7 void units (out of a total of 25) at the end of 2016 when the resolution was made to actively assemble the site for the scheme. As further units became available there was no or limited demand for occupation and as at the date of this statement voids have risen to 14 units. 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.
- 6.51. The economic performance of the area is poor:
- 6.51.1. 4 out of 10 people in North Solihull live in the most deprived 10% of areas in England;
 - 6.51.2. 25 out of 30 of the most deprived areas in Solihull are in North Solihull;
 - 6.51.3. The inequality gap among males in Solihull is the 5th highest out of 149 upper tier local authorities in England, and the 3rd highest among females.
 - 6.51.4. Based on numbers of individuals claiming an out of work benefit in North Solihull, in 2018 the worklessness rate of 14.6% was double the proportion for the rest of the Borough (7.3%).
 - 6.51.5. 25% of working age residents in North Solihull have no qualifications.

- 6.52. The existing social-economic condition of the Order Land and wider area is a key driver for the regeneration of the village centre. The economic objective seeks to create a strong responsive, competitive economy supported by necessary infrastructure. The development proposals include the provision of an appropriate number of new, fit-for-purpose retail units and healthcare units, which will be of the right type to support growth and respond to market requirements, improve the accessibility of the development site and will also be of benefit to the existing residential area.
- 6.53. The 1,200 sqm of new retail floorspace will provide direct employment opportunities to the local community. The planning statement submitted in support of the application that led to the outline planning permission advised that the regeneration of Kingshurst Village Centre has the potential to provide 83.5 full-time jobs and £3.18m of investment. The Scheme will also support a significant number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify the number of jobs created, this will include a significant number of trades that will be involved in the construction process.

The need for the Order Land

- 6.54. Failure to deliver the Scheme will result in the failure to deliver the economic, social and environmental benefits envisaged by the Scheme. In particular, it is anticipated that the Village Centre will continue on its downward spiral of decline due to lack of investment, with business closures accelerating as existing leases expire, resulting in increasing retail vacancy rates and further loss of jobs. The physical fabric of the buildings would be maintained to a basic standard in line with the freeholder's existing obligations, but there would be no improvements to the poor quality environment created by the dated and inward-looking layout of the centre, nor would the Village Centre be able to contribute towards the Council's carbon reduction and sustainability commitments in line with the Climate Emergency. As a result, the opportunity to reduce inequality, improve health outcomes and reduce crime and anti-social behaviour for local people would be lost.
- 6.55. The Council has given careful consideration to the need to include each parcel of land within the Order Land. Without ownership and control of the entire Order Land it is not possible to deliver the comprehensive Scheme as currently proposed and permitted.

7. EFFORTS TO ACQUIRE BY AGREEMENT

- 7.1. Single ownership of the Order Land is required to implement the Scheme. Negotiations have been taking place with all landowners and other parties with an interest in the Order Land. The Council has speculatively sought to acquire land and property required for a scheme since early 2013 when the former Mountford pub site was acquired. The Council's Cabinet made a decision in December 2016 to approve the principle of using compulsory purchase powers to support the assembly of the site to secure the proposed Scheme. Further acquisitions took place in 2017 and a comprehensive approach to all remaining interests was then made in February 2020 that has led to the current level of public ownership.
- 7.2. In summary, the Council has adopted the following approach from February 2020 onwards in its extensive efforts to negotiate and acquire interests within the Order Land by agreement:

Residential properties in private ownership

- 7.2.1. Following an examination of Land Registry title information, or having gathered contact information during the community consultation and engagement process, a direct written approach was made to the owner of each property in turn. Initially this sought to explore their willingness to engage in negotiations for the sale of their interest, and if so upon what terms. It also sought to identify any particular individual circumstances that might affect the process, such as personal circumstances or required timescales.
- 7.2.2. Owners were informed that the Council would be prepared to pay the full level of compensation due "in the shadow" of compulsory purchase. Owners were also encouraged to seek their own independent valuations of their property interests, and to obtain the professional advice of a qualified surveyor, estate agent or solicitor to ensure that they were appropriately informed and represented. It soon became apparent that there was a broad recognition of the need for the Scheme, and all owners were, therefore, prepared in principle to consider a disposal of their interest.
- 7.2.3. Having established that each owner within the Order Land was prepared to consider a disposal of their interest, the Council made each owner a

written offer detailing the Council's opinion of the market value of the interest and the additional compensation that would be payable. Generally this comprised the relevant level of home loss compensation (for owner-occupiers) or basic loss compensation (for property investors), together with a sum in respect of their reasonable disturbance costs such as legal and surveyor's fees, removals expenses, mortgage arrangement fees and reinvestment costs in the event of the intended purchase of a replacement investment property.

7.2.4. Following various negotiations, the Council sought to reach agreement for the acquisition of the interest on a mutually acceptable basis. In addition to the financial terms, the Council was keen to offer owners a reasonable time period within which to find alternative accommodation, particularly where this could have coincided with the Christmas period. The Council was therefore willing to offer the opportunity to exchange contracts with an extended completion date, or, in exceptional circumstances, to complete on the acquisition of the property then offer the previous owners a short-term lease back whilst refurbishment works were carried out to their new home.

7.2.5. Where private rented sector tenants were in occupation of affected residential investment properties, the Council sought to provide additional advice and support for affected parties. In particular, financial support was offered in respect of removals costs and the payment of a deposit for a new private rented home. Solihull Community Housing ("**SCH**"), on behalf of the Council, also made direct approaches to any private rented tenants identified as being potentially in housing need, to offer them housing options and homelessness prevention advice and assistance. To date, two affected private rented sector tenants have been supported on this basis.

Residential properties in the ownership of the Council

7.2.6. In December 2020, the Council's Cabinet authorised the Director for Economy and Infrastructure to commence engagement with existing secure Council tenants affected by the Scheme and support the rehousing of those tenants in accordance with the Council's Housing Allocation Policy. SCH, on behalf of the Council, will appoint a single point of contact to work with the Council's project group and ensure the

relocation needs of the tenants are met. A pre-interview will be completed with the tenant to identify their specific requirements, and those who qualify for the housing register will be awarded high priority (Band B) in accordance with the allocations policy. The tenant will then be able to bid for properties of their choice through the housing register for 12 months. If, at the end of this 12 month period, bidding has not been successful SCH will make a direct offer of a suitable property.

Commercial properties

- 7.2.7. The Council is the existing landlord in respect of the majority of commercial property interests in the Order Land. Many commercial tenants have been aware of the emerging Scheme proposals for a number of years as a result of the continuing landlord and tenant relationship and discussions during previous lease renewal processes and on a day to day basis at a property management level.
- 7.2.8. In respect of any commercial interest where the Council is not the direct landlord, the Council undertook a review of Land Registry title information and gathered contact information during the community consultation and engagement process on a similar basis to private residential properties.
- 7.2.9. The Council formulated an acquisition and relocation strategy for each commercial interest, having particular regard to the use type and the anticipated phasing of the Scheme. Bearing in mind the need to minimise the impact of the acquisition process on the local community (as a result of any loss of existing local facilities and capacity during the redevelopment period) and maintain business continuity for retained occupiers as far as reasonably possible, the Council sought to strike a balance between the very limited availability of alternative business premises to facilitate relocations, and the needs of the community. In particular, the Council sought to prioritise the following uses for potential relocation:
- 7.2.9.1. Businesses providing an essential public service, particularly healthcare providers serving predominantly NHS patients;

- 7.2.9.2. Retailers offering a broad range of essential products including healthy foods and household goods required by the local community;
 - 7.2.9.3. Businesses which have expressed a long-term commitment to remaining in Kingshurst Village Centre throughout the delivery of the Scheme and thereafter.
 - 7.2.10. As a result of the above approach, and following negotiation and agreement with the affected parties, the Council has been able to progress proposals for the temporary relocation of three existing businesses during the redevelopment period. In addition, the anticipated phasing of the Scheme means that a further three businesses can be offered direct relocation into new accommodation upon completion of the earlier phases of development in the Village Centre, in order to maintain their business continuity.
 - 7.2.11. Existing lease events and/or the provisions of the Landlord and Tenant Act 1954 will be used as appropriate to procure vacant possession of the 9 remaining commercial properties, where no relocation opportunity can be accommodated.
- 7.3. Properties have generally been held vacant by the Council following acquisition to support the intended delivery of the Scheme, except where required to facilitate temporary relocations.
- 7.4. The Council has identified all the statutory undertakers affected by the Order in order to enter into agreements to protect or, if necessary, relocate their equipment or services. Discussions are progressing with these undertakers (see section 13 below).
- 7.5. The Council considers that the use of its compulsory purchase order making powers to acquire the outstanding interests in the Order Land is required as it has not yet been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale, without the Order.
- 7.6. The Council is continuing to engage with those affected but now it is considered appropriate to proceed with the compulsory purchase order process in parallel as contemplated by the Guidance.

8. CONSULTATION

- 8.1. The regeneration of Kingshurst, and the Scheme, have been subject to extensive consultation with relevant stakeholders over a number of years. Below provides a summary of the consultation activity that has been undertaken.

Draft Masterplan – Public Consultation, Kingshurst Library (January 2017)

- 8.2. 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.
- 8.3. Community consultation in January 2017 generated over 400 responses from local people and Parade users. Five different design approaches were presented including complete demolition, partial demolition and retention with refurbishment.
- 8.4. The most supported approach was complete demolition and the least popular option retention and refurbishment, suggesting the community would like to see a high level of change.
- 8.5. Following identification of the preferred option, further public consultation was undertaken to focus feedback on design elements and confirm support for the proposals. Through this consultation the Council also sought to make early contact with residents and businesses that could be directly affected.

SMBC Report to Economic Development and Managed Growth Scrutiny Board (September 2017 and March 2019)

- 8.6. The Economic Development and Managed Growth Scrutiny Board considered the regeneration of Kingshurst in September 2017, with a particular focus on engagement and again on 5th March 2019, focussing on how the Scheme is building in the future opportunities for all parts of the community to benefit.

SMBC Planning Policy Pre-Application Consultation (August 2018)

- 8.7. In August 2018 a meeting was held with Council Planning Policy officers (Charlene Jones and Lawrence Osbourne) to understand the planning policy framework relevant for the site and highlight any initial constraints relevant to the emerging Scheme masterplan.

Solihull Community Housing (2018)

- 8.8. The proposed Scheme and draft Planning Brief were presented to Solihull Community Housing in 2018 in advance of public consultation to understand local housing need and requirements of the scheme. SCH confirmed significant local need for family homes.

SMBC Member Briefing / Report to Cabinet (7 February 2019)

- 8.9. The draft Planning Brief was reported to Cabinet in February 2019 for approval in advance of public consultation. Members were advised of three different connectivity options to create a main thoroughfare within the centre. Members in support of the proposal requested that the appropriate Parish Councils be consulted, and officers confirmed that affordable housing was included in the proposals.
- 8.10. Members resolved to approve the draft Planning Brief and a four-week public consultation exercise, held during February and March 2019.

Kingshurst Planning Brief - Public Consultation (March 2019)

- 8.11. Public consultation on the Planning Brief was undertaken in March 2019 in order to present development options, an extended red line boundary area compared to 2017, and the principles of redevelopment that had been established.
- 8.12. A clear majority of residents supported the redevelopment of the parade, and preferred total redevelopment of a larger site area than previously identified during consultation to maximise the 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.
- 8.13. The principle of redevelopment and a mixed use residential and retail scheme, which improves the housing mix and character of the area as well as visual appearance, was supported.
- 8.14. The majority agreed or strongly agreed that a new link between Over Green Drive and Colling Walk would create stronger connections and supported the associated layout. The majority also agreed or strongly agreed this layout and new link would open up the park and reduce the barrier effect created by Marston Drive.

- 8.15. The majority agreed or strongly agreed that public realm should be an important element of the proposals and that health and well-being is an important area of focus and these facilities should be re-provided.
- 8.16. Detail of feedback received is provided in the Statement of Community Involvement (C&W, 2020) submitted with the planning application that resulted in the outline permission described in section 5 above.

SMBC Planning Pre-Application Consultation (January 2020)

- 8.17. A formal request for pre-application advice was submitted to the Local Planning Authority in January 2020, prior to the submission of the outline planning application. This was intended to update the LPA on the latest iteration of the illustrative masterplan, informed by consultation on the Planning Brief, and obtain feedback on all aspects of the design, content and policy justification for the development. A meeting was held with officers in March 2020.
- 8.18. The LPA's pre-application advice letter (March 2020) concluded that, "the aims and policies in both at national and local policy level are supportive of the regeneration of the centre to ensure that they are economically successful and able to continue to provide day to day services of an appropriate scale that will support sustainability. Further, residential development is accepted in the policy terms as an appropriate local centre use which can help vitality and viability and may help alleviate deficiencies in the type of accommodation needed within the locality. Whilst there will overall be less retail floorspace, it appears from the evidence provided that reduce provision will be of an appropriate local scale and in a format more likely to satisfy the needs of modern retailing. Therefore, whilst the proposal raises no policy objection to the regeneration principle, there are a number of fundamental material considerations that consultees have raised in terms of the proposed masterplan. These are set out [in the letter] and require further detailed consideration and amendment to the masterplan to ensure compliance with planning policy set out."
- 8.19. The Council responded proactively to the detailed comments received from the LPA's consultees, and addressed them in full in the preparation of the outline planning application for the Scheme.

Pre-Application Public Consultation (February 2020)

- 8.20. Public consultation on the proposed masterplan and outline planning application was undertaken in February 2020.

- 8.21. Concerns expressed regarding the existing site continued to relate to crime and safety, lack of facilities for children of all ages, issues with public transport and lack of car parking, and some poorly perceived primary care facilities. There was strong community support for the proposed scheme and progress towards a new village centre.
- 8.22. Full details of all community consultations undertaken are within the Statement of Community Involvement (C&W, 2020) which was submitted as part of the Outline Planning Application.
- 8.23. There were no formal objections or representations made by the community during the consultation period for the outline planning application.

Summary

- 8.24. The result of all of the above has been the development of a Scheme that provides for a mixture of land uses that accords with the designation of the site as a local centre and has been designed and laid out broadly in accordance with the Planning Brief. The Scheme will help secure the delivery of key objectives of the Solihull Council Plan and help tackle challenges and objectives identified within the Local Plan.

9. ALTERNATIVE OPTIONS

9.1. The Scheme is location-specific. However, it has been subject to extensive option testing and development. This process has been informed by stakeholder consultation (as described above), investigations and consideration of best practice. Scoping work undertaken in developing the Scheme has had regard to a wide range of potential options including:

- 9.1.1. Scale – the extent of the area to be included within the red line boundary. Option scoping has had regard to existing Council ownerships and property condition, as well as the need to ensure that new development enhances the layout and creates an integrated centre for the benefit of the wider community;
- 9.1.2. Use – consideration of the mix of uses has balanced strategic objectives for housing delivery with assessments of need and demand. This has resulted in a significant reduction in the level of commercial space proposed relative to existing provision;
- 9.1.3. Configuration and layout – significant option testing has been undertaken in relation to the layout of a comprehensive scheme, promoting enhanced access and flows around the village centre while retaining a ‘high street’ hub of key services;
- 9.1.4. Density - design development proposing high density development has been subject to review based on evidence of housing need and demand, resulting in a lower density scheme that is more in keeping with the existing urban grain;
- 9.1.5. Quality - reflecting strategic policy drivers, consideration has been given to a range of quality standards in developing the project proposals;
- 9.1.6. Phasing - consideration has been given to a range of phasing options. As proposed, the scheme will be progressed as a single development, with phasing aimed at minimising disruption for existing occupiers and the wider community. Given the need to deliver comprehensive infrastructure to service the scheme, a fragmented approach would not integrate the scheme with existing assets and is not judged to be feasible or desirable, and may not secure planning consent.

- 9.2. Three options were appraised as part of the Outline Business Case submission to the WCMA, which undertook a value for money assessment:
- A reference case option (Do minimum) is the outputs that would occur if the project did not proceed;
 - The proposed option (the Scheme); and
 - A reduced option (allowing for a reduced scale of development).
- 9.3. Do nothing is not an option as the continued decline of the accommodation would entail the Council holding assets that will soon no longer be fit for occupation. They would therefore need to be demolished and with no mechanism of replacing the assets; this would negatively impact both the directly affected residents and the wider social cohesion due to long term expectations of the local community.
- 9.4. Reference case option (Do minimum) – the centre has been in decline for an extended period and most parts are beyond economic repair to enable sustainable occupation. In the absence of a clear vision for the regeneration of the centre, it would continue to deteriorate, resulting in increasing maintenance and management liabilities. The Council would have to accommodate the managed decline of the centre. Vacant units would not be re-let and local crime would likely continue to increase. Therefore some assembly would need to be undertaken prior to demolishing the centre. The vacant site would be held pending a viable development proposal. Given market conditions, there is no prospect of a viable scheme coming forward on a policy compliant basis within a foreseeable timescale.
- 9.5. Proposed option (the Scheme) – The comprehensive plan led regeneration of Kingshurst to create a high quality, connected village centre for the local community. New accommodation will be developed to very high quality standards (Lifetime Homes and net zero carbon) in accordance with the policy objectives of the WMCA and the Council. In addition to this, the proposed option has been identified as having the greatest potential impact in relation to a range of wider benefits, relating to regeneration effects; inclusive growth, community, health and wellbeing benefits; image and perception; and labour supply.
- 9.6. Reduced option – A more limited scheme would focus on the regeneration of the existing village centre using the existing road layout. The need to retain key occupiers would involve delivering retail provision on the Mountford site, away from the school and proposed health centre. The remainder of the scheme would be inward facing and

would not open up access to the School and Park. This option would fail to integrate existing assets within a well-planned community hub and would fail to meet quality objectives for the scheme.

- 9.7. The WCMA business case assessment concluded that the proposed option (the Scheme) would have a positive Net Present Social Value (“NPSV”) of £9.8m and a Benefit–Cost Ratio (“BCR”) of 2.0 : 1, representing ‘acceptable’ value for money and exceeding that of alternative intervention options. The benefits of the scheme are set out in detail in the table below:

Table 7

	Preferred option (the Scheme)
Present Value Costs (including OB*)	£10.1m
Present Value Benefits	
Land value uplift	£1.3m
Amenity – public realm	£1.0m
Amenity – place making	£6.5m
Health	£2.3m
Community safety	£3.6m
Energy efficiency	£1.2m
Distributional	£3.9m
Total benefits	£19.8m
NPSV	£9.8m
BCR	2.0 : 1

**OB: Optimism bias – the tendency of individuals to expect better than average outcomes from their actions.*

- 9.8. The Scheme was also identified as having the greatest potential impact in relation to a range of wider benefits, including regeneration effects; inclusive growth; community, health and wellbeing benefits; image and perception; and labour supply.
- 9.9. As a result of all of the above, the Council is satisfied that there is no reasonable or practicable alternative to the Scheme or the Order.

10. DELIVERY AND FUNDING

Delivery

- 10.1. As noted above, outline planning permission (with all matters reserved except for access) was granted under application reference number PL/2020/01235/MAOOT on 22 September 2020, following consideration and approval at the Council's Planning Committee on 16 September 2020.
- 10.2. Given the predominance of social housing within the Scheme and the Council's ambition to develop to exemplar standards in terms of flexibility and environmental performance, the Scheme will be public-sector led and the overall responsibility of the project will remain with the Council.
- 10.3. An in-house development manager has been commissioned to supervise front end design and manage the construction works when on site. In-house architectural services have also been commissioned to undertake the detailed design, complete reserved matters and also produce key procurement documentation. The team have support from external planning consultants also.
- 10.4. It is intended that the scheme will progress following a hybrid design and build contract through competitive tender exercise expected to complete December 2021.
- 10.5. There are no specific time constraints on the timetable for development other than the acquisition of all third party interests.
- 10.6. The Council is keen to commence the Scheme as soon as reasonably practicable.
- 10.7. The intention is for construction to commence in July 2022 with an anticipated build of around 4 years. Indicative timescales for the procurement and construction are set out below and will be further refined upon appointment of the main contractor:

Dec – May 2021	Detailed design/reserved matters
Dec – Jan 2021	Site Investigations
May – Aug 2021	Prepare tender documentation
Dec – Jan 2022	Tender return and evaluation
Jan – Feb 2022	Full Business Case submission
Spring 2022	Appoint contractor
Summer 2022	Demolition commences

Winter 2022	New roads and associated infrastructure
Spring 2023	Commence Commercial/Health construction
Summer 2023	Housing (first phase) construction commences
Winter 2025/26	All construction complete

- 10.8. The current proposed phasing of the development is visualised in Appendix C to this Statement of Reasons.

Funding

- 10.9. The Council has a proven track record of delivering equivalent Village Centre regeneration schemes in the north of the Borough at both Smiths Wood and Chelmunds Cross.
- 10.10. Both of these schemes were funded from a combination of sources including Prudential Borrowing, reserves and capital receipts provided by the Council in addition to contributions from the private and health sectors.
- 10.11. The Full Business Case for Kingshurst is being developed based on the same proven principles.
- 10.12. It is currently estimated that the total development cost for the Scheme will be £28.7m, of which £3.9m is for land acquisition.
- 10.13. The Council is in receipt of £3.9m public sector grant from WMCA, which has funded negotiated acquisitions to date and will enable the Council to complete the compulsory acquisition of the land within the statutory period following confirmation of the Order. It has also ensured that funding is in place to deal with any blight claims that might arise.
- 10.14. For the overall delivery of the Scheme, the required capital will be raised by a combination of further third party grants, commercial development agreements and funding provided by the Council. In connection with this:
- 10.14.1. The Council has submitted an application to WMCA, and is in advanced discussions with WMCA in connection therewith, for a further £1.3m grant towards demolition, clearance, enabling and infrastructure works. Discussions regarding further third party funding continue with the expectation that they will be concluded during the course of 2021/22.
 - 10.14.2. Cabinet have approved the Outline Business Case and were updated in December 2020 on the updated financial forecasts for the scheme. This

acknowledges that public sector investment will be required to make the scheme viable and that this could include a combination of reserves and borrowing by the Council.

- 10.14.3. More specifically, the Council has reserves earmarked specifically for regeneration purposes in this area of the Borough (of circa £1.5m) that would be invested in the Scheme subject to Cabinet approval. Potentially this, together with the £1.3m additional grant, would go towards the upfront infrastructure costs required to create a developable site.
- 10.14.4. Initial financial modelling suggests that the cost of constructing the affordable housing (£12.5m) could be funded from a combination of shared ownership receipts, Homes England (or equivalent) grant and prudential borrowing. The model indicates that the borrowing required could be funded from forecast rental income.
- 10.14.5. The Council has a track record of obtaining Homes England grant for similar housing schemes (of circa £45k per unit for social rent and £28k per unit for shared ownership) and this has been factored into the modelling above.
- 10.14.6. Partners in the health sector have been engaged and are in active discussions with the Council on both the interim decant solutions necessary to achieve continuity of service and also the longer term options for financing those elements of the scheme. A preference for a rental model has been expressed but options will be explored further.

11. IMPEDIMENTS TO DELIVERY

- 11.1. There are no significant impediments to the delivery of the Scheme once land assembly is completed.
- 11.2. The Scheme benefits from outline planning permission for the purposes of demolishing the existing local centre and for 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. (ref: PL/2020/01235/MAOOT) issued on 22 September 2020. All material factors relevant to the acceptability of the development were considered and resolved at that stage, to the satisfaction of the Council, as the local planning authority.
- 11.3. The consent obtained incorporated numerous matters of detail that will be satisfactorily resolved at the reserved matters stage or through the discharge of conditions process.

12. SPECIAL CONSIDERATIONS

- 12.1. The Order Land is not within a Conservation Area. There are no Listed Buildings affected by the Order. There are no Ancient Monuments affected by the Order.

13. SPECIAL CATEGORIES OF LAND

13.1. There are no known special categories of land within the Order Land.

14. VIEWS OF GOVERNMENT DEPARTMENTS

14.1. None expressed.

15. STOPPING UP ORDER

- 15.1. A highway stopping up Order will be applied for to facilitate the delivery of the Scheme. The Council will make an application to the Secretary of State pursuant to section 247 of the Act to stop up the public highways shown hatched black on the plan contained in Appendix D to this Statement of Reasons.

16. HUMAN RIGHTS

- 16.1. Determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights (“**the Convention**”). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is necessary in Order to secure the delivery of the Scheme and does not include land which is not required for that purpose.
- 16.2. Article 1 of the First Protocol to the Convention states that “...*Every natural or legal person is entitled to peaceful enjoyment of his possessions*” and “*no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...*”. Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be carried out in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 16.3. Article 6 of the Convention provides that: “*In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law*”. The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.
- 16.4. Article 8 of the Convention states that: “*Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the*

protection of the rights and freedom of others.” The Council considers that any interference with this right that would result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing the social, environmental and economic benefits associated with the Scheme), and will be proportionate having regard to the public benefits to be secured.

- 16.5. Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase Compensation Code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.
- 16.6. The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “*regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole*”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be “*necessary in a democratic society*” i.e. proportionate.
- 16.7. In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention Rights is considered by the Council to be justified here in Order to secure the economic regeneration, environmental and public benefits which the proposals will bring.
- 16.8. The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.

- 16.9. There has been public consultation on the proposals to regenerate this area, and the opportunity has been given through the consideration of the planning applications to make representations on the proposals. If objections are received, a public inquiry will be held into the Order, and those, whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided for by law.

17. EQUALITY AND DIVERSITY

- 17.1. In line with the Equality Act 2010 and in particular the public sector equality duty contained in section 149, the Council has had due regard to equalities issues as part of its decision-making exercise, considering the impacts of the proposals on those affected, identifying whether there may be any impact on a protected group of individuals, establishing whether there are negative impacts and how these could be mitigated.
- 17.2. In particular, a full Fair Treatment Assessment (“**FTA**”) has been undertaken to assess the impact on protected groups of the making of the Order and the implementation of the Scheme.
- 17.3. The potential impact on each of the protected groups in the Equality Act 2010 is examined in detail within the Fair Treatment Assessment, to which reference should be made. In summary:
- 17.3.1. An FTA has been completed to ensure that the new village centre does not intentionally or unintentionally cause unlawful discrimination, harassment or victimisation of current and future residents, visitors, businesses owners and community groups. It will further ensure that where possible the design and use of the village centre advances equality of opportunity between users who share a protected characteristic and those who do not; and fosters good relations between users who share a characteristic and those who do not.
 - 17.3.2. Kingshurst Village Centre is an important amenity for the local population. It incorporates library services, a GP surgery, Dentists, Pharmacy, Optometrists and retail units as well as a neighbouring primary school and church. Unfortunately, it is no longer meeting the needs of the community and is an area in recognised decline, leading to the main shopping parade and other neighbouring buildings to be demolished for a new village centre. The Council, while having some property interests in the Village Centre, needs to acquire all interests to enable the regeneration to go ahead.
 - 17.3.3. The location of Kingshurst in North Solihull is challenged by a prosperity gap. There are considerable issues in respect of deprivation, skills, employment and health in the local area compared to both Solihull and

England averages. Therefore, with a strong emphasis on inclusive growth, supported by funding from West Midlands Combined Authority, the Council is seeking to help this disparity through the regeneration of Kingshurst.

17.3.4. The new village centre will improve the public health outcomes of the area. Higher quality housing reflective of the local need will be built, key health services such as the GP surgery, pharmacy, opticians and dentist will be retained, the village centre will be designed to enhance the connectivity with green spaces and with sustainable travel options. The community will have a range of integrated community facilities and the project team will continue to work with the local community to understand what community spaces they need (including a new facility), and how these spaces work together to provide the community with what they need.

17.3.5. As a result of the FTA, the Council has identified:

17.3.5.1. No likely impact on those with the protected characteristics of marital status, sexual orientation and gender reassignment;

17.3.5.2. Positive impacts only for those with the protected characteristics of race and disability;

17.3.5.3. Both positive and negative impacts for those with the protected characteristics of religion/faith/belief, gender, age, maternity. In respect of these, the potential negative impacts relate to the demolition of the vicarage (but not, for clarity's sake, the church), and a potential reduction in the use of existing establish community spaces. However, the vicarage is proposed to be reconstructed and an object of the scheme is ensuring the most appropriate community provision within the new village centre, with the result that these negative impacts should be mitigated.

17.3.5.4. Moreover, a number of specific actions have been identified to facilitate the mitigation of those potential negative impacts.

- 17.4. The Fair Treatment Assessment will be monitored and reviewed throughout the Order process and the implementation of the Scheme to ensure that any future impact can be measured.
- 17.5. The Council is satisfied that the Scheme overall will not have any negative impacts on equality and diversity, and is consistent with its Public Sector Equality Duty.

18. EXTENT OF SCHEME

- 18.1. Section 6A(1) of the Land Compensation Act 1961 provides that *“The no-scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land (see rule 2A in section 5)”*.
- 18.2. For the purposes of section 6A, the “scheme” means the scheme of development underlying the acquisition.
- 18.3. Section 6 explains that the underlying scheme is to be the scheme provided for by the Order unless it is shown that the underlying scheme is a scheme larger than, but incorporating, the scheme provided for by that instrument.
- 18.4. The Order authorises the compulsory acquisition of land for the purposes of the Kingshurst Village Centre Regeneration. The Council confirms that the red line area of the Order Land encompassing both the land reflects the extent of the scheme to be disregarded for the purposes of assessing compensation.

19. ADDITIONAL INFORMATION

- 19.1. For any enquiries related to the Order the first point of contact at the Council is Legal Services, Solihull Metropolitan Borough Council, Council House, Manor Square, Solihull, B91 3QB. Email: legal@solihull.gov.uk.

- 19.2. For any enquiries related to the Scheme the first point of contact at is UK Central, Solihull Metropolitan Borough Council, Council House, Manor Square, Solihull, B91 3QB. Email: ukcentral@solihull.gov.uk.

- 19.3. Owners and tenants of properties affected by the Order who wish to negotiate a sale and/or relocation or discuss matters of compensation should contact Strategic Land and Property, Solihull Metropolitan Borough Council, Council House, Manor Square, Solihull, B91 3QB. Email: strategiclandandproperty@solihull.gov.uk.

20. DOCUMENTS

- 20.1. This Statement of Reasons is not intended to be a statement required under Rule 7 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990.
- 20.2. The following documents are available to view on the Council's website at the following link: www.solihull.gov.uk/notices or can be supplied upon request:
 - 20.2.1. Order (including Order Schedule).
 - 20.2.2. Order maps.
 - 20.2.3. Extracts from the Acquisition of Land Act 1981.
 - 20.2.4. Extracts from the Town and Country Planning Act 1990.
 - 20.2.5. Guidance on compulsory purchase process and the Criche Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion.
 - 20.2.6. Reports to and resolution of the Cabinet dated 3 December 2020.
 - 20.2.7. Planning Application and supporting documents.
 - 20.2.8. Planning Permission dated 22 September 2020 and related committee reports dated 16 September 2020.
 - 20.2.9. National Planning Policy Framework (February 2019).
 - 20.2.10. Solihull Local Plan: Shaping a Sustainable Future (December 2013).
 - 20.2.11. Solihull Local Plan – Draft Submission Plan (October 2020).
 - 20.2.12. Kingshurst Village Centre Planning Brief (2019)
 - 20.2.13. North Solihull Strategic Framework Addendum (July 2009).
 - 20.2.14. Solihull Housing Market Assessment (SHMA, Ecotec, 2019).
 - 20.2.15. Joint Strategic Needs Assessment (January 2019)
 - 20.2.16. Health Needs Assessment: Kingshurst Village Centre Regeneration (March 2019).
 - 20.2.17. Housing and Economic Development Needs Assessment (HEDNA, 2020).
 - 20.2.18. Fair Treatment Assessment under the Equality Act 2010.
 - 20.2.19. Solihull Council Plan 2018-2020.
 - 20.2.20. Solihull Council Plan 2020-2025.
 - 20.2.21. Solihull Council's Economic Recovery Plan 2020.
 - 20.2.22. West Midlands Design Charter (WMCA, 2020).
 - 20.2.23. West Midlands Strategic Economic Plan (SEP, WMCA).

21. APPENDICES

APPENDIX A
(Development Parcels Plan)



This drawing is to be read in conjunction with all other contract drawings and specifications

Do not scale from this drawing. All dimensions are in millimetres and all levels are in metres unless noted otherwise. All existing dimensions are approximate and must be checked on site prior to fabrication and construction. If any information is unclear or ambiguous seek the advice of the Contract Administrator before proceeding.

The Contractor is to ensure that the works comply with all current Building Regulations, British and European Standards and all other relevant legislation. For Contractor Designed Works this drawing shall be subject to approval by the Contractor.

The contractor is to review and observe all recommendations of the Statutory Regulator. The contractor must alert the Contract Administrator to any issues identified by the Contractor in accordance with the requirements of the contract.

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Legend

- DP1 = Development parcel 1
- DP2 = Development parcel 2
- DP3 = Development parcel 3
- DP4 = Development parcel 4
- DP5 = Development parcel 5
- DP6 = Development parcel 6
- DP7 = Development parcel 7

Site boundary (area within boundary line = 3.51 hectares)

Rev	Description	Date
P02.01	Project Title amended	12.06.2020
P02	Red Line Amended and OS ref	05.06.2020
P01.01	Outline Planning Issue	15.05.2020
P01.01	Amended in line with client comments	15.05.2020



Council House, Manor Square, Solihull, West Midlands B91 3QR
www.solihull.gov.uk

CLIENT
UK Central

PROJECT
Kingshurst - Illustrative Masterplan

TITLE
Parmenter Plan Development Parcels

DRAWN BY	CHECKED BY	DATE
PD	BG	14/05/2020
PROJECT NUMBER	SCALE	PAPER SIZE
18023	1:500	A1
DRAWING NUMBER	STATUS REV	
18023-BDS-XX-XX-DR-A-0155	S0	PD2.01

PLANNING



APPENDIX B
(Planning officer's report to the Planning Committee
dated 16 September 2020)

APPLICATION REFERENCE: PL/2020/01235/MAOOT

Site Address: Kingshurst Village Centre & Former Mountford Public House
Marston Drive, Overgreen Drive, Gilson Way & Church Close Kingshurst Solihull

Proposal:	Outline planning application with all matters reserved except access for demolition of 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.
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/GRANT CONSENT SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY**Solihull Council Plan**

The Solihull Council Plan 2020-2025 sets out the Council's Vision for the Borough and identifies a number of key objectives to be achieved by 2025 including, revitalising towns and local centres. The Plan seeks to develop and implement plans for future success by bringing forward redevelopment of Kingshurst Village Centre including a multi-purpose health & community hub.

Economic Recovery Plan

The Council's Economic Recovery Plan outlines the Council's approach to supporting residents, businesses, and high streets, focusing on key areas that will ensure the local economy recovers and returns to the strong position it held before Covid-19. Action P15 of the Plan seeks to implement town and local centre recovery plans including bringing forward Kingshurst Village Centre redevelopment.

Solihull Local Plan December 2013

Kingshurst Village Centre is located within the North Solihull Regeneration Area and the Local Plan identifies a number of challenges and objectives with respect to this Area, most notably: A (Reducing Inequalities), B (Addressing Affordable Housing Needs), 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).

Prior to the submission of this application pre-application discussions took place, as well as consultation with the local community and stakeholders. During 2017 the applicants held a number of workshops with the local community and stakeholders, the purpose of which was to develop a shared 'vision' for the site which would in turn shape a site 'masterplan'. The result of these workshops is the Kingshurst Village Centre 'Planning Brief' which was endorsed by SMBC in February 2019 and now provides a framework around which the proposed development has been prepared. The Kingshurst Village Centre 'Planning Brief' was subject to further pre-application discussions and consultation with the local community and stakeholders in 2019 and 2020.

The result is the submission of a scheme that provides for a quantum of development and mixture of land uses that accords with the designation of the site as a local centre and has been designed and laid out broadly in accordance with the Planning Brief. The application is submitted in outline form with matters relating to the access submitted with full details. Appearance, landscaping, layout and scale are all reserved for future approval (reserved matters).

This scheme delivers up to 1200 sq m of town centre uses and up to 1700 sq m of leisure and community uses. The scheme delivers up to 86 residential dwellings, which equates to a net gain of 48 dwellings within the site boundary. The regeneration of Kingshurst Village Centre has the potential to provide 83.5 full-time equivalent jobs and £3.18m of investment.

The proposal has an ambition to achieve net zero carbon. The ambition of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national standards and supports the actions of the Council's Climate Change Emergency statement.

This report will demonstrate that the proposal will have a neutral or positive impact on the planning matters relevant to the assessment and determination of this application.

The proposal therefore represents an acceptable scheme that will provide a Village Centre with employment and community facilities and delivery of a significant amount of housing when the Council cannot demonstrate a five year housing supply. It will help secure the delivery of key objectives of the Solihull Council Plan and help tackle challenges and objectives identified within the Local Plan.

The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The

development therefore benefits from the presumption in favour of sustainable development and the planning balance is firmly in favour for this proposal.

PROPOSAL

Detailed Elements

This planning application seeks full detailed permission for access into the site.

Existing access arrangements

Current vehicular and pedestrian access into the site is shown on the Existing Site Plan. In summary, access into the site is via:

1. Gilson Way / Marston Drive;
2. Gilson Way / Colling Walk junction;
3. Over Green Drive / Church Close junction;
4. Over Green Drive / Silver Birch Road junction;
5. Over Green Drive / Broomcroft Road junction (raised table traffic calming feature); and
6. Over Green Drive / Marston Drive mini-roundabout junction.

Raised traffic calming features are located between Over Green Drive / Church Close junction & Over Green Road junction / Silver Birch; and Over Green Drive / Broomcroft Road & Over Green Drive and Marston Drive.

A pedestrian refuge is located on Over Green Drive adjacent to the southern pedestrian entry to the centre.

A pedestrian access runs between School Close and Church Close (adjacent to number 44 School Close and number 6 Church Close).

Marston Drive provides a through-route linking Gilson Way and Over Green Drive.

Proposed access arrangements

Proposed vehicular and pedestrian access into the site will be via:

1. Gilson Way / Marston Drive;
2. Gilson Way / Central Boulevard junction (new raised table traffic calming feature proposed);
3. Over Green Drive / Church Close junction (retained as existing);
4. Over Green Drive / Silver Birch Road junction (new raised table traffic calming feature proposed);
5. Over Green Drive / Broomcroft Road junction (retained as existing);
6. Over Green Drive / Marston Drive (mini-roundabout junction removed and new junction with raised table traffic calming feature proposed); and
7. New Over Green Drive / development parcel one (DP1) in the south-west corner of the application site.

The raised calming features located between Over Green Drive / Church Close junction & Over Green Road junction / Silver Birch; and Over Green Drive / Broomcroft Road & Over Green Drive and Marston Drive will be removed.

The pedestrian refuge located on Over Green Drive adjacent to the southern pedestrian entry to the centre will be removed.

The pedestrian access which runs between School Close and Church Close (adjacent to number 44 School Close and number 6 Church Close will be retained and enhanced.

Marston Drive is to be severed and removed as a through-route.

The planning application submission has provided full detail to allow a thorough and robust assessment to be made of this element.

Outline Elements

The remainder of the application proposals have been submitted in outline, with all matters reserved for future consideration (appearance, landscaping, layout and scale). These elements are set out in the table below.

Use Class	Quantum
Residential (Use Class C3)	up to 86 residential dwellings
Town centre uses (Use Class A1-A5)	up to 1,200 sq m
Leisure and community uses (Use Class D2)	up to 1,700 sq m

The Illustrative Masterplan submitted in support of the application provides details of how the site might be developed. The site consists of seven development parcels which are detailed in the Development Parcels Plan and set out in the table below.

Development Parcel	Use Class
DP1	Ca. 25 residential (Use Class C3)
DP2	Town centre uses (Use Class A1-A5) and leisure and community uses (Use Class D2)
DP3	Ca. 28 residential (Use Class C3)
DP4	Ca. 20 residential (Use Class C3)
DP5	Ca. 9 residential (Use Class C3)
DP6	Ca. 4 residential (Use Class C3)
DP7	Town centre use (Use Class A1-A5)

Town centre and leisure and community uses

The town centre and leisure and community uses provide an opportunity to create a high quality, community focussed centre at the heart of a proposal which will provide wide ranging benefits to existing and future residents and the wider community.

The town centre and leisure and community uses are located within development parcels 2 and 7, which are situated to the west of Kingshurst Primary School, east of St Barnabus' Church and north of Kingshurst Park. The town centre will therefore act as the interface between these important community facilities with the residential development parcels spreading out from the centre to provide new and enhanced pedestrian and vehicular links between established facilities and the new centre.

Residential

The aspiration of the proposal is to create a new town centre offering an exemplar standard of high quality homes and associated uses. The outline application allows for up to 86 dwellings which will be focused in development parcels 1, 3, 4, 5 and 6. This will equate to a net gain of 48 dwellings within the site boundary. The proposal will provide a mixture of 1 bed maisonettes and 2, 3 and 4 bed housing with 40% of the housing affordable to meet local need.

Public Open Space

Whilst landscaping is not submitted in detail, an illustrative Public Realm Plan has been submitted in support of the application which provides details of how public open space might be incorporated within the site. The plan illustrates how the proposal could incorporate public open space in the form of landscaped corridors between existing community facilities such as Kingshurst Primary School, St Barnabus' Church and Kingshurst Park and the new centre, thereby reinforcing and enhancing the links between established facilities and the new centre. Opportunities also exist to incorporate landscaping and street trees throughout the development.

PROCEDURAL MATTERS

The proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval.

As the application is submitted in outline with all matters except access reserved for subsequent approval, the plans on which the application should be determined are:

- Gilson Way Site Access (002 A)
- Gilson Way / Central Boulevard (003 A)
- Over Green Drive / Central Boulevard / Silver Birch Road (005 A)
- Over Green Drive Site Access Junction (006)
- Existing Location Plan (18023_BDS-XX-XX-DR-A-S0-0100-P02.02)
- Existing Site Plan (18023_BDS-XX-XX-DR-A-S0-0101-P02.02)

A number of plans have been submitted for illustrative purposes, including:

- Masterplan (18023_BDS-XX-XX-DR-A-S0-0158-P02.03)
- Development Parcels Plan (18023_BDS-XX-XX-DR-A-S0-0155-P02.02)
- Public Realm Plan (18023_BDS-XX-XX-DR-A-S0-0154-P02.04)

- Building Heights Plan (18023_BDS-XX-XX-DR-A-S0-0159-P02)

Whilst not formally part of the scheme, officers have treated the details relating to the matters reserved for future approval submitted with the application as a guide to how the site might be developed, but not as matters for formal determination as part of this application.

In addition, the application is supported by a number of reports and technical information in accordance with the Council's validation requirements. They include an Arboricultural Impact Assessment, a Biodiversity Assessment, a Design and Access Statement (DAS), an Ecological Assessment, a Flood Risk Assessment & Drainage Strategy, a Contamination Report, a Planning Statement, a Statement of Community Involvement, a Transport Assessment, a Travel Plan, a Housing Need Statement, Open Space Statement and Bat Survey.

Use Classes Order

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987 and introduce significant changes to the system of 'use classes'. In force from 1 September 2020, subject to certain transitional provisions, the core changes include the recalibration of the classification of uses of property. However, the 'transitional provisions' mean that applications for planning permission, which are submitted before 1 September 2020 and refer to the existing use classes (as is the case with this application) must be determined by the local planning authority using the existing use classes rather than the new ones.

MAIN ISSUES

- 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 on the character and appearance of the area
- The effect of the proposal on highway safety and the free flow of the road network
- Other Material Considerations
 - Drainage
 - Landscape
 - Public open space
 - Ecology
 - Living conditions
 - Housing
 - Environmental benefits
 - Social-economic benefits
 - Other matters
 - Conditions

- 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

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

SMBC Affordable Housing – No objection subject to condition

SMBC Drainage – No objection subject to conditions

SMBC Economic Regeneration Business Development - No objection The proposed development of Kingshurst will play a crucial role in maintaining and enhancing the economic vitality of North Solihull and will act as a catalyst for investment and growth and supporting further development as well creating a significant number of local jobs.

SMBC Education – No objection

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. The aims and policies in the national and local policy framework are supportive of the regeneration of local centres to ensure that they are economically successful and able to continue to provide day to day services of an appropriate scale that will support sustainability.

SMBC Public Protection – No objection subject to condition

SMBC Public Health – No objection

SMBC Rights of Way – No objection

SMBC Urban Design – No objection

West Midlands Fire Service – As these are illustrative plans, West Midlands Fire Service would request detailed plans if this application is granted.

West Midlands Police - Recommendation that all work carried out to be to the standard laid out in the Secured by Design 'New Homes 2019'.

Warwickshire County Council Planning Archaeologist – No objection

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 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 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. 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.

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.

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. Five 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.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the Framework and 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

Development Plan

The statutory development plan includes the Solihull Local Plan 2013 . The Local Plan, adopted in December 2013, is currently the principal relevant development plan document for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The planning policies which are most relevant to this application are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policies.

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 B acknowledges there is a need to widen the housing offer in the North Solihull Regeneration Area to meet the aspirations of local households. The objective from this is to accommodate additional development to help meet the Borough's local housing need, whilst ensuring high quality places across the Borough through continuing to improve the quality of the environment in the North Solihull Regeneration Area (Objective A).

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 (Objectives A & B).

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 and objectives 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.

Local Plan Review

The Local Plan Review remains at an early stage of production, however Kingshurst Local Centre is identified as an appropriate location for 100 dwellings. The site boundary is similar to that of the application site, although not identical. The Local Plan Review is at an early stage and is yet to be examined. Accordingly although the Local Plan Review, as currently published, can carry some weight, it is limited. As limited weight can be attributed to Local Plan Review, no further reference to it will be made in the assessment of this application.

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.

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 the Report.

Paragraph 85 of the Framework explains that the term town centre includes local centres and planning policies 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 93 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 and objectives identified in the Local Plan with respect to the North Solihull Regeneration Area, specifically Challenges A, B, C, G & H.

The principle of the redevelopment of this 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.

This should be accorded significant weight in the planning balance.

The effect of the proposal 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 P15 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The current situation

Kingshurst Village Centre is an early 1960's local shopping centre that supports a range of uses including flats & dwellings (Use Class C3), retail uses (Use Class A1-A5) and healthcare and community uses (Use Class D2). 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. It is clear that the complex is in poor condition with increasing operational and maintenance costs.

St Barnabas' Church is located to the north west of the site which acts as a visual node / local landmark when viewed from the adjacent streets. Kingshurst Primary School is to the north east 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 site is not in a conservation area, has no formal designation of protection or preservation, and none of the trees are subject to a tree preservation order (TPO).

The proposal

The proposal seeks outline planning permission with all matters reserved except access for the demolition of the existing local centre and the development of a new mixed use local centre including up to 86 residential dwellings retail uses, healthcare and community uses with areas of open space, landscaping, parking and associated infrastructure.

Whilst not formally part of the scheme, officers have treated the details relating to the matters reserved for future approval submitted with the application as a guide to how the site might be developed, but not as matters for formal determination as part of this application.

The proposal for the new centre in Kingshurst will deliver a community hub in its existing location. 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 retail development at varying scales to provide a range of convenience and comparison retail accommodation. The centre will also be complemented with community facilities including a health centre, dentist and a pharmacy. 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

To create a diverse and adaptable village centre the proposal includes building types, scale and sizes that offer the potential to adapt changing requirements. The Illustrative Building Heights Plan indicates a mixture of 2 and 2.5 storey dwelling area proposed and 2 and 3 storey retail, health and community buildings are proposed.

The Illustrative Masterplan demonstrates that the proposal will create a centre with its own identity, which has a strong sense of place by creating a distinct Boulevard

and High Street where individual development creates a new landmark frontage buildings, 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 suggested including maisonette, semi-detached, terraced arrangement and mansion block. The buildings are arranged to create a strong frontage onto Kingshurst Park and the Boulevard with a mixture of frontage and tandem parking.

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. 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 Council's Landscape Architect has commented that the attempt to link the development with the park does not quite succeed, as a group of three dwellings and their associated access and parking have created barriers to what could be a robust landscape corridor. In this regard, it is important to note that 'layout' and 'landscaping' are reserved for future determination and native planning, hedges and trees could be incorporated to reduce the urbanising impact of parking vehicles in this area and thus enhance the landscape corridor. This matter can be investigated further at reserved matters stage.

Summary

Drawing matters together, the outline application is supported by a comprehensive Design and Access Statement which provides the narrative behind the development of the illustrative Masterplan. 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. The outline permission seeks that of access only, however the illustrative Masterplan demonstrates how the development can bring forward the quantum of development required. The illustrative Masterplan 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 Illustrative Masterplan demonstrates 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 guidance in Policy P15 of the Local Plan.

This should be accorded significant weight in the planning balance.

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

Paragraph 109 of the Framework explains 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.

Policy P8 of the Solihull Local Plan explains that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P7 of the Solihull Local Plan explains all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access and encourage walking and cycling. Policies P7 and P8 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policies.

This planning application seeks full detailed permission for access into the site.

The Local Highway Authority, whilst not opposed to the principle of development, initially raised an objection to the development proposals due to a number of concerns with the design and geometry of the junctions proposed. The Highway Authority has since been in discussions with the applicant, the applicant's transport consultant and the Local Planning Authority to address the concerns previously raised resulting in amendments being secured to detailed areas of junction design, to the satisfaction of the Highway Authority.

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

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 retail units and healthcare units, 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. The provision of the traffic calming features and the implementation of a 20mph speed limit should 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. Following discussions with Transport for West Midlands (TfWM) regarding the diversion of the existing bus services and provision of new bus stops within the site, the Highway Authority will require the delivery of two new bus stops, bus shelters and associated works.

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.

With regards to vehicle trips being generated by the proposed retail and health units, 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 proposed retail and health units 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

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 (DP1).

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. Swept path drawings for a bus have also been provided for the two central junctions that will serve the new 'Boulevard' that is proposed to run through the centre of the development site.

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.

Site Layout

The application is submitted in outline with all matters except access reserved for subsequent approval. The illustrative Masterplan only provides a 'guide' to how the site might be developed and is not a plan for formal determination as part of this application.

Careful attention will be required at reserved matters stage in terms of the 'layout' of the site to ensure the design / alignment of the central Boulevard is satisfactory and the level of parking provision is suitably arranged so as to meet the needs of the Village Centre whilst not discouraging suitable mode of travel, such as walking and cycling. This is a matter for consideration at reserved matters stage, rather than as part of this application.

Drawing matters together, having undertaken a full assessment of the development proposals, the response of the Local Highway Authority to the proposal is one of no objection.

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.

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. Developers shall ensure that adequate space is made for water within the design layout of all new developments to support the full use of sustainable drainage systems, and shall demonstrate that improvements to water environment will be maximised through consideration of a range of techniques. Policy P11 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policy.

The Framework confirms that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a sustainable drainage system (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system; and
- to a combined sewer.

The application has been supported by a Flood Risk Assessment & Drainage Strategy (June 2020). Having reviewed this documentation, the Council's Drainage Engineers, whilst not opposed to the principle of development, raised a number of technical issues which meant the proposal did not satisfy the requirements of Policy P11 of the Local Plan as first submitted.

Following discussions between the applicant and the Council's Drainage Engineers the scheme has been amended and the now incorporates SuDS features including green roofs, bioretention areas, permeable paving and swales. The amended drainage plan is detailed in Appendix G of the updated Flood Risk Assessment & Drainage Strategy (August 2020).

The Council's Drainage Engineers have reviewed the updated documentation and have confirmed that, subject to conditions, the original technical issues have been addressed and the proposal satisfies the requirements of Policy P11 of the Local Plan. This therefore demonstrates that the development site and the quantum of development proposed within it could be built out to meet required standards of sustainable drainage. The conditions proposed will ensure that at reserved matters stage, the scheme put forward can, and shall be policy compliant.

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

This should be afforded neutral weight in the planning balance.

Landscape

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. Policies P10 and P14 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

An Arboricultural Impact Assessment has been submitted in support of the application. The proposals necessitate the removal of 23 individual trees, nine groups of trees, three hedges and the partial clearance of a further group of trees and two hedges. The location of the trees to be removed is shown on the in Appendix C of Arboricultural Impact Assessment and detailed in the table below.

Category A	Category B	Category C
Norway Maple (T19)	Silver Birch (T13 and T14) Norway Maple (T15 and T17)	Lime (T1, T2 and T3) Norway Maple (T16, T20, T21, T22 and T23) Ash (T18 and T42)

		Sycamore (T24) Lime (T25 & T26) Paper-back Birch (T27) Goat Willow (T28) Tree of Heaven (T29) Purple Cherry Plum (T30) Cherry (T40) Balsam Poplar (G10) Privet (H8)
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With the exception of five early mature/mature ornamental plantings (T13, T14, T15, T17 and T19), the trees which are to be removed are of low arboricultural quality. Subsequently, it will be possible to readily mitigate for the majority of losses through the introduction of replacement planting of a comparable scale and assemblage. Any future replanting strategy will need to demonstrate how the loss of category A and B trees has been addressed through the use of larger tree stock and strategic placement commiserate to the role and canopy coverage of the trees to be removed.

The need for replacement planting has been recognised during design. While landscape is reserved for future determination, an illustrative Public Realm Plan has been submitted in support of the application which sets out how landscaped areas within the site might be developed. Accordingly, significant areas of landscape areas are provided throughout the interior that is capable of receiving new high quality planting, most notably the landscape corridor which runs between Kingshurst Park to the south of the site and the existing landscape area to be retained in the northern section of the site. Opportunities also exist to incorporate landscaping and street trees throughout the development.

A detailed landscaping strategy can be secured by conditions to ensure appropriate mitigation and guarantee integration into the new public realm that would be created by this development.

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

Public Open Space Provision

The application site falls within the area referred to as Zone 6 in the Solihull Green Spaces Strategy Review 2014.

The Review highlights the total amount of accessible green space per thousand people for the Zone falls slightly below the average for Solihull, but this masks large differences between the wards. Smith’s Wood has only 2.4 ha of space per thousand, with Castle Bromwich being little better. However both Chelmsley Wood and Kingshurst & Fordbridge have a large amount of space, 7.5 ha and 5.8 ha per thousand respectively. The major issues however for this Zone are concerned with the design of the space. There are a large number of small, poorly designed and poorly linked spaces that people are frightened to use, and which cost large amounts of money to maintain.

The overriding priority is therefore to seek ways to enable the redesign of some of the green spaces within the Zone. These new spaces should be; larger, provide more for sport, more local playgrounds, and have areas of 'natural green space'. They should be well linked by safe cycling and walking routes to other spaces, and to the town centres and new residential areas.

Policy P20 (b) of the Local Plan explains that the Council will require provision for and maintenance of appropriate open space, sports and recreational facilities as an integral part of new development. This should address identified shortfalls in local provision, outlined in adopted Council strategies and provide for the resultant increase in population from the development. Provision should accord with the local standards and priorities for action outlined in the adopted Green Spaces Strategy.

Public open space requirements are 2.86ha per 1000 population, based on 2.3 people per dwelling. The proposal seeks outline permission for up to 86no. dwellings, which equates to a net gain of 48 dwellings within the site boundary. On this basis the open space requirement would be 3157.44 sq m. The illustrative Public Realm Plan indicates the proposal will provide ca. 3350 sq m of open space.

Given the proximity of the site to Kingshurst Park and the landscape corridor which runs from the Park to the north of the site, officers consider it necessary for the park to be enhanced given the additional foot-fall and expected use as a result of the proposal. The park should be for improved play and leisure, footpath improvements, additional/improved seating and potential fitness equipment.

The illustrative Public Realm Plan demonstrates that the necessary quantum of open space can be accommodated within site boundary so as to accord with Policy P20 (b) of the Local Plan.

This should be afforded neutral weight in the planning balance.

Ecology

Policy P10 of the Solihull Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. Policy P10 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

Biodiversity

A Phase 1 Habitat Survey and Biodiversity Impact Assessment (BIA) have been submitted in support of the application. The accompanying BIA report states that a positive result of +0.06 units can be achieved within the site boundary subject to appropriate mitigation for the habitats on site. Therefore no off-site compensation is required for this element of the scheme.

The BIA shows that removal of functional hedgerow without appropriate replacement gives a negative hedgerow connectivity figure of -0.43units, equivalent to £57, 361 in offset compensation required through the Warwickshire offset scheme. As an alternative to these compensation measures offsite or through a financial payment

(as described above), design modifications can be provided on site. For example, additional hedgerow planting and enhancement could be provided and this would reduce the negative impact currently shown.

In this regard, it is important to note that as this application is submitted in outline with all matters reserved save access a detailed landscape plan or strategy has not been submitted. Accordingly, officers are satisfied that the impact could be reduced through habitat creation as part of an on-site landscaping strategy, thereby mitigating the need for an off-site solution. This can be secured by condition.

Bats

A Bat Roost Assessment has been submitted in support of the application which identified that a number of buildings were suitable to support roosting bats, with presence confirmed within a number of buildings. As such, in accordance with best practice guidance, further dusk emergence and dawn re-entry survey work will be requested for each of these buildings to further evaluate the presence/ absence of roosting bats. The Council's Ecologist has confirmed this can be dealt with via condition.

There were several residential dwellings and other buildings where access was not obtained. Whilst it would be beneficial to have survey data for these buildings prior to determination, officers recognise it may be difficult to obtain full access to buildings, especially residential dwellings, in the current Covid climate. The Council's Ecologist has confirmed if this information cannot be provided prior to determination, this can be dealt with via a further condition which requires a hand strip of roofing materials under the supervision of a qualified bat ecologist to all buildings that have not been inspected.

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

This should be accorded neutral weight in the planning balance.

Living conditions – existing neighbours

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. Policy P14 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

This planning application seeks full detailed permission for access into the site. However, the impact of the proposal on the amenity of existing residents living around the perimeter of the site requires careful consideration. In this regard, whilst not formally part of the scheme, officers have treated the illustrative Masterplan and Building Heights Plan as a guide to how the site might be developed.

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 illustrative plans indicates 2 & 2.5 storey residential units and a 2 storey retail unit (Use Class A1 – A5) will be sited adjacent to dwellings on Gilson Way. The illustrative siting retains a separation distance of ca. 20 and 25 metres between the main front elevations of these dwellings and new residential dwellings and retail unit, which exceeds minimum standards. This relationship ensures the new residential dwellings and retail unit do not appear overbearing or cause any material harm to the amenities of residents of 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 illustrative Masterplan indicates 2-storey residential units will be sited adjacent to dwellings on Overgreen Drive and Broomcroft. The illustrative siting retains a separation distance of ca. 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 illustrative plans indicates 2-storey residential units will be sited adjacent to the boundary with this neighbour. The illustrative siting retains a separation distance of ca. 2.5 and 4 metres between the flank elevations of the new residential units and the boundary with number 84 Over Green Drive.

This relationship 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

With respect to the impact of the proposal on the amenity of the occupiers of these dwellings, these dwellings are located adjacent to the western boundary of the site and the illustrative plan indicates 2-storey residential units will be sited adjacent to the boundary. The illustrative siting retains a separation distance of ca. 1 and 2 metres between the flank elevations of the new residential units and the rear boundaries of these neighbours. The illustrative siting retains a separation distance of ca. 17 metres between the main rear elevations of these dwellings and flank elevations of the new residential dwellings. This relationship 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.

The illustrative plans indicate a residential parking area would be created adjacent to the rear boundaries of 29 to 32 Holliars Grove to serve 12 one bed maisonettes. Officers' recognise that the parking will bring activity in terms of vehicle movements in close proximity to the boundary. Careful attention at the reserved matters stage will be required to ensure a buffer strip with this boundary is provided. On the basis of the illustrative Masterplan, officers are satisfied that sufficient area does exist in this part of the site to mitigate this impact and provide the necessary buffer strip and planting.

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 illustrative plans indicates 2-storey residential units will be sited adjacent to the boundary. The illustrative siting retains a separation distance of ca. 4 and 6.5 metres between the rear and flank elevations of the new residential units and the northern boundary. The illustrative siting retains a separation distance of ca.8 metres between the flank elevations of number 62 and flank elevations of the new residential dwellings; ca. 21 metres between the rear elevations of the new residential units and front elevations of numbers 64 and 66; and ca. 12 metres between the rear elevations of the new residential units and flank elevation of number 28. This relationship 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, these dwellings are located adjacent to the northern boundary of the site where the illustrative Masterplan indicates there will 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. Two-storey residential units will be sited adjacent to the boundary beyond the retained landscape area, ca. 33 metres from the front elevations of numbers 1, 2, 3, 4 & 5 Church Close. This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of numbers 1, 2, 3, 4 & 5 Church Close.

A new parking area (10no. spaces) will be created to the south of number 47 Over Green Drive. Considering the scale of the car park separation distance (ca. 8 to 10 metres to the boundary), officer do not consider vehicular movements and activity associated with its use would have any undue impact on the amenity of the occupiers of number 47 Over Green Drive.

Numbers 40, 42 & 44 School Close

In terms of 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 illustrative plans indicates 2-storey residential units will be sited. The illustrative siting retains a separation distance of ca. 21 and 23 metres between the rear elevations of the new residential units and the main rear elevations of these dwellings. This relationship 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

With respect to the impact of the proposal on the amenity of the occupiers of this dwelling, this dwelling is located adjacent to the northern and western boundary of the application site. The illustrative plans indicates 2-storey residential units will be sited adjacent to this boundary. The illustrative siting retains a separation of distance of ca. 2 and 4 metres from the new dwellings and boundary with number 6 and ca. 5.5 metres between the flank elevation of the new residential units and flank elevation of number 6. The illustrative plans indicates that the vehicular access from School Close to the rear of number 6 Church Close will be retained.

This relationship ensures the new residential dwellings do 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 illustrative plans indicates a mixture of 2-storey residential units, 2 & 3 storey retail / community units, and a parking and service area will be located adjacent to this boundary. The main school buildings are located ca. 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. Careful attention at the reserved matters stage will be required to ensure a buffer strip with this boundary is provided. On the basis of the illustrative Masterplan, officers are satisfied that sufficient area does exist in this part of the site to mitigate this impact and provide the necessary buffer strip and planting.

Summary

Drawing matters together, on the basis of the illustrative plans, officers are satisfied that the relationship with neighbours is acceptable and the quantum of development proposed can be accommodated on the site to ensure the amenities of existing residents living around the perimeter of the application site is protected. Careful attention will be required at the reserved matters stage in terms of the appearance of the residential units and the location of habitable room windows to ensure that there is no undue overlooking of private rear gardens, but officers are content the relationship is acceptable.

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.

Living conditions – future occupants of the development

In terms of the amenity of future occupants of the development, the illustrative Masterplan demonstrates that the quantum of development proposed can be accommodated on site so as to provide suitable amenity space in the form of private gardens. The illustrative Masterplan also demonstrates appropriate separation distances can be achieved between residential dwellings and other buildings. Careful attention will be required at the reserved matters stage in terms of the appearance of the residential units and the location of habitable room windows to ensure that there is no undue overlooking of private rear gardens, but officers are content that the relationship is acceptable.

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.

Housing

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

Affordable housing and housing mix

On the 19 May 2016 the Government announced changes to PPG in respect of the thresholds at which affordable housing contributions may be sought and a vacant building credit, which applies where developments re-use existing buildings or include the demolition of existing buildings. Solihull has adopted an Addendum to Solihull 'Meeting Housing Needs' Supplementary Planning Document.

The Council has therefore amended Local Plan Policy P4 (a) as follows, the Council will require developers of allocated and unidentified sites to make a contribution to affordable housing on residential sites of 11 units or more, or which have a maximum combined gross floor space of more than 1000sqm to meet the housing needs of the Borough.

In terms of affordable housing, the Housing Need Statement submitted in support of the application confirms that the proposal provides 34 affordable units which equates to 40% affordable housing.

With regard to housing mix, the proposed housing mix is shown in the table below.

Accommodation Type	Private	Private (mix %)	Social	Social (mix %)	Total	Mix (%)
1 bed maisonette	0	0%	12	35%	12	14%
1 bed flat	0	0%	0	0%	0	0%
2 bed house	16	31%	2	6%	18	21%
3 bed house	33	63%	16	47%	49	57%
4 bed house	3	6%	4	12%	7	8%
Totals	52	100%	34	100%	86	100%

The application site is located in the Regeneration Housing Market Area where the Council's Meeting Housing Needs SPD advises the Council will seek 30 % of new housings development to be 1 or 2 bed dwellings. The proposal provides 86 dwellings on site of which 12 (14%) would be 1 bed dwellings and 18 (21%) would be 2 bed dwellings. The proposal provides at total of 30 (35%) 1 or 2 bed dwellings and thus meets the requirements of the Meeting Housing Needs SPD.

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

This should be accorded neutral weight in the planning balance.

Environmental benefits

Climate change

Paragraph 178 of the Framework relating to climate change explains that the planning system should support the transition to a low carbon future in a changing climate and it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.

On 8th October 2019 Members of Solihull Metropolitan Borough Council declared a Climate Change Emergency recognising the gravity of the 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 submitted in support of application advises that the proposal has an 'ambition to achieve net zero carbon' and this will be further considered at detailed design stage (reserved matters).

The ambition of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national standards and supports the actions of the Council's Climate Change Emergency statement. An

energy strategy condition is recommended which sets out the methodology and measures by which 'zero emissions' will be achieved.

This should be accorded significant weight in the planning balance.

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 and the 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 currently provides a GP surgery within a converted residential house, dentist, pharmacy and optometrist. There are also a number of community uses including a library and Solihull Connect service, Solihull Community Housing (SCH) facility. Community facilities are dated, poor quality, and not fit for purpose.

The proposal

The proposal will provide a new mixed use local centre including up to 86 residential dwellings, retail uses, healthcare and community uses with areas of open space, landscaping, parking and associated infrastructure. The proposal would provide

appropriate space of the right type to support growth, including modern retail floorspace that responds to market requirements, health and community uses and open market and affordable residential development.

The 1,200 sqm of new retail floorspace will provide direct employment opportunities to the local community. The planning statement submitted in support of the application advises the regeneration of Kingshurst Village Centre has the potential to provide 83.5 full-time jobs and £3.18m if investment. The proposal would support a significant number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify that number jobs created, the proposal would support a significant number of trades that would be involved in the construction process.

Summary

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 tenure mix and 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.

Having regard to the guidance in the Framework, significant weight should be given to the social and economic benefits of the scheme.

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 no air quality recommendations or conditions have been requested. The Council Public Protection Officer has requested details of any Electric Vehicle (EV) charging facilities are provided at reserved matters stage.

Noise

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 outline application and can be secured by condition.

Contaminated land

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

CIL contribution

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016 and the proposed development is CIL liable. However, as the application is submitted in outline with all matters reserved save access, the CIL payment will be calculated at reserved matters stage.

These 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 application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

Planning Balance and Conclusion

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: - 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The Framework is an important material consideration. It advises that 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 Development Plan (as in Solihull) means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. This is often referred to as the 'tilted balance'.

The outcome of this application therefore depends on:

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

In terms of the benefits of the scheme, the development would accord with Policies P1, P3, P4, P5, P7, P8, P9, P10, P11, P14, P15, P18, P19, P20 and P21 of the Local Plan and relevant criteria therein.

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 tenure mix and types of housing available to local people, improvements to community facilities, retail, leisure and access to employment and a better range of jobs. The proposal would also support a significant number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify the number jobs created, the proposal would support a significant number of trades that would be involved in the construction process. Having regard to the guidance in the Framework, significant weight should be given to the social and economic benefits of the scheme.

Regeneration of the village centre has the potential to bring about long term sustainable benefits to the natural environment through enhancements to biodiversity, public open space and new tree planting and landscaping. The ambition of achieving a net zero carbon development represents a substantial commitment from the applicant which significantly exceeds national standards and supports the actions of the Council's Climate Change Emergency statement. Significant weight should be given to the environmental benefits of the scheme.

In terms of adverse impacts, subject to conditions, the development would not conflict with Policies within the Local Plan or guidance in the Framework. This should be accorded neutral weight in the planning balance.

In conclusion, for the reasons outlined above, the proposed development would benefit from the presumption in favour of sustainable development and the overall planning balance must be in favour for this proposal.

The proposal is therefore recommended for approval subject to appropriate conditions.

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) Prior to the commencement of a phase or combination of phases of the development details of the following matters for that phase or combination of phases (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (a) the scale of the development;
- (b) the layout of the development;
- (c) the external appearance of the development;
- (d) the landscaping of the site;

The development shall be carried out in accordance with the approved details.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

(2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

(3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the approved plans:

- Gilson Way Site Access (002 A)
- Gilson Way / Central Boulevard (003 A)
- Over Green Drive / Central Boulevard / Silver Birch Road (005 A)
- Over Green Drive Site Access Junction (006)
- Existing Location Plan (18023_BDS-XX-XX-DR-A-S0-0100-P02.02)
- Existing Site Plan (18023_BDS-XX-XX-DR-A-S0-0101-P02.02)

Reason: To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with P15 of the Solihull Local Plan 2013.

5) 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:

- 86 residential dwellings (Use Class C3)
- 1,200 sq m of retail uses (Use Class A1-A5)

- 1,700 sq m of healthcare and community uses (Use Class D2)

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.

(6) 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.

(7) 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.

(8) No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall be based on the designs within the consented Flood Risk Assessment and should include, as a minimum:

- a) Technical design report confirming overall SuDS features being utilised and wider design principles – the scheme must incorporate multiple dispersed SuDS features as shown within the Flood Risk Assessment including permeable paving, green roofs and bioretention areas.
- b) Drawings showing overall site concept design principles
- c) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- d) Surface Water Drainage Design including:
 - i. Confirmation of the lifetime of the development
 - ii. 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’),
 - iii. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;

- iv. Confirmation of discharge rates and volumes (both pre and post development), ensuring run-off is restricted to 2l/s/ha.
- v. Confirmation of proposed discharge location including necessary approvals.
- vi. Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
- vii. Engineering details for all surface water drainage features
- viii. 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;
- ix. Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- e) Extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding

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

(9) No above-ground work shall commence until such a time as a scheme to manage the existing and future surface water flood risk, based on the designs in the Flood Risk Assessment (FRA), has been submitted to and approved in writing by the Lead Local Flood Authority, with no occupation until the scheme is operational. The submitted details shall include:

- a) Provision of surface water flood storage
- b) Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- c) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- d) Finished floor levels are set no lower than the 1 in 100 year plus allowance for climate change plus 300mm freeboard

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

(10) 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.

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

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

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

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

(12) No dwelling or retail, healthcare or community use shall be occupied or used until the junctions and traffic calming features have been laid out and constructed in general accordance with the following plans:

- Gilson Way Site Access (002 A)
- Gilson Way / Central Boulevard (003 A)
- Over Green Drive / Central Boulevard / Silver Birch Road (005 A)
- Over Green Drive Site Access Junction (006)

The junctions and traffic calming features shall be laid out and constructed 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.

(13) No dwelling or retail, healthcare or community use shall be occupied or used until details of the internal carriageways, footways, footpaths, verges and service strips have been submitted to and approved in writing by the Local Planning Authority.

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

(14) No dwelling or retail, healthcare or community use shall be occupied or used until details of car parking and cycle parking have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory parking is provided in accordance with Policy P8 of the Solihull Local Plan 2013.

(15) No dwelling or retail, healthcare or community use shall be occupied or used until adequate turning areas to accommodate refuse vehicles and emergency service vehicles have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory turning areas are provided in the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

(16) 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.

(17) No dwelling or retail, healthcare or community use 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.

(18) No dwelling or retail, healthcare or community use shall be occupied or used until details of a bus strategy have been submitted to and approved in writing by the Local Planning Authority. The bus strategy shall include details of the closure of existing bus stops; the installation of new bus stops including temporary bus stops; and the diversion of existing bus services.

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

(19) 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.

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

(20) No development shall commence until a details including a phasing programme for a new cycle link between Meriden Drive and Chester Road has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when new cycle link shall be delivered. Thereafter works shall be completed and carried out in accordance with the approved details and phasing programme unless agreed in writing with the Local Planning Authority.

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

(21) The site shall be landscaped strictly in accordance with the details approved pursuant to Condition 1 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.

(22) 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.

(23) Notwithstanding the current plans, before development hereby approved commences, an updated Arboriculture Impact Assessment shall be submitted to and approved by the local planning authority.

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.

(24) Prior to the commencement of work on site, a detailed Arboricultural Method Statement (AMS) and an Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority with particular regard to trees T414 and T299 (and T368 Option A). To include a schedule of works to retained

tress e.g. access facilitation pruning and details of all special engineering works within the Root protection area (RPA) and other relevant construction details.

All tree work must be carried out in accordance with British Standard 3998: 2010 Recommendations for tree work.

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.

(25) Prior to the commencement of work on site a schedule of all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated shall be submitted to and approved in writing by the local planning authority. No tree, hedge or shrub on the site indicated in the approved schedule for retention shall be topped, felled, lopped or root pruned except with the prior written consent of the Local Planning Authority

The work hereby approved must be carried out in accordance with British Standard 3998 for tree work

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.

(26) 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. 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 tress 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.

(27) 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 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 protected species and habitats in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

(28) No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. 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.

(29) 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.

(30) 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.

(31) No development shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

1. Proposals for on-site mitigation and/or for offsite offsetting;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have

been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

Reason: To secure no net loss to biodiversity in accordance with NPPF and Policy P10 of Solihull Local Plan.

(32) 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 landscape and/or ecology management plan shall be carried out as approved

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

(33) No development shall commence until a phasing programme for enhancements to Kingshurst Park has been submitted to and approved in writing by the Local Planning Authority. This shall include details of when improved play and leisure, footpath improvements, additional/improved seating and potential fitness equipment shall be delivered. Thereafter works shall be completed and carried out in accordance with the phasing programme unless agreed in writing with the Local Planning Authority.

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

(34) No development shall take place until a detailed mitigation strategy has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation strategy.

Reason: To secure the protection of protected species in accordance with Policy P10 of the Solihull Local Plan 2013.

(35) Buildings B2, B3, B6, B7 and B4 as detailed in the Bat Roost Assessment Report prepared by Aspect Ecology and dated August 2020 shall be hand stripped of roofing materials under the supervision of a qualified bat ecologist unless otherwise agreed in writing with the local planning authority.

Reason: To secure the protection of protected species in accordance with Policy P10 of the Solihull Local Plan 2013.

(36) 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 of the Solihull Local Plan.

(37) 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.

(38) 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 of the Solihull Local Plan.

(39) 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,
 - (f) archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

(2) Submission of Remediation Scheme

Where necessary following (1) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and

site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

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

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

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 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 part 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 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 and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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.

(40) 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 ensure that risks from land contamination to the future users of the land and neighbouring are minimised in accordance with Policy P14 of the Solihull Local Plan 2013.

(41) Prior to the commencement of development an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development. Once approved, the scheme shall be implemented in full.

Reason: To ensure that recruitment and training is maximised for the local community, in accordance with Policy P1 of the Solihull Local Plan 2013.

42) Prior to commencement of the development, a proposed dwelling mix for the development shall be submitted to and agreed in writing by the Local Planning Authority. The proposed dwelling mix shall be in broad accordance with the table in Appendix 1 of the Housing Needs Statement prepared by Cushman & Wakefield

dated June 2020. Any deviation from this mix shall be justified in accordance with Policy P4 of the Solihull Local Plan 2013. The reserved matters shall come forward in accordance with the agreed mix.

Reason: To ensure an appropriate dwelling mix is provided on site in accordance with Policy P4 of the Solihull Local Plan 2013.

(43) Prior to commencement of the development, a proposed affordable housing strategy for the development shall be submitted to and agreed in writing by the Local Planning Authority. The affordable housing strategy shall be in broad accordance with the table in Appendix 1 of the Housing Needs Statement prepared by Cushman & Wakefield dated June 2020. Any deviation from this strategy shall be justified in accordance with Policy P4 of the Solihull Local Plan 2013. The reserved matters shall come forward in accordance with the agreed strategy.

Reason: To ensure appropriate provision of affordable housing is provided on site in accordance with Policy P4 of the Solihull Local Plan 2013.

(44) Prior to the commencement of development, a strategy shall be submitted and approved in writing by the Local Planning Authority indicating the methodology and measures (including EV charging provision) by which the proposed development will seek to achieve 'net zero carbon' as detailed in the Planning Statement prepared by Cushman & Wakefield dated June 2020 will be achieved. Unless otherwise agreed in writing with the Local Planning Authority the development shall take place in accordance with the approved details.

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.

(45) Before any phase of the development hereby approved is brought into use a detailed scheme for the storage of refuse for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a management and maintenance plan for the lifetime of the development. Thereafter, the approved scheme shall be implemented and retained in accordance with approved details.

Reason: To minimise the effect of the proposal on the neighbourhood in the interests of the character of the site and amenities of the area in accordance with Policies P14 and P15 of the Solihull Local Plan 2013.

(46) 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: To safeguard amenity and the quality of the environment in accordance with P15 of the Solihull Local Plan 2013.

(47) No deliveries shall be taken at or despatched from the service area in DP2 on the Development Parcels Plan (18023_BDS-XX-XX-DR-A-S0-0155-P02.02) outside the hours of 0700 to 2200 Monday to Friday, 0900 to 2000 Saturday and 0900 to 1800 on Sundays.

Statement in accordance with Article 35(2) Town and Country Planning Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority has worked positively and proactively with the applicant during the application process to check and/ or identify any required solutions to ensure that the proposal is sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. Any solutions identified have been incorporated into the proposal and/or have been secured by planning condition(s). On this basis the Local Planning Authority have therefore implemented the requirements in Paragraphs 186-187 'Decision taking' of the National Planning Policy Framework.

The following policies of the Solihull Local Plan 2013 were considered relevant:

- P1 - Support Economic Success
- P3 - Provision of Land for General Business and Premises
- P4 - Meeting Housing Needs
- P5 - Provision of Land for Housing
- P7 - Accessibility and Ease of Access
- P8 - Managing Demand for Travel and Reducing Congestion
- P9 - Climate Change
- P10 - Natural Environment
- P11 - Water management
- P14 - Amenity
- P15 - Securing Design Quality
- P16 - Conservation of Heritage Assets and Local Distinctiveness
- P18 - Health and Well Being
- P19 - Range and Quality of Local Services
- P20 - Provision for Open Space, Children's Play, Sport, recreation and Leisure
- P21 - Developer Contributions and Infrastructure Provision

Informative Notes

EN01

Noise During Construction: Noise from construction and associated works has the potential to cause disturbance to neighbouring residents. In order to minimise this, this Authority would normally recommend that any work audible beyond the boundary of the site should only be carried out between the hours of 8.00am to 6.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays; there should be no noisy works carried out on Sundays or Bank Holidays. Best practicable means to prevent noise from the site should also be employed as defined in British Standard BS 5228 Part 1: 1984 (or its successors/revisions). Failure to keep these hours or to employ best practicable means to control noise could lead to the service of an enforcement notice under Section 60 of the Control of Pollution Act 1974. We would

encourage applications for prior consent under Section 61 of the Act, particularly where the construction and/or demolition phase(s) may be prolonged or if work may be undertaken beyond the aforementioned hours. Please contact the Contact Centre (0121 704 8008) for further details.

Burning or Refuse on Demolition and Construction Sites: Because of the potential for nuisance to neighbours, burning of refuse prior to or during the construction phase is not generally acceptable and may be contrary to waste regulation legislation. If you do have special circumstances, such as a requirement to dispose of wood infected by disease or insects, please contact the Contact Centre (0121 704 8008) for further details.

Dust Control on Demolition and Construction Sites: Because of the potential for nuisance to neighbours and damage to property, reasonable steps to reduce dust emissions should be employed, particularly during any demolition works and in periods of dry weather.

APPENDIX C
(Proposed Development Phasing)

2.9 Indicative Phasing



1.. Demolish the northern parade, vicarage, houses, CCTV monitoring unit and garages to clear the site



2. Site cleared ready for construction, existing access to school, GP surgery, Shopping parade, Church and houses to be maintained.



3. Construct the roads and infrastructure



4 Build the Retail and Health Centre



5. Develop the former Mountford site with housing.



6. Complete the housing blocks to the north of the Boulevard.



7. Create the shared surface and landscaping



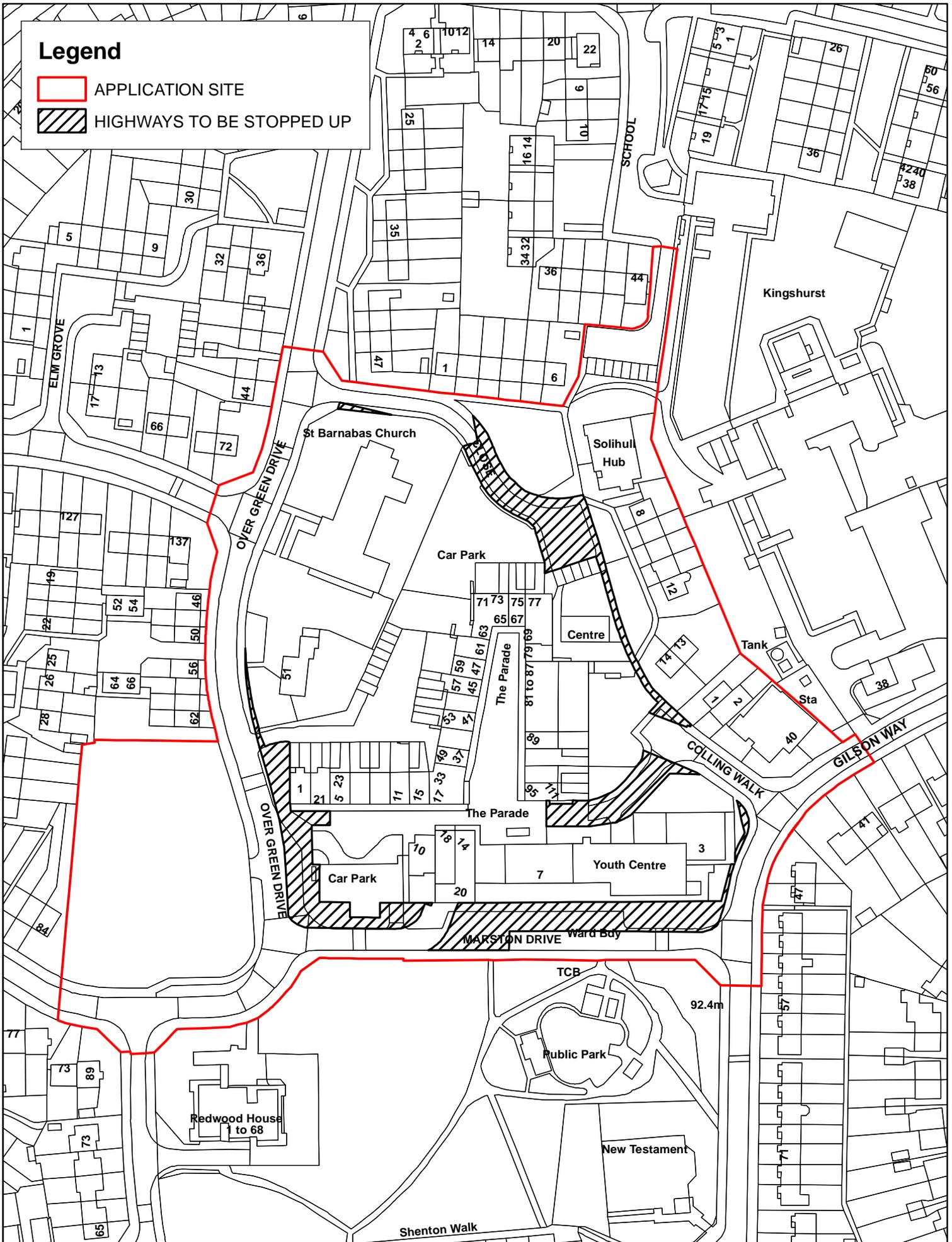
8. Complete the southern blocks

APPENDIX D
(Stopping Up Order Plan)

Legend

 APPLICATION SITE

 HIGHWAYS TO BE STOPPED UP



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Kingshurst Village Centre

Strategic Land and Property - 0121 704 6316



Scale: 1:1,500

Date: 29/05/2020

Drawn by: DW

Resources Directorate