

APPLICATION REFERENCE: PL/2019/02006/PPOL**Site Address:** 83 Lawnswood Avenue Shirley Solihull B90 3QW

| | |
|---------------------------|---|
| Proposal: | Outline application to include access for the part demolition of No. 83 and erection of up to 5 dormer bungalows on land to the rear of Nos. 83, 81 and 79 Lawnswood Avenue. |
| Web link to Plans: | Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/ |

| | |
|---|--|
| Reason for Referral to Planning Committee: | The application has been called into Committee by Councillor Karen Grinsell and Cllr Mark Parker . |
|---|--|

| | |
|------------------------|---------------------------------------|
| Recommendation: | APPROVAL SUBJECT TO CONDITIONS |
|------------------------|---------------------------------------|

EXECUTIVE SUMMARY

This application seeks outline consent for the part demolition of No. 83 Lawnswood Avenue and the erection of up to 5 dormer bungalows on land to the rear of nos, 83, 81 and 79 Lawnswood Avenue. The application is for outline planning permission with all matters reserved except for access. All other matters would be determined at the submission of reserved matters stage and therefore this application is looking solely at whether the principle of development of this parcel of land for up to 5 dwellings is acceptable and whether the access arrangement would result in highway safety issues.

The application follows on from a previous full planning application at the site PL/2017/01491/PPFL which was sought the addition of 4 bungalows. This scheme was refused for the following highways related reason:

The access arrangements due to the length and narrow width of the access and insufficient waiting space for vehicles off the highway would likely to lead to vehicles having to wait partly on the footway/highway whilst trying to enter the development which would affect the safety and free-flow of highway users. Furthermore there would be a potential conflict between vehicles and pedestrians using the access drive. This is not considered to be in the interests of highway safety and efficiency and contrary to Policies P7 and P8 of the Solihull Local Plan and the paragraph 32 of the NPPF.

The proposed development would be located on part of the site currently occupied by no.83 Lawnswood Avenue and the associated garden land. The site is situated in an established residential area and would help to meet an identified need for small dwellings in an accessible location within the Borough. Whilst layout and scale are reserved it is considered that the site would be capable of accommodating 5 dormer bungalows, subject to design and layout, and would not be harmful to the character, appearance and local distinctiveness of the area. Furthermore it is considered that the proposal can be designed to ensure that it will not be materially harmful to the amenities currently enjoyed by the occupiers of neighbouring dwellings.

It is considered that the scheme overcomes the previous reason for refusal on the application site with regards to highways and having regards to the other material considerations, subject to the imposition of suitable conditions, it is not envisaged that the proposal would have a harmful impact upon trees or protected species.

The proposal is therefore recommended for approval.

MAIN ISSUES

The main issues in this application are the effects of the development:

- Whether the proposal provides an appropriate residential use in accordance with relevant planning policy and planning history of the application site;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties; and
- The effect of the proposal on highway safety and whether the previous reason for refusal has been adequately overcome

Other Material Considerations

- Landscaping
- Ecology
- Drainage
- CIL contribution

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

None received

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

SMBC Drainage - No objection subject to conditions

SMBC Ecology - objection

SMBC Highways – No objections subject to conditions

SMBC Landscape - No objections subject to conditions

SMBC Urban Design - Objection

PUBLICITY

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

28 responses were received including 3 representations from the Ward Councillors, as well as a petition with 53 signatures was received. Out of the 28 responses 15 were objecting to the proposal and 13 were in support. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Objections

Amenity

- Overlooking and loss of privacy.

Design

- Over intensive development; and
- Garden grabbing.

Highways

- Traffic and noise from additional cars;
- Bin collection point will reduce pedestrian access;
- Shared surface not considered safe;
- Poor visibility of proposed site entrance;
- No room for vehicles to pass each other;
- Highway safety issues already exist during school drop off times; and
- Not considered to be an accessible location.

Landscape

- Loss of trees; and
- Loss of wildlife.

Drainage

- Concerns over drainage and potential flooding from additional development.

Other issues

- No lighting arrangements shown on plans;
- Concerns have dimensions for plots will change;
- Pollution from idle cars;
- Noise and disturbance during build;
- Noise and disturbance from additional residents;
- Concerns over stability of no 83 once demolition of extension has taken place; and
- If other properties require scaffolding there would not be space to erect this.

Support

- Would provide for much needed bungalow's in the Borough;
- Bungalows traditionally result in lower car ownership/usage;
- Development would be less intrusive than some house extensions in the area;
- Considered to be a good use of under-utilised garden land;
- Impact on highway safety and vehicle numbers will be a small increase; and
- Parents should have responsibility for parking, and for their own children's safety.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2019, the National Planning Practice Guidance.

Whether the proposal provides an appropriate residential use in accordance with relevant planning policy and planning history of the application site;

Policy P5 of the Solihull Local Plan (SLP) supports new housing on unidentified sites in accessible locations where they contribute towards meeting identified housing needs and towards enhancing local character and distinctiveness. Policy P7 of the SLP gives accessibility criteria in relation to local circumstances. These policies are consistent with the NPPF and thus carry significant weight.

The site lies within an accessible location within approximately 1 mile from Shirley Town Centre and close to frequent bus services. Therefore the principle of the redevelopment of this site for residential purposes is supported in this accessible location and carries weight in the planning balance. Policy P7 is considered in detail later in the report.

Paragraph 11 of the NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 4.64 years (as of 1st April 2019) and therefore the tilted balance is engaged. This shortfall is considered to be limited on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be limited this can have a bearing on the weight attached to the tilted balance.

Paragraph 70 of the NPPF details where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This latter point is laid out in the local plan detailed below.

The effect of the proposal on the character and appearance of the area;

The NPPF is underpinned by a presumption in favour of sustainable development. Although it aims to boost significantly the supply of housing, great importance is attached to the design of the built environment. It advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy P15 of the Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances the local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment. Further, developments will be expected to contribute to or create a sense of place.

The Council's New Housing in Context SPD notes that each street has particular characteristics and rather than one single generic character, there are a number of key characteristics which have been identified as being the most essential elements

contributing to the character or local distinctiveness of a street or residential area. These may include, plot width, plot format, plot access, building format.

Concern has been raised that the use of this land, including garden land for this new residential development will cause harm to the character and distinctiveness of the local area and harm amenity and privacy to neighbours and highway safety.

In relation to this, the NPPF does exclude urban private residential garden land as previously developed land (Annex 2), and the NPPF also advises that '*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*'. (Para 70). At the local level, the SLP – section 5.5.2 details '*protecting the environmental quality and attractiveness of the mature suburbs, including garden areas where these contribute to character*'. However, these policies do not preclude the development of urban garden land altogether, provided it can be demonstrated that there would be no harm to the local area or, if harm is identified, this can be mitigated. Throughout England and including the Solihull Borough, there are now many examples of built residential developments on urban garden land, providing new residential properties, to help meet an identified need for additional dwellings in accessible, sustainable locations within urban areas.

Therefore within this policy context, the principle of this proposed residential development on garden land can be policy compliant especially if planning conditions can be used to mitigate any identifiable harm to the local area.

It is noted that the development would be of a higher density to that of the frontage dwellings along Lawnswood Avenue, but it would sit adjacent to a cul-de-sac development on Freasley Close and the density would be akin to this and would follow the characteristics of this development in terms of plot format. The submission of details at reserved matters stage would ensure that the proposal would preserve and enhance the character of the area in accordance with P15 and P5 of the Solihull local Plan through design and efficient use of land for housing, and therefore the application proposal is not, in principle, at odds with Challenge C – Sustaining the Attractiveness of the Borough of the Solihull Local Plan (SLP).

SMBC Urban Design have commented on the scheme and raised an objection on the following basis:

- The proposal fails to meet the provisions of Local Plan Policy P15;
- The indicative layout for 5 units appears squeezed onto the site;
- The proposal will require the removal of mature vegetation and create a break in the building line;
- The proposal does not seek to respond to the prevailing urban form of semi detached properties with on plot parking and mature gardens;
- The access is narrow and does not allow for a footpath to give either of the properties that flank the access territory or opportunities for the addition of windows to provide natural surveillance of the access road;
- There would be limited views of the development from the primary frontage along a narrow access road therefore the development is likely to feel isolated rather than integrated.

Having regard to the above summarised reasons SMBC Urban Designers consider that the proposal will neither preserve nor enhance local character or distinctiveness.

It should however be noted that the application is outline at this stage and the layout and detailed design is a matter to be dealt with at reserved matters stage and therefore this could be overcome at that time. Furthermore the application is a resubmission of a previous submission which was not refused on character grounds. The introduction of a new access would provide a discrete opening in the street scene which opens into a scheme of development that has the space to provide a sense of place subject of course to an acceptable layout which would be assessed at reserved matters stage. Given the low scale of a dormer bungalow, the site area provides satisfactory territory for such dwellings to be accommodated without appearing squeezed into the site, whilst meeting standards of amenity as discussed below. In terms of any potential 'isolation' of the proposal relative to the existing streetscene, detailed design would require a suitable end vista is created and the layout of development would enable a sense of place to be created, thus avoiding any concern for isolation. Moreover, in order to facilitate access to the rear of the site, the existing two storey flat roof side extension would be demolished. It is considered that this would represent an enhancement to the streetscene as a result of the existing side extension appearing as an incongruous addition to the main dwelling therefore in compliance with Policy P5, and this carries significant weight in the planning balance.

Therefore, given the context of the immediate surrounding area, the proposed development would represent a suitable and natural continuation of similar built form found to the south of the site. The proposal would comply with Policy P15 of the Solihull Local Plan and this carries significant weight in the planning balance

In summary, the principle of redevelopment of the site, the removal of an incongruous and poorly designed side extension and net increase in five additional dwellings in this location would be in keeping with the character and plot formation of the area, having regard to the local distinctiveness. Furthermore, in terms of development, it should be noted that the proposal is not significantly different to the previous planning refusal on the site, which was not refused on the grounds of P5 or P15.

The proposal accords with Policy P15 and P5 of the Local Plan and carries significant weight in the planning balance.

The effect of the proposal on the living conditions of the occupiers of neighbouring properties;

Policy P14 of the SLP seeks to protect the amenity of existing and potential occupiers of houses when considering new developments. Careful consideration must be made to amenity of both existing neighbours, as well as future occupiers of the proposed new dwellings. The policy is considered to be in compliance with the NPPF and thus carries significant weight in the planning balance.

The proposal would introduce 5 new dwellings into the rear of the application site and therefore the impact on the neighbouring properties requires careful assessment

in relation to the opportunities for overlooking, overshadowing or the creation of an overbearing impact.

Concerns have been raised by nearby residents with regards to potential overlooking to their properties and garden, as well the development having an overbearing impact in terms of loss of light.

As previously set out, this application is outline with all matters reserved except for access and therefore at this time the scale and layout of the dwellings is not to be determined. However, an indicative layout plan has been submitted and on the request of Officer's a cross section of the site has been provided which demonstrates the relationship of the proposal to its surroundings. It is considered that 5 new dormer bungalows could reasonably be accommodated within the rear of the site in a manner that would achieve sufficient separation between the proposed and existing dwellings. Furthermore the indicative layout plan and cross section evidences that dwellings can be positioned to avoid loss of light through overshadowing and by virtue of the dormer bungalow character and would not result in an over bearing impact.

The existing dwellings on Lawnswood Avenue would have sufficient rear garden space retained at 11.5m to 15m depth to avoid the new dwellings appearing too close to existing dwellings and avoid having an over bearing impact. Furthermore the new dwellings would be afforded sufficient garden depth to avoid being overbearing to the new development and the existing development on Freasley Close and Moorlands Drive. The shortest garden depth would be to plot 5 which would be 7.5m at the shortest point, extending to 9.7m. The separation to the nearest dwelling to the rear of plot 5 at 140 Moorlands Drive would be 19m. The separation between the plot 1-3 to Nos. 16 to 19 inclusive at Freasley Close which are themselves bungalows, would be approximately 14m, benefitting from 7.0m rear gardens. This relationship (bungalow to dormer bungalow) is considered acceptable given that the Freasley Close properties are low rise bungalows without any accommodation in the roof. The proposed dormer bungalows therefore have sufficient territory within their plot and subject to detailed design at the reserved matters stage, any overlooking between properties will be avoided.

In summary it is considered that the site would be able to accommodate 5 dormer bungalows in a formation that would not have an unreasonable impact on the amenities of the neighbouring amenities in terms of loss of light, privacy or overbearing impact and thus the development would accord with Policy P14 in this regard. This carries neutral weight in the assessment and determination of this application.

The effect of the proposal on highway safety and whether the previous reason for refusal has been adequately overcome

Policy P7 of the SLP, interalia, seeks to ensure that new development is focused in the most accessible locations and promotes ease of access. When looking at housing development, this Policy sets out criteria of walking distances that new development should seek to achieve and comments on distances from primary schools; doctor's surgeries and food shops as well as distances from bus stops and

railway stations. The intention is that development should be easily accessible and linked to existing amenity facilities that are capable of being arrived at on foot.

| | Policy P7 distance requirement | Local Authority Calculation of distance |
|----------------|--------------------------------|---|
| Bus Stop | 400m | 150m |
| Rail Station | 800m | 2600m (Solihull Train Station) |
| Food Store | 800m | 900m (Sharmans Cross Local parade of shops) |
| Primary School | 800m | 1100m (Sharmans Cross Junior School) |
| GP Surgery | 800m | 1000m |

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) “unless justified by local circumstance”. It is recognised that the development falls outside the ideal distances that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within the existing mature suburbs of Solihull and enjoys a location which is close to both Shirley and Solihull Town Centres. There is no material difference in walking times to facilities from this application site when compared to neighbouring homes at Lawnswood Avenue and its surrounds. For this reason the spirit of Policy P7 is met and as such the application proposal is considered in accordance with Policy P7. Neutral weight should be added to the planning balance.

Policy P8 (Managing Demand for Travel and Reducing Congestion) of the Local Plan states that, ‘All development proposals should have regard to transport efficiency and highway safety [and] development will not be permitted which results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any users of the highway or other transport network.’

The previous application PL/2017/01491/PPFL was refused for the following highways related reason:

The access arrangements due to the length and narrow width of the access and insufficient waiting space for vehicles off the highway would likely to lead to vehicles having to wait partly on the footway/highway whilst trying to enter the development which would affect the safety and free-flow of highway users. Furthermore there would be a potential conflict between vehicles and pedestrians using the access drive. This is not considered to be in the interests of highway safety and efficiency and contrary to Policies P7 and P8 of the Solihull Local Plan and the paragraph 32 of the NPPF.

The Council’s Highway Engineers have reviewed the submitted information and have advised that Drawing Number 00993.D03.A (Proposed Access) illustrates that the proposed vehicular access will measure 5m wide for a distance of 7.5m, as measured from the back of the public highway footway. Drawing Number P1405/101A within the updated Transport Statement demonstrates that two large vehicles (4 wheel drive cars) can pass each other within the vehicular access. The Highway Authority is satisfied that sufficient space shall be provided within the

vehicular access for two vehicles to pass each other so as not to obstruct the public highway.

The access road is proposed to be a shared surface however, a designated 1.2m wide footway shall be provided. The footway will be raised by 25mm above the access road level, so it will give priority to pedestrians but can also be used by vehicles if necessary (i.e. if two vehicles meet at the access onto the highway). The Highway Authority recommends that the footway is surfaced with a different colour material to the access road, to further enhance the separation between access road and footway. The provision of the footway within the application site will improve accessibility for pedestrians, and provide a direct connection from the application site to the existing public highway footway, thus is in compliance with Policy P8 of the Solihull Local Plan.

The Highway Authority acknowledges that vehicle and pedestrian flows will be relatively low along the access road due to the scale of development proposed. The potential for conflict between vehicles and pedestrians will likely be low. There is a good level of inter-visibility along the access road, so a vehicle accessing the application site will have good visibility of a vehicle egressing from the site and vice versa. The Highway Authority is satisfied that the development proposals will not have a detrimental impact on public highway safety.

A bin store has been proposed along the access road within 20m of the public highway. The provision of the bin store will negate the need for the refuse vehicle to enter the application site. At the point where the bin store is located, the width of the access road reduces to approximately 3.2m wide, when excluding the use of the footway. The width available is considered to be wide enough for a vehicle to travel along.

Taking account of the thorough and robust assessment of the submitted information, the Highway Authority is satisfied that the revised drawings and additional information submitted address the concerns previously raised by the Highway Authority and overcomes the previous reasons for refusal, subject to the inclusion of suitably worded conditions. Therefore the development is considered to be in accordance with Policy P7 and Policy P8 of the SLP (2013) moderate weight should be attributed to this in the decision making process.

Other Material considerations

- Landscape

Policy P10 of the SLP recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands.

In respect of trees on and around the development site, the Council's Landscape Architects have considered the submission and advise that the proposals are largely the same in terms of effects on landscape features on-site as the previous application. Tree removal proposed is for C category or U category trees and there is limited effect on the off-site tree group.

It is considered that there may be issues with overshadowing from trees to the rear garden of plot 5 however as this application is outline with layout not to be determined at this stage, this could be reviewed during the submission of reserved matters which would enable this to be reviewed in more detail.

The reserved matters application will need to provide the required arboricultural information and a realistic set of proposals to determine the appropriateness of retaining trees on site, and proposing suitable replacements.

The Council's Landscape Architects raise no objection to the proposal subject to submission of details at reserved matters stage and suitable conditions.

The proposal is therefore compliant with Policies P10 and P14 of the SLP and neutral weight should therefore be attached to this material consideration

- Ecology

Policy P10 of the Solihull Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight.

The Council's Ecologists have commented on the application and is concerned that a submission of a preliminary Ecological Appraisal has not been made due to the potential for of bat roosts within the existing two storey flat roof extension to no.83 Lawnswood Avenue.

Given the outline nature of the application with appearance and landscaping reserved for later determination, if the application were to be approved, a reserved matters application would be required prior to any work commencing on the site. Consequently, it is considered the presence of protected species could be fully assessed as part of any reserved matters planning application and appropriate mitigation secured in accordance with advice in the NPPF.

In light of the outline nature of the application and the fact that the British Standard BS 42020:2013 Biodiversity Code of Practice for planning and development allows for the use of planning conditions where there is exceptional circumstances, it is considered acceptable to condition the application should it be approved, as suggested at condition 16.

- Drainage

Policy P11 of the Solihull Local Plan relates to water management and states that the Council recognises the need for water efficiency in all new development, and that all new development shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so.

The Council's Drainage Engineers acknowledge that no details in relation to drainage of the proposed scheme have been submitted and therefore it is considered reasonable to condition the submission of further details of a scheme to

manage the surface water runoff from the development. Subject to the imposition of such conditions the proposal would secure the satisfactory drainage of the site in accordance with Policies P11 and P15 of the Solihull Local Plan. Neutral weight should therefore be attached to this material consideration.

- Affordable Housing

The NPPF requires affordable housing provision for major development only, where major development is defined as 10 or more houses or where the application site has an area of 0.5ha or above. The threshold is not met by this planning application and therefore affordable housing is not applicable.

- Other issues

Objections have raised concern regarding noise during construction. It is considered that this would be dealt with under separation legislation with regards to noise and disturbance, but also that it would be reasonable to condition a construction method statement to deal with this.

CIL contribution

As the application is for outline permission at this stage the development would not be liable for CIL. The chargeable area would be determined at reserved matters stage.

Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

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

property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

The proposed development would be located on a site currently occupied by existing garden land, accessed via the demolition of an existing, incongruous side extension, and formation of the new access way. The site is in an established accessible residential area, and would help to meet an identified need for small dwellings in an accessible location within the Borough. Whilst layout and scale are reserved it is considered that the site would be capable of accommodating up to 5 dormer bungalows, subject to design and layout, and would not be harmful to the character, appearance and local distinctiveness of the area. Furthermore it is considered that the proposal can be designed to ensure that it will not be materially harmful to the amenities currently enjoyed by the occupiers of neighbouring dwellings. The principle for development as set out in Policy P5 is met and positively responds to policy P7 relating to accessibility and ease of access.

Importantly, the design of the proposed access road has altered since the earlier refusal on highway grounds in 2017 ref PL/2017/01491/PPFL. The access can now accommodate 2 vehicles side by side at its entrance and includes a pedestrian footway through provision of a shared service.

Having regard to the other material considerations which includes the lack of 5 year housing supply within Solihull borough which therefore triggers the titled balance in decision making and subject to the imposition of suitable conditions, it is not envisaged that the proposal will have a harmful impact upon trees of significance, and protected species. It is considered that the previous reason for refusal on this application site has been overcome and therefore there is no harmful impact on or public/highway safety. The proposal is therefore recommended for approval.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – Compliance with all plans
 2. CS01 – Submission of reserved matters (appearance, scale, layout and landscaping)
 3. CS03 – Details within 3 years
 4. CS04 – Commencement within 3 years (reserved matters)
 5. CS06 – Materials to be submitted
6. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

7. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

8. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

9. The development shall not be occupied until the access for vehicles has been constructed and laid out in general accordance with Drawing Number 00993.D03.A (Proposed Access) and to the standard specification of the Highway Authority.

10. The access to 83 Lawnswood Avenue shall not be used until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

11. The access to 83 Lawnswood Avenue shall not be used in connection with the development until it has been surfaced with a bound material for its entirety, as measured from the near edge of the public highway carriageway.

12. The accesses to the sites shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

13. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distance of 39 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

14. CH13 – access and mud prevention measures

15. CL033 – barrier around trees to be retained

16. No development shall commence unless and until a preliminary ecological appraisal of the site that includes investigating the potential for bats within the flat roofed extension to be demolished at 83 Lawnswood Avenue, as well as any trees that would be affected by the development, has been submitted to and approved in writing by the Local Planning Authority. The appraisal shall identify, if necessary, any mitigation measures required to make the development acceptable, and any such measures shall be implemented in accordance with the details so approved.

In accordance with Policy P10 of the Solihull Local Plan.