

FULL PLANNING DECISION NOTICE

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application No:	PL/2015/51464/MAJFOT
Case Officer:	Julia Sykes
Date of Decision:	09.12.2015
Location:	Land East Of Touchwood, Manor Square, Solihull,
Proposed Development:	Demolition of unlisted buildings and construction of extension to Touchwood, remodelling of retained listed buildings, creation of pedestrian route from High Street and associated development on land bounded by Touchwood, High Street, Church Hill Road/The Square and Church Hill House.
Date Registered:	8th July 2015
Applicant:	Lend Lease Retail Partnership
Agent:	Mr Simon Zargar

The Solihull Metropolitan Borough Council as Local Planning Authority hereby **GRANTS PERMISSION SUBJECT TO CONDITIONS** as shown below, for the above described development.

The development must conform with the terms and approved plans and must remain in conformity with such terms and plans, subject to and save as may be otherwise required by any of the following conditions:-

STANDARD CONDITIONS

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 140129-A-Si-D001B; 140129-A-P-00-D002B; 140129-A-P-00-B003B; 140129-A-P-00-D004B; 140129-A-P-00-D005B; 140129-A-P-00-D006C;

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140129-A-P-00-D007B; 140129-A-P-00-D008B; 140129-A-P-00-D009; 140129-A-P-00-D010B;
140129-A-P-00-D011B; 140129-A-P-00-D012B; 140129-A-P-00-D013B; 140129-A-P-00-D014B;
140129-A-P-00-D015G; 140129-A-P-00-D016G; 140129-A-P-00-D017F; 140129-A-P-00-D018D; 140129-
A-E-00-D020B; 140129-A-E-Nth-D022; 140129-A-P-00-D019; 140129-A-VA-Va-D024A; 140129-
A-E-00-D030B; 140129-A-S-00-B031D; 140129-A-E-00-D032D; 140129-A-E-00-D033D; 140129-
A-P-00-D040

To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with Policy P14 and P15 of the Solihull Local Plan 2013

2. i) The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004;

ii) Unless otherwise agreed with the Local Planning Authority in writing no development shall take place on any part of the planning application site unless and until all interests in that part of the site are subject to and bound by the terms of a section 106 agreement or undertaking in the form of the agreement accompanying this permission

The reason to ensure the development is carried out in accordance with the legal agreement which forms an integral part of the development in accordance P21 of the Solihull Local Plan and the NPPF.

3. No building works shall be commenced until a schedule and samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To safeguard the visual amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.

4. The development hereby approved shall not be commenced until details of a scheme to manage the disposal of foul water have been submitted to and approved by the Local Planning Authority. Thereafter the development shall not be occupied until the works have been completed in accordance with the approved details.

To secure the satisfactory drainage of the site in accordance with policy P11 and P15 of the Solihull Local Plan 2013

5. The development hereby permitted shall not be commenced until such time as a scheme to manage surface water runoff has been submitted to, and approved in writing by, the local planning

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authority. The scheme shall be based upon the following principles as detailed by the applicant: Surface water runoff attenuated in below ground storage; Discharge rate restricted to 5 l/s from North and South drainage tanks prior to discharge to the Severn Trent sewer. Thereafter, the scheme shall be fully implemented in accordance with the timing / phasing arrangements embodied within the approved scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority, and subsequently maintained for the lifetime of the development.

To secure satisfactory drainage of the site in accordance with Policy P11 of the Solihull Local Plan.

6. During the commencement of the development hereby approved, if contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site in accordance with policy P11 of the Solihull Local Plan.

7. Before development hereby approved commences, 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 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

To safeguard as many natural features of the site as is reasonable for the proposed development in accordance with Policy P10, P14 and P15 of the Solihull Local Plan 2013.

8. 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. Details of the type of fencing and its siting shall be submitted to and approved in writing by the Local Planning Authority, 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.

To safeguard as many natural features of the site as is reasonable for the proposed development in accordance with Policy P10, P14 and P15 of the Solihull Local Plan 2013.

9. Prior to commencement of work, the details of any special engineering required to accommodate the protection of retained trees as specified within BS5837, (e.g. in connection with foundations and surfacing) shall be submitted to and approved in writing by the local Planning Authority. Such details shall specify a site specific method statement regarding foundation design prepared by a

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qualified engineer and arboriculturist and details of the working methods to be employed for the installation of any drive and paths within the RPAs of retained trees to be in accordance with the principles of No-Dig construction under BS5837.

To minimise the effect and enhance the character of the development in accordance with Policy P10, P14, P15 and P16 of the Solihull Local Plan 2013

10. The development hereby approved shall not be occupied until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details include proposed finished levels or contours, means of enclosure, hard surfacing materials, unit sizes and bonding etc, other vehicle and pedestrian access and circulation areas, minor artefacts and structures, proposed walls and planters, such as street furniture, seating, planters, bins, refuse or other storage units, lighting, signage and cycle parking etc.) and retained historic landscape features and proposals for restoration.

To minimise the effect and enhance the character of the development in accordance with Policy P10, P14, P15 and P16 of the Solihull Local Plan 2013.

11. The development hereby approved shall not be occupied until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. To include (but not exhaustive) planters, green screen, green wall, green and brown roof etc. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) maintenance; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

To minimise the effect and enhance the character of the development in accordance with Policy P10, P14, P15 and P16 of the Solihull Local Plan

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree or hedge, or that tree or hedge any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree or hedge 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.

To minimise the effect and enhance the character of the development in accordance with Policy P10 P14, P15 and P16 of the Solihull Local Plan

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13. Before the development hereby approved is brought into use a ventilation system, incorporating grease and odour filtration and/or suppression shall be installed in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The installation shall be subject to testing to demonstrate it is capable of reducing odours to an acceptable level; the methodology for such testing shall form part of the agreed scheme. If as a result of the testing process the equipment does not reduce odours to an acceptable level then upgrading of the system shall take place in accordance with details to be submitted to and approved by the Local Planning Authority. Thereafter the system shall be used and maintained in accordance with the approved scheme.

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

Note: The scheme should specify in detail the provisions 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.

14. 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.

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

Note: The scheme should specify in detail the provisions made to control noise and odour. Plans showing internal layout of ducting etc. will not be required except where they are relevant to noise and odour control equipment.

15. No illumination of any external area of the site shall take place except with the prior written consent of the Local Planning Authority and in accordance with details submitted to and approved by them.

In the interests of the amenities of the area in accordance with Policy P14 and P15 of the Solihull Local Plan 2013.

16. Notwithstanding the details contained on approved plan no. 140129-A-E-00-D032D (Section FF - Council Office Elevation), the development hereby approved shall not be occupied until a scheme for the provision of public art has been provided in relation to the south elevation of the building, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and maintained thereafter unless otherwise agreed in writing by the local planning authority.

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In the interest of good design and amenity in accordance with Policy P15 of the Solihull Local Plan 2013.

17. No advertisements, promotional material, transfers or adhered material shall be applied to the internal or external glazed elevations of unit 100 as indicated on approved drawing no.140129-A-P-00-D015G, unless otherwise approved in writing by the Local Planning Authority.

In the interests of maintaining a high quality design and appearance and to preserve the character and setting of the Listed Grade 1St Alphege Church in accordance with policies P15 design and P16 heritage of the Solihull Local Plan 2013.

18. Before the development hereby approved is commenced, details of an Employment and Skills Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a method statement to indicate how the Employment and Skills Strategy shall be implemented. Thereafter, the approved Employment and Skills Strategy shall be implemented in accordance with the approved details.

To ensure that recruitment and training is maximised for the local community, in accordance with Policies P1 and P2 of the Solihull Local Plan 2013.

19. The development hereby approved shall not be occupied until a scheme of CCTV coverage has been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the creation of a high quality, safe public realm in accordance with policies P15 and P18 of the Solihull Local Plan 2013.

20. The development hereby approved shall not be commenced until full details have been submitted to and approved in writing to incorporate sustainable design measures that make a positive contribution to minimising energy requirements and reducing CO2 emissions of the development.

In the interests of sustainable development in accordance with Policies P9 and P15 of the Solihull Local Plan 2013.

NOTE: Such details shall include measures to be incorporated to the building fabric that reduce the need for air conditioning or heating, glazing to provide natural light and reduce dependence on artificial lighting and installation of windows that can be opened to reduce the need for cooling and ventilation systems to operate; The use of on-site Low and Zero Carbon Technologies including the use of photovoltaics at rooftop level and rainwater recovery; Waste management planning that reduces the amount of waste sent to landfill; Other measures could include the use of green and brown roofs to increase biodiversity, increase air quality and reduce surface water runoff.

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Thereafter the approved details shall be incorporated into the built development in accordance with the approved details and retained in perpetuity.

21. A Landscape and Ecology Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/biodiversity enhancements, including (but not exhaustively) replacement nesting opportunities, green and brown roofs, living walls, green screens and planters provided by the development, 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 management and maintenance schedules shall include details of the arrangements for their implementation. The landscape and ecology management plan shall be carried out as approved for the lifetime of the Development.

Not later than the 1st October in each year following, unless otherwise agreed in writing, the implementation of the approved landscape/ biodiversity enhancements in connection with the development hereby permitted shall be carried out and a written statement shall be submitted to the Local Planning Authority detailing:

The number, location and species of any vegetation (trees, shrubs, climbers and hedging plants etc.) which have died, become diseased or seriously damaged in the preceding 12 months, and

Proposals for the replanting and maintenance of any such failures with plants of similar size and species within the 6 months following or first available planting season, whichever is the sooner

None of the approved landscape/ biodiversity enhancements implemented in connection with the development hereby permitted shall be removed, destroyed without the prior written approval of the Local Planning Authority.

To minimise the effect and enhance the character of the development in accordance with Policy P10, P14, P15 and P16 of the Solihull Local Plan 2013.

22. Prior to the commencement of development, notwithstanding the details contained on the plans hereby approved, as set out in condition 1 of this permission, full details of the proposed access to the Council House shall be submitted to and approved by the Local Planning Authority.

To safeguard the interests of users of the highway in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

23. With the exception of the 'Island Block' which fronts onto Church Square (proposed units 94-99, units 2-6 Church Hill and unit 158 High Street, on approved plan no.140129-A-P-00-D015G), all units within the proposed development and those existing units (which front onto High Street), which are currently serviced from Manor Square, shall be serviced from the roof of Touchwood,

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including for all deliveries and refuse collection, unless otherwise agreed in writing by the Local Planning Authority.

To safeguard the interests of users of the highway in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

24. Prior to occupation of the proposed development a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall contain;
- Targets for non-car mode share based on current mode share to work within the town centre.
 - Annual monitoring of progress and reporting of targets and progress, to be shared with the Local Planning Authority.
 - A clear action plan to address targets and provision for an annual review of actions to ensure the most effective measures are being implemented.

In the interests of the promotion of sustainable transport modes in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

25. Prior to the commencement of development a detailed construction/phasing plan shall be submitted to and approved by the Local Planning Authority. Thereafter the approved construction/phasing plan shall be implemented in accordance with the approved details.

In the interests of the satisfactory development of the site in accordance with Policies P2, P7, P8 and P14 of the Solihull Local Plan 2013.

26. Public access shall be retained at all times to the proposed raised footpath (as indicated on approved plan no. 140129-018D), which will provide access to the Town Centre from the Council House along the northern edge of Church Hill adjacent to the development.

In the interests of highway safety and pedestrian movement in accordance with policies P7 and P8 of the Solihull Local Plan 2013.

27. Vehicular access shall be retained at all times to the Council House, including during construction unless otherwise agreed in writing by the local planning authority.

In the interests of the free flow of traffic and highway safety in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

28. No development shall take place until:

- A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority in

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consultation with the Warwickshire County Council Archaeological Information and Advice team.

b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.

To ensure adequate opportunity for site research and recording in accordance with policy P16 of the Solihull Local Plan 2013

29. Prior to any development works (with the exception of any groundworks associated with the archaeological evaluation detailed above) taking place an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed in condition 29 above.

The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy is to be undertaken.

To ensure adequate opportunity for site research and recording in accordance with policy P16 of the Solihull Local Plan 2013

30. No development shall be commenced until full details of the landscape public realm provision along the interface between Church Hill House Council buildings and the south of the approved Touchwood development has been submitted to and approved in writing by the Local Planning Authority.

To minimise the effect and enhance the character of the development in accordance with policies P10, P14, P15 and P16 of the Solihull Local Plan.

31. Servicing from High Street will only be permitted for those units within the 'Island Block' which fronts onto Church Square (proposed units 94-99, units 2-6 Church Hill; Unit 158 High Street on approved plan no.140129-A-P-00-D015G), between the hours of Midnight and 8am for the purposes of delivering goods. Refuse collection for this block shall be carried out from the roof of Touchwood in common with the rest of the development hereby approved.

To safeguard the interests of users of the highway in accordance with policies P7 and P8 of the Solihull Local Plan 2013.

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32. Notwithstanding submitted plans as set out in condition one, revised details shall be submitted to show the west and north facing wall of unit 82. The design of the wall shall be enhanced with architectural layering, to include the use of varied materials and finishes. The scheme shall be submitted prior to commencement of development and approved in writing by the local planning authority. The details shall be implemented as approved.

To reduce the impact of development on the setting of the Manor House Grade II* listed building in accordance with Policy P16 of the Solihull Local Plan.

33. Notwithstanding submitted plans as set out in condition one, revised details shall be submitted to show the east facing elevation of unit 100 (Belvedere). The scheme shall be submitted prior to commencement of development and approved in writing by the local planning authority. The details shall be implemented as approved.

To reduce the impact of development on the setting of St Alphege Grade I listed building in accordance with Policy P16 of the Solihull Local Plan.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the Nation Planning Policy Framework.

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

- P1 - Support Economic Success
- P2 - Maintain Strong, Competitive Town Centres
- 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
- P20 - Provision for Open Space, Children's Play, Sport, Recreation and Leisure

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P21 - Developer Contributions and Infrastructure Provision

Informatives

NOTE: The highway scheme developed for mitigation to drop-off for the Touchwood extension, as per the S106 agreement, shall include a drop off at Church Square.

NOTE: Tree planting carried out in mitigation for trees removed on site shall be directed to the Solihull town centre urban fabric.

NOTE: Opportunities for the reclaim and reuse of historic materials from the demolition of the Priory should be explored with a view to incorporating into the fabric of the Touchwood development.

NOTE: 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 8.00 am to 6.00 pm on Mondays to Fridays and 8.00 am to 1.00 pm 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. SMBC encourage applications for prior consent under Section 61 of the Act, particularly where the construction and/or demolition phases(s) may be prolonged or if work may be undertaken beyond the aforementioned hours. Please contact the Contact Centre (0121 704 8000) for further details.

NOTE: Burning of 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 on (0121 704 8000) for further details.

NOTE: 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.

NOTE: A planning agreement/obligation under Section 106 of the Town and Country Planning Act 1990 relates to this site.

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Managed Growth Directorate
Development Management
Planning Services, Solihull MBC
Council House, Manor Square
Solihull, B91 3QB

Telephone 0121 704 8008
planning@solihull.gov.uk

Signed



James Carpenter BA (Hons) MSc MRTPI
Head of Development and Regulatory Management

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TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision of your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice.

If this is a decision to refuse planning permission other than those specified above, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice,

If this is a decision to refuse permission for works to a TPO tree, if you want to appeal against your local authority's planning decision then you must do so within 28 days of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.