

On 1 Jun 2020, at 12:10, Taylor, Laura (Managed Growth and Communities Directorate) wrote:

Thank you for providing the further comments from the KDBH Forum.

Unfortunately, I would have to advise that there is no policy requirement for the applicant to provide marketing evidence or viability appraisal for a commercial use of this site.

The Neighbourhood Plan seeks to protect employment uses and policy E1 specifically relates to what should happen in centres, including Knowle centre, refers to the loss of retail use class (A1) or office (B1a). The application site does not have an A1 or a B1a use and falls within a Sui Generis use class within a secondary frontage in Knowle.

Policy E1 shows a preference for A1-A5 and B1a uses within the secondary frontage in Knowle but makes no specific requirement for marketing or viability for a site such as this.

We therefore consider, that in principle there is no policy objection to the proposed loss of the sui generis use and redevelopment for residential dwellings on this site.

Kind regards
Laura Taylor MRTPI
Senior Development Officer - Major Projects
Development and Regulatory Management
Economy and Infrastructure Directorate

From: Jane Aykroyd
Sent: 02 June 2020 15:00
To: Taylor, Laura (Managed Growth and Communities Directorate)

Dear Laura

It is acknowledged that a car showroom is sui generis. This is not, however, your typical out-of-town/retail park or stand-alone showroom. In this case, it forms an integral and central part of the secondary commercial frontage of village shops and services (evidenced by the graphic below) where the policy intent to retain a mix of commercial uses clearly applies. Building houses on the road front of the showroom site would break up this commercial frontage.

In terms of marketing/viability, we refer you to Policy E1 supporting text at p58 of the NP. This clearly states that in some cases it will be necessary for viability work and marketing to be submitted:

"The policies will operate when necessary with a need to consider the economic and functional viability of the uses that are being lost to determine whether there is justification for their removal. This will require submission of evidence that a use is not economically viable or for which in functional terms there is insufficient demand. It will be necessary to demonstrate via a report from a chartered surveyor that the property has been marketed on reasonable terms for a minimum period of 6 months and there have been no written offers of purchase for the existing use."

It is important that policy and explanatory supporting text are read together. The requirement for marketing/viability information in support of this application for the reasons stated is then clear. Can you confirm that Officers have taken due account of the supporting text in their consideration?

In summary, we remain firmly of the view that this proposal does not sit well with Policy E1 and its supporting text. We are concerned about the Council's approach to application of policy, as well as the sense from your note that you, as the case officer, appear to have already made a decision. This follows closely on from a fundamental error in application of the same E1 policy in the delegated report for the former Lloyds premises on the High St, which incorrectly stated that there is no frontage policy in Knowle. We, and residents who have been in contact with us, fear that the Council is not applying NP policies effectively. This makes it all the more important that the Council now demonstrates that careful and appropriate consideration is being given to Policy E1.

By copy of this note to our Ward Councillors, we ask that this application be submitted for formal review by the Planning Committee given the significance of the policy issues raised and discussed below.

Please note that the Forum, as part of its commitment to transparency, places a copy of all its planning responses to the Council on its website <https://www.kdbh-np.org/copy-of-planning-apps>. We will accordingly add the content of these emails to the details for this case.

Yours sincerely
Jane Aykroyd
Chair
Knowle Dorridge and Bentley Heath Neighbourhood Forum



Hallam, Jonathan (Places Directorate - Solihull MBC). 2 June 2020 at 16:26
FW: Request for Planning Application PL/2020/00411/PPFL, 25 Station Road, Knowle to go to Planning Committee
To: Jane Aykroyd

Hi Jane,

Laura has passed your email below to me to look at.

The application that Laura is currently dealing with seeks to demolish an existing car show room and replace it with dwellings.

I note that the site is located within an area defined within the KDBHNP as being a secondary frontage within Knowle, and in terms of the assessing the principle of the proposal you are correct that Policy E1 is the most appropriate policy. I also think that Policy E2 is important.

Policy E1 relates to the retention of shops and services. In general terms it advises that proposals for the loss of shops (Class A1) may be resisted subject to further criteria, and that uses within Class A and Class B1(a) will be protected and encouraged subject to certain criteria. The policy then goes on to advise that within the secondary frontages of Knowle (within which the application site is located), a mix of shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and offices (within Classes A1 to A5 and B1(a)) will be supported subject to other policies.

It is therefore an assessment of the proposal against the above that is key to ascertaining compliance with this policy.

The existing use of the property to be demolished is a car show room. This is neither an A1 use, nor a B1(a) use. As such nowhere in Policy E1 do I see support for the retention or protection of this use. Furthermore, turning specifically to the secondary frontage element of the policy, I cannot see any restrictions upon the principle of new housing being constructed within such areas. I acknowledge that certain specified uses are listed as being supported, but nowhere does it state that any alternative uses (such as housing) will not be supported.

I accept that the supporting text to the policy makes reference to the need to carry out an economic viability exercise in some instances, but it is nonsensical to suggest that this needs to be carried out in relation to a proposal that actually fully accords with the policy in the first instance.

Turning now to Policy E2, which relates to new development in village centres, this advises that proposals for the erection or change of use of buildings within the village centres will be supported subject to 6 criteria. I see nothing there to preclude the erection of dwellings on the site, subject to compliance with the 4th criterion, which requires the overall mix of uses in the area being maintained and consistent with policy E1. Given that Policy E1 seeks to retain and encourage the various A and B1(a) uses, the loss of a sui generis car retail unit (not A1) and its replacement with dwelling houses does not run contrary to the requirements of either Policy E2 or E1.

Having regard to the above I am firmly of the view that not only does the proposal sit well with these policies, it demonstrably complies with them.

You also raise the issue of the application being determined by the Planning Committee. In accordance with the terms of the Council's scheme of delegation, there is no requirement for this application to be determined by the Committee and it may therefore be determined under delegated powers. I note that you have requested that a ward Councillor calls this application in to Committee for determination. However, again in accordance with the scheme of delegation, the time has passed within which such a request could be made.

Regards,

Jon Hallam
Team Leader – Planning Delivery

Economy & Infrastructure Directorate
Development & Regulatory Management
Solihull MBC