

APPLICATION REFERENCE: PL/2016/00463/COU**Site Address:** 159 Solihull Road Shirley Solihull B90 3LQ

Proposal:	Change of use of amenity land to rear garden of 159 Solihull Road.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: http://publicaccess.solihull.gov.uk

Reason for Referral to Planning Committee:	The applicant is a senior officer of the Council
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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UPDATE

At the meeting of 30th March, members resolved to defer consideration of the development to allow further justification to be provided regarding the loss of open space. Policy P20 Provision for Open Space, Children's Play, Sport, Recreation and Leisure of the SLP 2013 and the Solihull Green Spaces Strategy 2006 (reviewed 2014) provide the policy context for assessing developments which potentially affect areas of open space.

Since consideration at the 30th March Committee meeting, a petition has been received with 56 signatures objecting to the application for reason that there are 'a number of conflicts with the Local Planning Authority's Local Plan'.

The application site falls within Zone 3 of the Green Spaces Strategy (Shirley East, Shirley West and Shirley South). The site is defined as Neighbourhood Green Space; however, the shrubs and hedgerow which cover the application area mean it cannot be considered as 'accessible' Natural Green Space. Moreover, the area within which the application site is located is already adequately served by green space, as the Green Spaces Strategy advises that everyone in Zone 3 Shirley East has access to an area of at least 0.2 ha of green space within 400 metres. Given its limited size of approximately 31 sq m, from a policy point of view, no objections in principle are raised to the proposal.

Furthermore, although the site is not 'accessible' space, it nevertheless remains as a natural green space. Policy P20 of the SLP seeks to retain areas of existing open space that are value for, inter alia, urban quality and visual amenity. The applicant has confirmed that no works are planned to the protected trees (TPO 205), and only minor works will be undertaken to the existing hedgerow. Given that no built development is sought, it is considered that the proposed change of use will not diminish the sites contribution to the urban quality and visual amenity of the locality.. It is noteworthy that the applicant intends to secure the land via a light 1.8m chain link fence to be set behind the existing hedgerow, the exact detail of this boundary treatment is secured at condition 3.

Having regard to the above the proposal does not conflict with the open space policies of the plan and is, specifically, compliant with Policy P20 of the adopted Solihull SLP and Green Spaces Strategy.

EXECUTIVE SUMMARY

The proposed change of use will result in an existing small area of amenity land being used as an extension to the garden area of the application property. There are no objections to the change of use in principle and it is considered that the proposal will not unduly harm the character of the site, the health and longevity of important trees or the amenities currently enjoyed by the occupiers of nearby dwellings.

KEY PLANNING ISSUES

The following key planning issues are material to the determination of this application:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the neighbouring properties, open space and protected trees
- Other issues

CONSULTATION RESPONSES

Non Statutory Consultees

The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No objections

SMBC Landscape - No objections

PUBLICITY

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

All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

A petition of 56 signatures has been received stating that there are a number of conflicts with the Local Planning Authority's Local Plan.

5 letters of objection have been received summarised as follows:

Character and appearance of the area

- Loss of amenity land;
- Impact on protected trees; and
- Loss of green space.

Other non-material planning considerations

- How has amenity land been acquired;
- The description of works is vague;
- The proposal will set a precedent; and
- Conflict of interest as the applicant being a member of the Council.

Other non-material planning considerations

How has amenity land been acquired.

PLANNING ASSESSMENT

This report considers the proposal against the relevant policies of the National Planning Policy Framework ("NPPF") 2012, the National Planning Practice Guidance and the adopted planning policies of Solihull Council. The policies of the Solihull Local Plan "SLP" 2013 that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations.

Principle of Development

Government policy set out within the NPPF advocates that there is a presumption in favour of sustainable development. The Ministerial Forward states that 'development that is sustainable should go ahead – without delay'. At Solihull MBC Policies P14 P15 and P20 of the SLP provide the framework under which proposals such as this are assessed. The principle of development for this proposal is therefore established subject to compliance with relevant development plan policy.

Impact on the character and appearance of the area

The site is located within a residential area and, accordingly, forms a welcome area of mature greenery within an otherwise predominantly developed area. Having regard to this, and the maturity and prominence of many of the trees within the wider

development, it contributes to the local distinctiveness of the area. It is therefore imperative that any proposal to develop the land would retain the character that currently prevails.

As previously noted, the proposal involves no built development as such, except for a light 1.8m chain link fence to be set behind the existing hedgerow, the exact design of which can be secured by condition.

Having regard to the above, it is not considered that the development will adversely affect the prevailing character of the wider area and will continue to contribute positively to the locality in visual terms. The proposal is therefore considered to be compliant with the aims of Policies P14 and P15 of the SLP. As such the issue of development' impact on the character of the area is considered neutral in the planning balance.

Impact on the neighbouring properties, open space and protected trees

In terms of the impact on the neighbouring properties, the site is located within an established residential area where existing residential curtilages and areas of outdoor amenity space adjoin each other and neighbouring properties. It is not considered that the use of the site for additional domestic amenity space would create any levels of unacceptable noise nuisance to the detriment of neighbouring residential amenity.

In terms of open space, it is not considered proposal conflicts with the open space policies of the plan and is, specifically, compliant with Policy P20 of the of the SLP.

With regard to protected trees adjacent to the site (TPO 205, Group 1), the proposal would not adversely affect the health or longevity of these trees and, as such, is compliant with Policies P14 and P15 of the SLP.

As such the issue of the development's impact on the neighbouring properties, open space and protected trees is considered neutral in the planning balance.

Other non-material planning considerations

Concerns have been raised over the sale of land, however, it is important to note that land ownership issues are a civil matter and are not a material planning consideration. The applicant signed Certificate B on the planning application form confirming they have served notice on the land owner.

CONCLUSION

The proposed change of use will result in an existing small area of amenity land being used as an extension to the garden area of the application property. There are no objections to the change of use in principle and it is considered that the proposal will not unduly harm the character of the site, the health and longevity of important trees or the amenities currently enjoyed by the occupiers of nearby dwellings. The proposal is therefore compliant with Policies P14, P15 and P20 of the SLP.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions:

1. Compliance with approved plans – CS00
2. Statutory time limit - CS05
3. Details of fencing – CL10

Informative: REO2