

2014/1163 LAND AT TANWORTH LANE

Application No: 2014/1163/S
Ward/Area: BLYTHE
Location: LAND AT TANWORTH LANE CHESWICK GREEN SOLIHULL
Date Registered: 07/07/2014
Applicant: BLOOR HOMES
Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 220 DWELLINGS WITH ACCESS, ASSOCIATED OPEN SPACE, INFRASTRUCTURE AND PARKING PROVISION (ACCESS UNRESERVED) (RESUBMISSION OF 2013/1679).

Documents Online:

<http://www.solihull.gov.uk/planning/dc/ViewAppDetail.asp?Y=2014&R=1163>

This application is being reported to Planning Committee for the following reason(s):

	The proposals are a substantial departure from the Development Plan
X	A new section 106 agreement is required
X	The proposals would have a significant impact outside of its immediate vicinity
X	The proposals have given rise to substantial weight of public concern
	The application has been called into Committee by a Member
	The application has been submitted by (or on behalf of) the Council (or it relates to Council owned land) and there has been one objection or more.
	The applicant is a Member or Officer of the Council (who has contact with Development Management) (or a close relative of such a person)
	The Head of Development Management has elected to refer the application to Committee

BACKGROUND

This is a resubmitted application that contains identical proposals to that refused (under reference 2013/1679) in January 2014.

This earlier application was refused for the following reasons:

(1) The Solihull Local Plan was adopted on 3rd December 2013 and a five year housing supply can now be demonstrated within the Borough. The proposed development of up to 220 dwellings at this site is therefore considered premature and contravenes the Phasing strategy for development set, where this site is allocated as a Phase 3 housing site for release on 1st April 2023. The proposal is premature and contrary to Policy P5 of the Solihull Local Plan.

(2) The application site lies within a floodplain and hydraulic modelling has yet to be finalised to confirm the flood extents and depths and therefore also to the effect on both new and existing residents. The proposal therefore fails to take account of and is contrary to Policy P11 Water Management in the Solihull Local Plan as well as to the provisions within the National Planning Policy Framework. ”

An appeal against the earlier application has now been lodged and is to be heard by way of a public inquiry which is due to commence on 23rd September 2014.

At the same Planning Committee in January 2014, two other Local Plan allocated sites were refused permission based on the phasing policy of the plan and drainage/flooding. These were proposals by David Wilson Homes (2013/1478 – 67 dwellings at Braggs Farm, Dickens Heath) and Catesby (2013/1504 – 130 dwellings at Land at Dickens Heath Road, Dickens Heath).

Members will be aware that Catesby resubmitted identical proposals for the development for 130 dwellings at Land at Dickens Heath Road, Dickens Heath (ref: 2014/1032) and this was granted planning permission, subject to a S106 agreement at their meeting on 6th August 2014. The S106 agreement has been completed and outline planning permission for this development was issued on 12th August 2014.

Elsewhere on the agenda is application ref: 2014/1066 which is a resubmitted and identical scheme for the David Wilson Homes development for 71 dwellings at Braggs Farm, Dickens Heath, ref: 2013/1478. Both refusals for the Bloor Homes and the David Wilson Homes applications are subject to appeals with inquiry dates of September & December 2014 respectively.

At the time these applications were refused, it was noted that some of the concerns related to technical matters which at the time of drafting the reports had not been resolved. It was acknowledged that additional supporting information, justification or other evidence could be submitted that overcomes the technically based reason for refusal – ie that relating to drainage/flooding. It was noted that if this was the case it wouldn't be expedient for the Council to contest any subsequent appeal on that particular ground. Authority was therefore delegated from the Planning Committee to allow the Council not to pursue one or more of the technical reasons for refusal if during the course of an appeal sufficient additional supporting information, justification, or other evidence were to be submitted which demonstrates that the proposals will not have the harmful effect identified in the reason for refusal.

This present application has been resubmitted in light of material change in circumstances that have occurred since the earlier application was determined. This report will focus on the change in circumstances that have occurred and how they affect the assessment of the proposals; in particular whether the reasons for refusal have been overcome.

Unless otherwise stated all other material considerations remain as set out in the Committee report for the earlier application, a copy of which is attached as an appendix to this report.

CONSULTATION RESPONSES*

Highways	: No objection
Housing Strategy	: No objection
Planning Policy	: No objection
Environmental Protection	: No objection
Education	: No objection
Health	: No objection
Fire Service	: No objection
Environment Agency	: No objection
Drainage Engineers	: No objection
Archaeology	: No objection
Landscape	: No objection
Ecology	: No objection
Severn Trent Water	: No objection
Centro	: No objection
Neighbours Notified	: 08/07/14
Site Notice	: 10/07/14
Press Notice	: 01/08/14

*responses have been carried forward from the previous application where relevant and appropriate.

REPRESENTATIONS

One letter of support received summarised as follows:

- Supports the application
- Supports the Solihull Local Plan Policy Position Statement, adopted by full Council on 25th June 2014.

214 letters/ comments have been received raising objections to the proposals, to include letters from Caroline Spelman MP, Councillor Linda Brown, Stansgate Planning on behalf of Cheswick Green Parish Council and Solihull Ratepayers Association. Objection is raised on the following grounds:

Policy Considerations

- To grant planning permission would be premature pending the consideration of the case by the Court of Appeal in respect of the Local Plan and the High Court judgement.
- The application is premature. If the development is needed it should happen in the period 2023-2028 as originally scheduled, by which time infrastructure will hopefully be in place to support it.
- To return to the intended development on 1st April 2023 or after will ensure adequate time to prepare and adopt a neighbourhood plan which will reflect local needs and aspirations.
- Narrows visually the gap between Cheswick Green, Tidbury Green, Dickens Heath and Shirley. This area will become urban sprawl.
- Although designated in the (draft) Local Plan, Mount Dairy Farm had been re-designated as Green Belt in an earlier draft planning stage because of over intensive concerns; a decision only reversed after a change of the Council's present administration.
- Cheswick Green Parish Council wants to be actively involved in discussions about contributions to community facilities as part of S106 obligations. Contributions would be expected towards flooding alleviation, a new Drs surgery for Drs and other medical practitioners, local schools, local road improvements and public transport improvements.
- There are numerous unfinished properties on the Dickens Heath site. Surely they should be completed first.
- 57 homes at Shirley Golf Club, Creynolds Lane; 600 at Blythe Valley and this development provide 877 new homes in the Cheswick Green Parish. This is totally disproportionate and unacceptable.
- There are numerous unfinished properties on the Dickens Heath site. Surely these should be completed first?

Sustainability

- Cheswick Green is unique and its community spirit in keeping the 'village' environment alive is second to none. This village atmosphere would be lost.
- The village has no infrastructure to support these homes.

- The Drs Surgery can't cope: you have to plan to be ill 2 weeks in advance!
- The existing school is single form entry with 260 pupils and is full.
- The school has only recently been refurbished and 30 year old portacabins removed from the site; it is unfair to expect additional disruption.
- Would a new school be proposed or would the school be expanded in size. This would cause considerable disruption to the education of existing children.
- Private motor car is the main source of transport due to being poorly served by public transport.
- No local train station or access to Whitlocks End station by any bus service running through the village.
- Bus service to Cheswick Green is infrequent and irregular. The S4 bus service does not operate in the evenings.
- The proposal at Mount Dairy Farm is not a sustainable form of development, especially if it comes forward of necessary improvements to the physical and social infrastructure of the area.
- The village has a pub, restaurant, 3 shops and a chemist. This is not enough to support the proposed development.
- Lack of access to employment.
- The proposals prohibit recycling.

Flooding

- The site falls on a flood plain.
- Reduce the number of properties to 200.
- There should be a reservoir for Cheswick Green
- Houses that back onto Mount Brook flood being Saxon Wood Road, Willow Drive, Coppice Walk, Coppice Close, Heron Close and other land bordering Mount Brook and River Blythe.
- River Blythe runs along Watery Lane and soon rises and falls.
- Flooding is a risk for every home. Building more will have the effect of placing more new homes at risk of flooding, but also increasing the likelihood of flooding occurring to existing homes.
- The Flood Risk Assessment (FRA) concentrates exclusively on mitigating the flood effects from the development, with no regard to the existing situation. There is no protection for existing homes.
- The FRA is flawed and fails to take proper account of the actual recorded flooding, or possible effects of the River Blythe.
- In the rains of 2007, Cheswick Green was cut off.
- The Parish Council holds a sand bag bank.
- The 'once in a hundred years' flood event has already been exceeded twice in the last 6 years.
- For insurance purposes the B90 postcode is listed as a high flood risk areas and the proposed development will only exacerbate the problem.
- The gradient of Mount Brook and the River Blythe from Cheswick Green to the A34 Stratford Road is insufficient to allow increased accumulation of rain water.
- The proposed reduction of the banks to Mount Brook will damage tree roots of established trees that have Tree Preservation Order status.

- Allowing natural drainage into the Mount Brook and raising floor levels by 600mm (2ft) is not an adequate safeguard.
- Proposed swales will retain water which is a health and safety risk.
- If land becomes flooded, the foul sewer that crosses the site will overflow causing a flood plain of contaminated and diseased water.
- I have personal experience of a large proportion of my back garden, green house and shed flooding.
- Increased run off from tarmac drives and roads will increase flooding to existing homes.
- Average annual rainfall is increasing.
- Flooding is likely to block the access route to the proposed development at Coppice Walk.
- Plans require proper scoping and measures required.

Highways

- The cumulative impacts of proposed development as well as committed developments should be taken into consideration.
- Influx of about 400 extra cars cannot be absorbed on the existing road network. There is already congestion on Creynolds Lane/ Blackford Road/ Stratford Road junctions in the morning peaks.
- Proposed accesses on Tanworth Lane and Coppice Walk are unsuited to traffic increase.
- The Coppice Walk access floods and is located on a bend in the road so providing dangerous conditions for road users, increasing the potential for accidents.
- Parking is already a problem at Cheswick Green and St Patricks.
- Extra traffic from Dickens Heath and Blythe Valley will cut through the area.
- Assessment should take account of potential development of allocated housing sites in Dickens Heath, as well as the uncompleted development in the centre of Dickens Heath, and to the possible major developments at Tidbury Green. These developments will have significant implications for the local highway network.
- Can the proposed pedestrian footpath to Saxon Wood Road be delivered?
- Local buses do not run after 7pm on Sundays.
- Families walk or ride bikes around the village – this will become risky.
- Problems with heavy traffic flows at Cheswick Way by Cheswick Green School leading to Creynolds Lane at peak times.
- Difficult to park outside Tesco.

Character

- Too large a development to be accommodated in Cheswick Green and fails to take account of the established village boundaries.
- 220 houses will increase the village of Cheswick Green by about 30%.
- We must protect our village identity.
- This development would alter the fabric of the village forever.
- Cheswick Green is a village of the 1970s not the 21st Century.

- Density is too high and out of character with the village, which is low density.
- Wouldn't want any three storey development – don't want to become a Dickens Heath.
- Absence of green space.

Neighbour Amenity

- The site was formerly used as a sewage works, concern for contamination.
- Increase in noise and pollution.
- Light pollution.
- Increase crime.
- Loss of countryside views.
- The public open space proposed at the back of Willow Drive and Saxon Wood Road will pose a security threat to residents.
- Stream will be a magnet for children to play in. Adequate anti-vandal fencing must be provided.

Affordable Housing

- Inappropriate to provide affordable housing in this area because of poor public transport links, lack of access to employment, services, shops, schools and GP places. The Council currently accepts that it is not practical on all sites to achieve its affordable housing target and permits payment of a contribution in lieu which would be more appropriate for this site.
- Affordable housing should provide for local need, not a district need and therefore should not encourage migration from outside the area.

Ecology

- Loss of habitat and wildlife.
- Many mature trees, the majority being English oaks are protected by TPO no.999. This provides a constraint to development due to canopy spread and the need to respect root protection areas.
- Mount Dairy Farm is an important ecological site that makes a valuable contribution to the area and should be preserved.
- The River Blythe is a designated Site of Special Scientific Interest (SSSI). This development would be harmful to it.
- The following species have been sited on the application site presenting concern for their habitat and continued presence being frogs; toads; newts; bats; foxes; buzzards; herons; kingfishers; cuckoos; goldfinches; sparrow hawks; warblers; butterflies.

POLICY

Solihull Local Plan (2013)

Since the earlier planning application was determined in January, Gallagher Homes and Lioncourt Homes successfully challenged the Solihull Local Plan

in the High Court in relation to housing numbers and green belt boundaries at Tidbury Green.

The subsequent Court Order treats those parts of the Local Plan relating to the housing land provision target (including the target set by Policy P5, its justification, the housing trajectory and the five year housing land requirement) as not adopted and should be remitted to the Planning Inspectorate for re-examination.

The 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, carrying significant weight.

On 28th May 2014, the Council applied to the Court of Appeal for leave to appeal the High Court Judgment, and this has now been granted, although a date for the hearings has yet to be fixed.

SPD's / SPG's

- Meeting Housing Needs (Including Affordable Housing) (2014)

Since the previous application was determined, the Council has adopted a new SPD which gives guidance on applying Policy P4 of the SLP – Meeting Housing Need. Of relevance to this application is the guidance in relation to affordable housing and the mix of housing to be provided on the site.

The previous application proposed a development that was in accordance with the affordable housing component of Policy 4 (ie 40% of dwellings to be provided as affordable housing), and this remains the case with this resubmitted application. However the housing mix component of the policy now needs to be applied to the development and this is assessed in a later section of this report.

MAIN ISSUES

Whether the previous reasons for refusal have been overcome.

APPRAISAL

Housing Supply (previous reason for refusal no. 1)

Housing land supply and the National Planning Policy Framework (NPPF) requirement to demonstrate a five year supply of deliverable housing sites is central to the determination of planning applications for new housing. When a five year supply of deliverable housing sites can be demonstrated, planning applications should be determined in accordance with the Local Plan. When a five year supply of deliverable housing sites cannot be demonstrated, policies for the supply of housing cannot be considered up-to-date and planning permission should be granted unless the impacts of doing so would

significantly and demonstrably outweigh the benefits when assessed against the NPPF. (NPPF, paragraphs 49 and 14).

The Council endorsed a policy position statement on 25th June 2014 (a copy of which is attached to this report). This reflects the factual position in respect of the housing requirement and land supply in the light of the Order made by the High Court. It is a statement updating the position as it currently stands, pending the Council's appeal to the Court of Appeal and any other material changes in circumstance. The policy position statement sets out how the five year housing land supply target should be determined in the absence of an adopted Local Plan housing target in accordance with the NPPF, the NPPG and case law.

Paragraphs 2.1 – 3.2 of the policy position statement technical appendix addresses the appropriate target to be used in current circumstances and concludes that the target should be based on the latest DCLG household projections (2011-based). The application of this target raises Solihull's five year housing land target from 3,847 (based on the former Local Plan target) to 4,526.

At 1st April 2014, deliverable housing land supply (including allocated Local Plan phase one housing sites only) was 4,086, but there are also deliverable phase two and three housing sites which should be brought forward to meet the NPPF requirement to maintain five years supply of deliverable housing sites.

Bringing the phase 2 & 3 sites forward is in accordance with the phasing policy (P5) of the Local Plan. This states that "*sites will not be released for development before they reach their specified phase, unless existing housing supply falls below national planning policy deliverable housing land supply requirements.*"

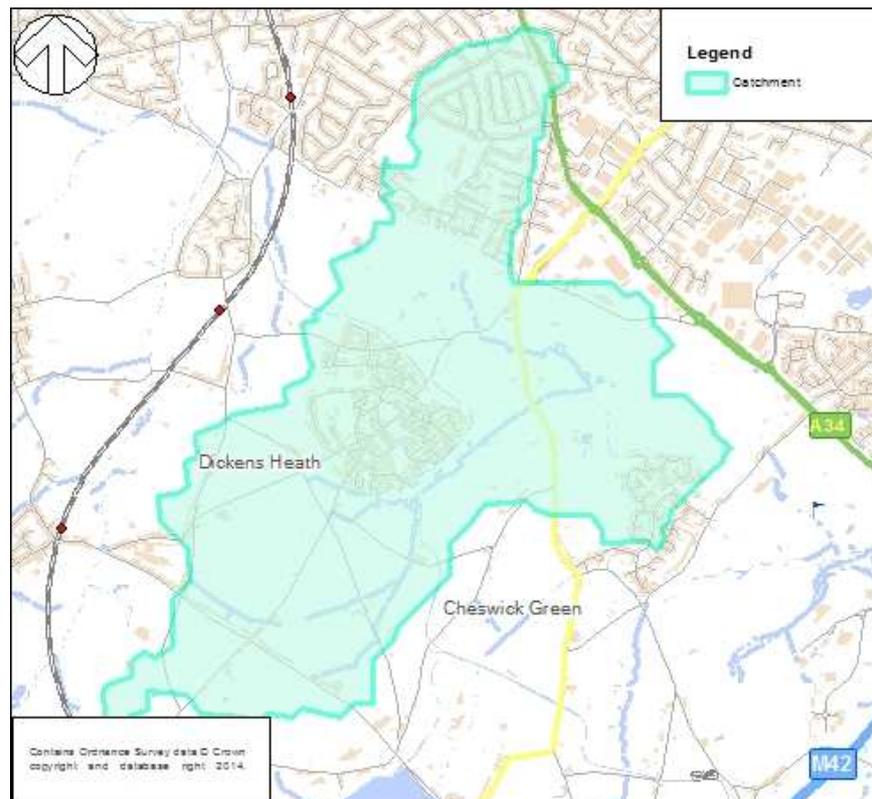
The application site is allocated in phase three of the Local Plan and should now be considered favourably for development in principle in accordance with Local Plan Policy P5. The addition of this site (and the two others which were refused permission on grounds of phasing in January 2014) raises housing land supply to 4,507, this will be sufficient to demonstrate five years housing land supply once Use Class C2 housing provision and planning permissions are added.

It is worth noting that the development of this site for residential development is considered acceptable in principle hence it being an allocated site in the Local Plan. The key question has been at what point in time it should be developed. With the material change in circumstances relating to housing land supply, the phasing of Policy 5 is now triggered such that there is no housing supply policy reason to prevent the development taking place now.

It is therefore considered that this reason for refusal has been overcome.

Drainage & Flooding (previous reason for refusal no. 2)

The site falls within the Mount Brook catchment which extends from Shirley Heath (in the north), to Tidbury Green in the west, through to the confluence with the River Blyth south of Cheswick Green (the catchment is shown below). This catchment is considered to be very sensitive to flooding with residents in both Dickens Heath and Cheswick Green having experienced flooding in the recent past. Following the flooding in Cheswick Green the Environment Agency commissioned a study to better understand the flood mechanisms and events for events of differing magnitudes.



Mount Brook Catchment Extents

With this in mind, it was deemed necessary to consider the potential implications of the sites coming forward for development within the catchment using a joint approach to ensure that betterment on the existing situation can be achieved.

For the sites within Dickens Heath Solihull MBC's Flood Risk Consultants developed a hydraulic model for the baseline scenario and calibrated this using the historical data available (residents comments, Environment Agency gauged rainfall data and photographs). This model was then utilised by the applicants to develop their fluvial mitigation options and test them against the baseline scenario, ensuring betterment can be achieved, prior to Solihull MBC reviewing the submitted model to ensure best practice modelling and that there would be no adverse cumulative impact of the various schemes. Whereas for the site in Cheswick Green the Environment Agency had previously developed a strategic scale model which could be adapted to assess the risks posed to and from the development. Additionally the Parish Council have undertaken their own assessment of the flooding experienced.

This model demonstrates that there are a combination of flooding mechanisms operating within Cheswick Green

- Fluvial flooding from the Mount Brook
- Fluvial flooding from the River Blythe
- Surface water flooding from rainfall which exceeds the sewer or soil infiltration capacity.

The flood risk posed by the second two mechanisms have been considered by the applicant but it needs to be considered that the River Blythe is downstream of the site and this has contributed to many of the properties within Cheswick Green flooding.

The three developments currently coming forward for determination across the catchment all providing fluvial flood attenuation measures which will have a cumulative impact, reducing flood risk at key flow constraint locations.

This application has been assessed against the requirements of the National Planning Policy Framework and Policy P11 'Water Management' of the Solihull Local Plan that requires new development to, amongst other considerations, take account of surface and ground water systems to include appropriate mitigation measures where necessary.

The review of this application has been undertaken jointly by the Environment Agency (who are responsible for assessing the main river fluvial flood regime) and Solihull MBC (who are the Local Lead Flood Authority and responsible for the ordinary watercourse fluvial flooding, surface water and groundwater flooding).

Flood Risk

The Environment Agency's (EA) Flood Map outlines that the application site is located within all three Flood Zones. The hydraulic model has been reviewed by the Environment Agency and determined to be a suitable representation of the flood regime. SMBC and the EA reviewed previous versions of the model and determined that the adopted flow estimates were too low, which resulted in the applicant undertaking further works replacing the methodology for generating the flow estimates with an alternative which gave significantly higher flows. This correlated with the return period assigned to the 2007 event.

Full calibration of the model was not possible as there is no rain gauge within the catchments and there is only a water level a gauge on the River Blythe and not the Mount Brook. This means that for any event the combined flows are known but the relative contributions and timing of the flood peaks for the individual watercourses are not known. Therefore SMBC and the EA requested that the hydraulic model was developed with both rivers peaking at the same time, which is a conservative assumption given the differences in their respective catchments. Another change requested by SMBC and the EA

included better representation of the ground levels and an assessment of the potential blockage of the Coppice Walk Bridge.

The hydraulic modelling demonstrates:

- The area for the proposed development is within Flood Zone 1 (i.e. areas which will only flood in events greater than 1: 1,000 years) as such it is sequentially acceptable
- Existing properties which are known to have flooded from the Mount Brook are within the flood plain for the return periods at which the available information suggests.
- The proposed swales are within Flood Zone 1 (i.e. areas which will only flood in events greater than 1: 1,000 years) but in some areas there is insufficient freeboard between the flood level and the ground levels. Therefore further freeboard is proposed.
- The existing area of high ground immediately upstream of the bridge on Coppice Walk influences the overland flow paths, thus restricting the flows that can be conveyed downstream
- A financial contribution towards maintenance of the ponds and SUDS features has been requested from the applicant to cover maintenance over a period of 25 years.
- Intercept drains/measures are proposed around the critical parts of the site boundary to prevent overland flows reaching the adjacent properties and/or manage the flows onto the site.
- Finished Floor Levels for the new properties will be set 150 mm above ground levels and 600 mm above the 1 in 100 year plus climate change levels.
- Providing access to the ponds for maintenance by Solihull MBC and access to the Mount Brook and Coppice Walk Bridge for maintenance by the EA.

Submitted Documents

As part of the application, a revision to the Flood Risk Assessment (FRA) has been submitted along with an addendum and accompanying hydraulic model all of which have included discussions between the officers and the applicants consultants to ensure an understanding of the proposals and Solihull MBC's comments/requirements as Local Lead Flood Authority. These comments/requirements formed the basis for the objection to the applicants prior application for this site.

The evidence submitted by the applicant that has been used in this decision is:

- Flood Risk Assessment Revision D 10/7/14

- Flood Risk Assessment Revision D Addendum 30/7/14
- BWB Letter dated 12/08/14
- Hydraulic model and associated Environment Agency Model Review

Accordingly, colleagues in drainage and in the Environment Agency have considered this application with care and conclude that the proposed development will only meet the requirements of Policy P11 and the National Planning Policy Framework if the following measures as detailed in the submitted evidence (as detailed above) are implemented and secured by way of a planning condition on any planning permission.

On this basis the Environment Agency and Council's Drainage Engineers raise no objection to the proposal subject to condition. The proposal is therefore in accordance with Policy P11 of the Solihull Local Plan and consider that the previous reason for refusal has been overcome.

Other Changes in Material Circumstances

As noted above, the Council has adopted an SPD giving advice on implementing Policy 4 of the SLP since the previous application was refused. This has particular advice on the mix of housing to be provided on a site. The guidance notes that the Council will expect developments to contribute towards addressing mismatches between housing demand and supply to help meet the Local Plan objective to address imbalances in housing supply and local demand.

The guidance sets out a stepped approach as follows:

Step 1 – Compare evidence of local housing demand of newly forming households in the housing market area by size and type with evidence of existing housing supply in the vicinity to determine the types and size of dwellings most needed. This will result in a percentage of one and two bedroom dwellings that should be provided. In the case of Cheswick Green this is 50% of dwellings needing to be one or two bedroom properties.

Step 2 – Are there any other factors which need to be taken into account which may justify a different housing mix to that identified at step 1. This could include site size; accessibility to local services & facilities (including public transport); economics of provision; and the need to achieve a successful housing development.

As this is an outline application the full and final details of the housing mix are not for determination at this stage. However it is important that this issue is taken into account as any reserved matters application is prepared & progressed – in particular at an early stage when the developer is considering the content of the detailed layout. It is therefore recommended that a condition be attached to any approval that requires any subsequent reserved

matters application to contain proposals that are in accordance with the Meeting Housing Needs SPD.

Section 106 Agreement

It had been noted in the previous committee report that if permission were to be granted then a section 106 agreement would have been necessary to achieve a number of planning objectives and provide appropriate mitigation for the development. This remains the case in relation to the resubmitted application and the recommendation below is on the basis that a S106 agreement is entered into that includes the following 'heads of terms':

- The provision of 40% of the units for affordable housing (65% as social rented and 35% as intermediate rented..
- A contribution of £764,284.16 towards secondary school education.
- A contribution of £667,393.65 towards primary school education
- A contribution of £19,039.00 towards improving the facilities at the Doctors surgery in Cheswick Green.
- The provision of £439,941.48 for maintenance of open space, way marking, natural play, street furniture and contributions towards off site play.
- A contribution of £133,500 to enhance and incentivise bus use; off site highway works to (i) provide footway access to bus stops on Tanworth Lane (ii) reduce the likelihood of additional risk accidents at the crossroad junction of Creynolds Lane/Vicarage Road/Watery Lane/Ilshaw Heath Road.
- A contribution towards maintenance of on-site Swales and pond(s) will be confirmed.

The S106 agreement is considered to include provisions which are directly related to the development, necessary to make the proposals acceptable and are fairly & reasonably related in scale and kind to the proposals. It would therefore be in accordance with the CIL regulations and paragraph 204 of the NPPF.

CONCLUSION

This is a resubmitted application following refusal of an identical scheme in January 2014. This report has considered the material change in circumstances that have occurred since that decision. All other considerations remain as set out in January and were either neutral in the planning balance or provided support for the proposals.

At that time the Council could demonstrate a five year land supply and therefore the proposals were considered premature on the basis of the phasing policy in the Local Plan. The successful challenge to the Local Plan that has occurred since then has resulted in a different housing requirement having to be used as the starting point for considering the five year land supply. This means that in order for the Council to demonstrate a five year land supply, sites from later phases of the plan are required. In these

circumstances, their development ahead of their expected phasing is in accordance with policy 5 of the Local Plan.

The previous planning application was also refused due to the inadequacy of the technical work required in order to demonstrate no harm would arise as a result of the development due to drainage/flooding issues. This technical work has now been updated and uses a robust methodology that can also be used to assess the effects of the drainage from the adjacent site. This has now concluded that the development will not have a harmful effect on drainage/flooding in the area.

It is considered that the two previous reasons for refusal have now been overcome and planning permission can be granted.

RECOMMENDATION

For the reasons outlined above it is recommended that, subject to the applicants entering into a section 106 agreement, the application be approved subject to the following condition:

(1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Site location plan (B.0294_04A); Indicative Masterplan (B.0294_05E); Gateway feature , Tanworth Lane (BMW2147/008-P5); Proposed site access arrangements BMW2147/002P4.

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) Approval of the details of (a) appearance; (b) landscaping; (c) layout; and (d) scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Pursuant to Article 3 (4) of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

(4) The development hereby permitted shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

(5) No building works relating to buildings on site shall be commenced until 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. Samples of materials in use for the bridge shall be submitted prior to its installation. 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.

(6) Before the development hereby approved is commenced details of Ordnance Datum of existing and proposed contours of the site, adjoining land and highways and finished floor levels of building/s shall be submitted to be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

To ensure a satisfactory layout and development of the site in accordance with policy P15 of the Solihull Local Plan 2013.

(7) Development shall not commence until a survey plan and report of all trees, hedgerows, large shrubs and other natural features on the land, has been submitted to and approved by 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 and P15 of the Solihull Local Plan 2013.

(8) 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 and P15 of the Solihull Local Plan 2013.

(9) 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 minimise disturbance to existing vegetation during development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

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

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

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

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

(12) 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.

To retain the character of the landscape in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

(13) No development shall take place until a final surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall follow the design principles in the outline surface water drainage strategy contained in Appendix F of submitted

FRA (prepared by BWB Consulting, ref: BMW/2147/FRA rev D, dated 10/07/14) and drawing no. BMW/2147/W05 rev P6.

The scheme shall:

- Maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins the Mount Brook.
- The surface water discharge rate shall be limited to a greenfield QBAR rate of 17/s (based upon a 4.3ha developable area) for all return periods up to the 1:00 year plus climate change critical storm event.
- SuDS should be designed to accommodate the 1 in 100 year plus climate change critical storm event.
- Allow for a continuation of surface water flows to the existing wet woodland and around the site boundary as required to intercept surface and groundwater flows.
- Ground levels shall be profiled to direct any exceedance flows away from the built development to perimeter swales.
- Include detailed design of an interception feature to the south of the wet woodland area.
- Include details of the performance of the system including the vortex control.
- Include details of the adoption/ownership including maintenance and operation of the SuDS system in perpetuity of the development.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the area of wetland woodland habitat is maintained; to provide protection to immediately adjacent property near the wet woodland from overland flood risk in accordance with Policy P11 of the Solihull Local Plan.

(14) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (prepared by BWB Consulting, ref: BMW/2147/FRA rev D, dated 10/07/14), the Flood Risk Assessment Revision D Addendum (prepared by BWB consulting, ref: SN/HL/BMW2014, dated 30/07/14) and the letter from BWB consulting (ref: SN/HL/BMW2014 *Flood Risk & Contamination Response Revision C*, dated

15/08/14) and the following mitigation measures:

1. Provision of detailed design of the flood betterment scheme to increase the volume of floodplain storage including long-term maintenance details. The fluvial storage volumes and control structures (including the engineered bund) are to be agreed with the local planning authority.
2. All development (including strategic drainage features) shall be set back from Mount Brook with an 8m easement and located outside of the 1:000 year modelled floodplain.
3. The existing raised mound shall be replaced with an engineered and appropriately engineered landscape feature to meet a minimum ground elevation level of 127.71m AOD. The final design shall be agreed with the Environment Agency.
4. A scheme to provide maintenance access to the Mount Brook, Coppice Walk culvert and the flood betterment scheme.

The mitigation measures shall be fully implemented prior to construction and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

To reduce downstream/ off-site flood risk; to prevent flooding by ensuring the satisfactory management/storage of flood waters without increasing the flood risk elsewhere; to reduce the risk of flooding to the proposed development and future occupants; to ensure safe access and egress from and to the site; to allow for maintenance and emergency access to the Mount Brook and Coppice Walk culvert. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance works in accordance with Policy P11 of the Solihull Local Plan.

(15) Finished floor levels shall be set no lower than 600m above Ordnance Datum (AOD) and 150mm above average surrounding ground level.

To reduce the risk of flooding to the proposed development and future users in accordance with Policy P11 of the Solihull Local Plan.

(16) No development shall take place until the proposed wetland areas alongside Mount Brook, attenuations areas that feed the wet woodland is constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

The scheme shall include the following features:

- biodiversity offsetting should be used to determine the extent of wet grassland restoration and/ or recreation to provide biodiversity gains within the development e.g. destroy and create or keep and restore.

- The wet grassland in the west of the site will be completely lost due to development. Consider translocation of existing wet grassland to secure habitat. This should be incorporated into swale and/or attenuation pool features and or the enhancement to the wet grassland to the east of the site, next to the Mount Brook.
- Ensure that the source of the wet woodlands water is protected through maintaining a natural filtration from the proposed attenuation area north of the wet woodland. Water from this area should not be diverted away into the swale feature east of the development in the green space area.
- The wet grassland area in the east of the site known as Cheswick Green Fields is a pLWS but has deteriorated over recent years, due to lack of management. However, it still may support a valuable local MG4 seed bank which should be saved. If possible, management of this site should be undertaken in 2014 to recover the habitats true value.
- Enhancement and restoration should consider green hay from local sites such as Dickens Heath/ Nottcut meadow.
- Restoration of the Mount Brook should include appropriate solutions to improve the habitat of the brook in line with our WFD obligations. A WFD assessment may be required. The Environment Agency will offer advice on what this may entail.

In accordance with Policy P11 and P10 of the Solihull Local Plan.

(17) No development shall take place until a scheme for the provision and management of the buffer zone alongside the watercourse which includes locally important wetland habitat of marsh grassland and wet woodland are submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any bridge crossings over the watercourse
- details demonstrating how the buffer zone will be protected during development. This is especially important due to the close nature of the River Blythe SSSI, just 120m downstream of the southern site boundary.

- details how the buffer margin including the swales and attenuation features will be managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc..
- details of any proposed planting scheme (for example, native species)

In accordance with Policy P11 and P10 of the Solihull Local Plan.

(18) No development shall take place until a method statement/construction environmental management plan that is in accordance with the approach outlined in the Planning/Environmental Statement, has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works.

Such a scheme shall include details of the following:

- The timing of the works
- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution) to the BAP priority habitats on site including the wet woodland, the Marshy Grassland, the Mount Brook and importantly the River Blythe SSSI.
- The ecological enhancements as mitigation for the loss of habitat resulting from the development
- A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
- Any necessary mitigation for protected species
- Construction methods
- Any necessary pollution protection methods
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

In accordance with Policy P10 and P11 of the Solihull Local Plan.

(19) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be implemented as approved.

In accordance with Policy P10 of the Solihull Local Plan.

(20) The development shall not commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for (i) the parking of vehicles of site operatives and visitors (ii) loading and unloading of plant and materials (iii) storage of plant and materials used in constructing the development (iv) the erection and maintenance of security hoarding including decorative displays (v) wheel washing facilities (vi) measures to control the emission of dust and dirt during construction (vii) details of Haul Routes (viii) before and after carriageway surveys of Haul Routes the extent of which to be agreed with the LPA (ix) contact details for the appointed site agent that can be contacted in the event of any problems arising during construction activities.

To ensure safe and efficient use of the highway in accordance with Policy P8 of the Solihull Local Plan.

(21) The development shall not commence until Technical Approval on the off-site highway works, site accesses arrangements and visibility splays has been granted in accordance with the scheme set out on approved drawing number BMW/2147/008 Rev P5. The technically approved scheme shall be implemented prior to any occupation of the development site.

To ensure safe and efficient use of the highway in accordance with Policy P8 of the Solihull Local Plan.

(23) The development shall not commence until a residential travel plan has been submitted to and approved by the LPA. The approved residential travel plan shall be implemented upon first occupation and include (i) resident surveys, (ii) the role of the travel plan coordinator over the life of the plan (iii) the implementation of travel plan measures over the life of the plan. The residential travel plan shall cover a period of 5 years and include financial incentives to promote sustainable modes of transport.

To ensure safe and efficient use of the highway in accordance with Policy P8 of the Solihull Local Plan.

(24) The development shall not commence until an accident reduction scheme at the junction of Creynolds Lane/Vicarage Road/Watery Lane/Illeshaw Heath Road has been submitted to and approved by the local planning authority. The scheme shall include speed reduction measures on the approach to the junction, provision of a table top hump on the junction itself

and improved signing, lining and lighting. No part of the development shall be occupied until the scheme has been completed in accordance with approved drawings.

To ensure safe and efficient use of the highway in accordance with Policy P8 of the Solihull Local Plan.

(25) Prior to the submission of any reserved matters applications for any phase of development:

- a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority.

- 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 planning authority.

In the interest of conservation of heritage assets and Policy P16 of the Solihull Local Plan.

(26) An archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

In the interest of conservation of heritage assets and Policy P16 of the Solihull Local Plan.

(27) Unless otherwise agreed with the Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

In the interest of conservation of heritage assets and Policy P16 of the Solihull Local Plan.

(28) The development hereby approved shall not be occupied until such works identified in the Geo Environmental Group Phase 1 Desk Study and Phase II Ground Investigation reference GEG-12-255/PI_PII have been completed and validated in accordance with the recommendations of the said report and a certificate of completion, signed by a competent person, is then forwarded to the Local Planning Authority.

In the interest of contamination and policy P14 of the Solihull Local Plan.

(29) No development shall take place until a landscape and ecology management plan, including medium and long term objectives (5-10 years and 20-25 years), management responsibilities and maintenance schedules for all landscape/ecological areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape and ecology management plan shall be carried out as per the approved scheme.

In the interest of nature conservation and in accordance with Policy P10 of the Solihull Local Plan.

(30) No development shall take place until the recommendations made in relation to water vole, badgers and bats set out within the Amended Ecological Appraisal prepared by FPRC Environmental Design rev A approved 10.07.14 have been carried out by an appropriately qualified individual. A certificate of completion, signed by a competent person shall then be forwarded to the Local Planning Authority.

In the interest of biodiversity and nature conservation and in accordance with Policy P10 of the Solihull Local Plan.

(31) The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in full accordance with approved details. This could be achieved in the following ways:

- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- the brightness of lights should be as low as legally possible;
- lighting should be timed to provide some dark periods;
- connections to areas important for foraging should contain unlit stretches.

In the interest of nature conservation and neighbour amenity and policies P10 and P14 of the Solihull Local Plan.

(32) No development shall take place until housing mix has been agreed in accordance with the SPD Meeting Housing Needs (Including Affordable Housing) (2014) and the development shall be implemented in accordance with the housing mix agreed.

In the interest of housing need and Policy P4 of the Solihull Local Plan.

NOTE 1: 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 8.00 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. We would 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.

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.

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 2: Under the terms of the Water Resources Act 1991, and the Midlands land drainage byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Mount Brook, a 'main river'. This includes the proposed headwall and flood alleviation works. The surface water outfall should be flapped with an emergency control e.g. penstock or non-return valve in case of failure.