

APPLICATION REFERENCE: PL/2022/00877/PPRM**Site Address:** Plot 4 West The Green Shirley Solihull B90 4LA

Proposal:	Reserved matters consent sought for the development of 109 dwellings within the outline site required by condition No. 3 relating to the reserved matters of layout, appearance and landscaping pursuant to planning permission reference PL/2021/03201/PPOL.
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 proposal in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity.
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Recommendation: APPROVAL SUBJECT TO CONDITIONS**EXECUTIVE SUMMARY**

This application relates to land at Plot 4 West, The Green, Stratford Road, Shirley. In March 2022 consent was granted for an outline application for the development of up to 110(C3) residential units with all matters reserved except for access and scale.

As the outline application granted planning permission for the construction of up to 110 units on the site, it is not the principle of residential development that lies at the heart of this application. Rather it is the acceptability, or otherwise, of the reserved matters in terms of layout, appearance and landscaping now put forward for consideration for this parcel of land and compliance with the necessary conditions set out within the approval.

Following discussions with the applicant and the submission of amended plans, it is considered that the submitted proposals are acceptable in terms providing an acceptable layout in terms of impact on neighbouring amenity, landscape, ecology, drainage, urban design and highways.

The proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for the above reasons that the application should be approved.

MAIN ISSUES

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

- Background; and
- Whether or not the proposed appearance, landscape and layout are acceptable having regard to the development plan policies and any other material considerations.

- Other material considerations
 - Highway matters;
 - Housing mix and affordable housing;
 - Living conditions;
 - Drainage;
 - Ecology;
 - Climate Change;
 - Contaminated Land and Noise
 - Planning Conditions;
 - Developer contributions and infrastructure provision;
 - Public sector equality duty;
 - Human rights

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

LLFA & Drainage – No objections subject to conditions

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

SMBC Affordable housing – No objection

SMBC Ecology - No objection subject to conditions

SMBC Highways – No objection subject to conditions

SMBC Landscape - No objection subject to conditions

SMBC Public Protection – No objection subject to conditions

SMBC Urban Design – No objection subject to conditions

PUBLICITY

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

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

Design/Overdevelopment

- Development of flats will be too high compared to residential two storey homes

Amenity

- Loss of privacy and overlooking to properties on opposite side of Stratford Road
- Development is out of character with the visual look of the area

Other issues

- Development is overcrowded and will lead to massive traffic generation
- Noise from constant building works and associated health issues and air pollution
- Loss of trees and green space

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.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2021, the National Planning Practice Guidance.

Background and Relevant Planning History

This application follows on from the previously approved outline application for the development of up to 110 (C3) residential dwellings with all matters reserved apart from access and scale (Reference PL/2021/03201/PPOL). Prior to the application the land had been granted consent for a hybrid development (2018/02731) over the wider site, with this parcel of land being allocated for car dealerships. During the assessment of the recent outline it was noted that the change to residential marked a move away from the 2018 approval for car dealerships, but the switch to a residential use was deemed a positive and policy compliant move given the current demand for housing.

As previously set out above, outline planning permission for the construction of up to 110 dwellings on this site has already been granted, so it is not the principle of residential development that lies at the heart of this application. Rather it is the acceptability or otherwise of the reserved matters relating to the layout, appearance and landscaping now put forward for consideration.

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 3.60 years (as of 1st April 2021) and therefore the tilted balance is engaged. This shortfall is considered to be substantial on a scale

of marginal-limited-modest-substantial-severe. As the shortfall is considered to be substantial this should be given significant weight.

The principle of development is therefore supported and this carries significant weight in support of the proposal in the planning balance; particular given the lack of a five year housing land supply and the requirements of Paragraph 11 of the NNPF.

Whether or not the proposed appearance, landscape and layout are acceptable having regard to the development plan policies and any other material considerations

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. Developments will be expected to create a sense of place. Policy P15 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. Policies P10 and P14 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

At determination of the outline application, only access and scale were defined. This left layout, appearance and landscaping to be reviewed under the reserved matters. In order to determine that the access and scale were acceptable plans were submitted in the form of an indicative layout, which showed the fixed access point into the site and then a parameters plan to show the maximum height of development throughout the site. In terms of these plans, it is considered the fixed access point is as approved, and the maximum heights allowed under the parameters plan have not been exceeded, and therefore the development is in compliance with these elements of the outline approved.

With regards to other outstanding matters, the proposal put forward under this application demonstrates the following key features:-

- Layout

Throughout the lifetime of the application, the layout of the development has been altered to provide an improved highway and movement framework for pedestrians and cyclists. Configuration of property types have also been amended to support legibility and movement through the site. In addition to this, relocating certain house types within the site has ensured better regard to other residential developments at the site perimeter is made (where these dwellings are currently under construction), which will therefore ensure that a comprehensive streetscene and place making is achieved.

In keeping with the spirit of information submitted with the outline the design of the scheme has sought to maximise development on the site whilst still retaining good pedestrian routes through the site to link from the housing development to the south and Stratford Road to the north providing a good movement framework and linkages from the south to the north of the site.

The layout provides for external bin storage within the rear gardens of individual properties and car parking has been designed to be easily accessible. Where possible car parking is set alongside the dwelling in order to avoid large areas of hardstanding whilst increasing landscaping opportunities.

- Scale

It is considered that the scale of development pays due regard to the approved parameters plan, and associated conditions. The proposed frontage apartments facing Stratford Road would be 13.7m in height, while the parameters plan allowed for up to 16.75m in height and therefore these apartment buildings are in compliance with that document. The housing to the rear/south of the apartments would reduce in height, again in accordance with the parameters plan and would offer a transition towards the previously approved phases to the south of the site.

SMBC Urban Design have reviewed the layout and house types and note that specific housing typologies have been applied where required throughout the site to ensure that it relates well to the wider site and previously approved phases in order to ensure consistency in design throughout the development of The Green as a whole, whilst still respecting the need for this parcel of the site to have its own character. The houses to the rear of the apartments vary in height with a maximum of 2 storeys (with loft accommodation), again in accordance with the approved parameters plan.

It is considered that the proposed scale of the dwellings under this phase is in keeping with the vision set out for this area.

- Appearance

The proposed development incorporates a variety of types of housing, including 4 detached blocks of apartments, terraces, semi-detached and detached dwellings.

The application has been revised following discussions with the developer. Whilst there are still a number of cul-de-sacs, some have been removed from the original layout plan and streets have been extended. This has improved the movement framework from the original submission. The footpath network along the Stratford Road has also been improved and now serves the apartments along this primary frontage. Parking spaces now also have a better relationship with the properties they serve and garden sizes have increased.

The development has been designed, where possible, to include active frontages providing natural surveillance over open spaces and movement routes through the site. Where surveillance is lower than in other areas, or it looks out onto boundary treatments it is considered that additional landscaping can be included in order to

soften the appearance of the area and also ensure the creation of character streets, and that this landscaping can be reasonably secured via condition.

Clarity is sought over some boundary treatments as there are inconsistencies between the submitted materials plan and boundary treatments plans, and therefore it is considered this can also be conditioned to secure the final satisfactory details.

A plan has been submitted which sets out the proposed materials to be used, which are broadly accepted. However it is noted that a separate condition is included to ensure final details of materials prior to construction to ensure they reflect the character of The Green as a whole.

SMBC Urban Design is satisfied with the house types and the location of the various designs throughout the scheme, with the exception of the rendered Whitebeam house type. It is considered that this can be conditioned to be substituted for the brick Whitebeam house type to create a more cohesive streetscene in those locations. The overall architectural approach to this parcel of The Green allows it to have its own identity, as with previous sub-phases which were all developed to have their own character areas.

Throughout the lifetime of the application amendments have been made to the design of the apartments which would front Stratford Road. These have been altered to remove the angled roof detail from some blocks and replace with a more traditional flat central element which is in-keeping with other large blocks adjacent to the site. In addition to this, the ground floor elements have been altered to increase visual interest, and provide a more focal entrance feature, and the inclusion of cladding/screening to the front of the undercroft parking areas. It is considered that the final treatment to this screening should be secured via condition to ensure the correct use of materials and detailing, but there is no objection to the principle of screening this car parking area.

It is considered that amendments to the elevational treatment of the properties and the layout have been designed in accordance with the overall design ethos for The Green. Therefore, the layout, scale and design of this proposal responds to its local context and accords with Policy P15 of the Local Plan and this is given neutral weight in the planning balance.

- Landscaping

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.

As set out above, the development of The Green as a whole has been subject to previous hybrid and reserved matters applications and this final parcel of residential land has come about as a result of a switch from its previous allocation for car dealerships to residential. The landscape, open space and play provision for the wider site has been informed by the layout and scale of the proposed development whilst seeking to achieve the maximum number of units on site, and the same approach has been taken for this final parcel referred to as Plot 4 West.

At the time of approval of the outline permission for this site to be developed for residential purposes, there was an associated S106 agreement which set out provision for public open space within the site and included a clause to secure financial mitigation towards planting elsewhere within the Borough in the instance that the POS cannot be provided on site.

Due to the size of the site and the number of units granted consent under the outline approval it is noted that to provide the entirety of public open space within the development would not be feasible due to site constraints and the need to maximise the number of units on the site. Therefore, a financial contribution is to be made in accordance with the S106 agreement.

The development would provide 4373 sqm of public open space throughout the site and would therefore result in a shortfall of 2777sqm. In accordance with the S106 agreement a payment of £69,425 (based on £25.00 per sqm) is required to be paid and the applicant has committed to this payment to secure off site enhancements within the Borough.

The public open space which is being provided within the site includes footpath links which connect with existing footpaths to the south of the site (subject to a Grampian condition to secure the off-site link), and also a new footpath running to the east of the site which would have play equipment located alongside it to offer informal play areas for children. Throughout the lifetime of the application discussions have taken place with the developer to ensure that these footpaths which run through areas of open space are offering the best user experience in terms of location, the route through to the north of the site/Stratford Road. It is considered that the revised links are in accordance with the vision for The Green as a whole in terms of connectivity and landscape features.

In addition to the public open space requirements it is important to ensure that the hard and soft landscaping throughout the site is of a high quality and it is noted that the outline permission included a condition to secure submission of details of hard and soft landscaping. Compliance with this condition is necessary to ensure the correct species, planting sizes etc are used, and that the correct hard landscaping materials are used to ensure a cohesive approach to The Green as a whole.

In summary, the Councils Landscape Architect has considered the plans and documents submitted in support of the application and concluded that the proposal accords with Policies P10, P14, P15 and P20 of the development plan and key approved plans and documents which provide the framework for the design of reserved matters applications at The Green. This should be afforded neutral weight in the planning balance.

Other Material Considerations

- Highways

The NPPF indicates that developments should only be prevented if a safe and suitable access to the site cannot be achieved.

Policy P8 of the Solihull Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The development proposals seek reserved matters approval for the development of 109 dwellings within plot 4 west of The Green, pursuant to planning approval PL/2021/03201/PPOL. At the time of granting consent for the outline approval the highway engineer reviewed information in relation to associated traffic impact and access arrangements and these were deemed to be acceptable at that time. Therefore under this application it falls to the highway engineer to assess the layout of the scheme, and associated matters such as the internal layout, parking provision and waste collection.

At the time of approval for the Outline application the highways officer noted that the site should be: *'Designed in accordance with the National Design guide National Model Design Code, and the Council's Developers Design and Adoption Guide.'* and: *'The site layout should be designed to have a design speed of 20mph. A design speed of 20mph should be achieved through the provision of horizontal speed control measures (i.e. speed control bends, chicanes, etc.) at least every 60m. Vertical speed control measures will only be permitted where site constraints prevent horizontal speed control measures being implemented. The site layout should also be designed to give priority to pedestrians and cyclists, providing safe and direct links to existing footway/footpath/cycleway provisions, in accordance with the NPPF.'*

Comments on the initial proposed layout were made by the Local Highway Authority (LHA) and these highlighted concerns around servicing and pedestrian connections. Following these comments, there were further discussions and meetings between the applicant and the LHA which have resulted in an updated revised layout.

- *Updated Site Layout*

Site Layout drawing no. 2048WHB/TGS/SL01 Rev T has been submitted as part of the revised drawings, along with a Design Statement drawing 2048WHB/TGS/DS01.

As a result of the amendments there is now an improved network of pedestrian and cycle links throughout the site. The bus stops on A34 Stratford Road along with the signal-controlled crossing are likely to be significant routes for pedestrians from the site and the proposed layout now provides direct pedestrian routes to these. There is now a footway along the northwest edge of the site which connects the residents, and the wider Green site, to the nearby bus stop.

There is a foot/cycle link at the south-eastern side of the site which links between the shared footway/cycleway on Shepherds Green Road, and other phases of The Green development. It is noted that this footway links to the previously approved footway in Phase E of The Green to the south of the site, and relies on a small area of additional footway outside of the red line site for this application. It is considered that this can be secured by way of a Grampian condition to ensure this connection takes place and provides a cohesive pedestrian link through the two sites.

In addition to the above footways, there is now a footway bridge link over the existing drainage features which connects the footway between blocks B&C directly to the signal controlled crossing point.

- *Service vehicles*

Discussions on servicing requirements with the applicant identified that there are constraints such as utility easements and urban design requirements which have informed the overall layout, particularly relating to the apartment blocks. Whilst BS 5906: 2005 provides guidance and recommendations on good practice relating to refuse collection distances, these recommendations need to be considered in context with the other design constraints. Revisions from the original layout have reduced refuse drag distances for refuse for the majority of the dwellings. Whilst some of the drag distances remain beyond recommended distances, the applicant has sought to minimise distances as far as reasonably practicable, and it is noted that the BS provides good practice guidance and therefore there is scope for deviation from this where necessary. Moreover, it is important to note that the Council has published its own guidance on development and waste, and here maximum drag distances for bins to collection points are given. This proposal and its drag distances comfortably meet such guidance.

Having regard to the layout changes it is considered that sufficient off-street car parking is proposed; and suitable footpath/cycle connections are provided. Vehicle tracking drawings have also been submitted which demonstrate that a refuse vehicle and emergency service vehicle can safely manoeuvre throughout the site, including within the turning heads provided.

Having regard to the above the Highway Authority is satisfied that the proposed site layout should not have a severe impact on public highway safety, or on the operation of the local highway network. As such the development is considered to be in accordance with Policy P8 of the Solihull Local Plan and neutral weight is applied to the planning balance.

- Housing mix & Affordable housing

The Council's Housing Strategy Officer has confirmed that the affordable housing proposed for this phase is acceptable and accords with the affordable housing phasing plan and requirements of the S106 Agreement. The proposal, therefore, accords with Policy P4 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

The S106 for the site includes vacant building credit (VBC) which offsets a proposed for Affordable Housing with the following breakdown:

- 3no. affordable dwellings to be provided on the first 44 dwellings (defined as Phase 3A in the S106 agreement)
- 40% Affordable Housing to be provided on the remaining number of dwellings – 65 in this instance (defined as Phase 3B in the S106 agreement).

The result of this calculation is that the total number of Affordable Housing provided on the Site will be 29 dwellings at a tenure of 65% Social Rent and 35% Shared Ownership, resulting in 8 shared ownership and 21 Social Rent. This will be comprised of a single apartment block provided as two bedroom affordable dwellings, following consultation with Affordable Housing providers to aid in management of the tenants requirements. Further Affordable Housing is provided in small clusters around the development in appropriate locations comprising of Semi-detached and detached properties.

The full breakdown of the Affordable Housing provision is set out within the developers updated Affordable Housing Statement.

The Council's Housing Strategy Officer has confirmed that the affordable housing proposed for this phase is acceptable and accords with the affordable housing phasing plan and requirements of the S106 Agreement. The proposal, therefore, accords with Policy P4 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

- Living conditions

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses and businesses. Policy P14 of the Local Plan is consistent with policies set out in the Framework and again full weight can be attributed to this Local Plan Policy.

Throughout the lifetime of the application the layout of the scheme has been altered to relocate some house types within the site and relocate parking areas to ensure they are ideally placed close to properties to avoid any impact on neighbouring amenity.

In terms of the amenity of future residents, the proposed layout plan demonstrates that where rear gardens face onto other rear gardens, separation distances between the houses ensure that there is no unacceptable overlooking. Furthermore it is noted that in terms of garden depths they are akin to the other section of The Green in terms of plot format.

The majority of rear gardens of plots vary from 9-12m and given the proximity of dwellings to the areas of open space and play areas within the development, it is considered that the private garden provision is sufficient.

Window orientation and plot form overlooking areas of public open space have been designed to maximise natural surveillance of public areas including communal parking areas, highways and footpaths.

Where dwellings are positioned facing onto boundaries, additional soft landscaping is proposed to soften the appearance in visual terms, and separation distances are sufficient to avoid creating an enclosed environment. Where the development shares a boundary with neighbours developments, namely the existing care home to the north west, and the proposed storage development to the east, it is considered that

sufficient separation is provided to ensure that there would be no overlooking/loss of privacy or impact on either the proposed development or existing development in terms of being overbearing.

It is therefore considered that the proposal layout and relationship between the proposed new dwellings and existing dwellings and other approved developments would not have an unreasonable impact on the future occupants of these units by reason of loss of light, privacy, overlooking or overbearing impact.

The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

- Drainage

Local Plan Policy P11 of the SLP advises that new development will not normally be permitted within areas at risk of flooding. The site does not lie within a flood plain and the risk of flooding is considered to be low.

The application was submitted with a Drainage Strategy and discussions with the LLFA and developers have been ongoing, resulting in amendments being received. Having reviewed the proposed strategy with the applicant and reviewed the technical information submitted, SMBC Drainage engineers are satisfied that the strategy submitted can accommodate a scheme in line with policy P11 and subject to conditions in relation to the submission of a detailed scheme to management surface water run off, and a management and maintenance condition.

Having regards to the details submitted the proposal is therefore compliant with Policy P11 of the SLP and neutral weight should therefore be attached to this material consideration.

- Ecology

Solihull Local Plan Policy P10 seeks to protect habitats and to conserve, enhance and restore biodiversity.

The outline approval and associated S106 ensured a mechanism was in place to secure a net gain in biodiversity on site, or a financial contribution in the instance that this could not be provided on site.

A completed Biodiversity Impact Assessment has been submitted with this application which demonstrates that a net gain in biodiversity can be achieved on site, and therefore an off-site financial contribution would not be required in this instance.

In addition to the BIA, two conditions were placed on the outline application which would secure further details through submitted of a CEMP (Construction Environmental Management Plan – condition 13 on outline permission) and a LEMP (Landscape Ecological Management Plan – condition 14 on outline permission), and these would include further details of how wildlife is to be safeguarded during the

construction period and how the habitats on site are to be managed in the long term. Both of these conditions would require formal discharge by the Councils Ecologist.

Having regard to the above the proposal is considered to be in accordance with P10 of the SLP and this carries neutral weight in the planning balance.

- Contaminated Land and Noise
- Noise

A noise report has been submitted and assessed as part of this application. Noise mapping indicates that noise impacts allow for standard thermal double glazing to be used throughout.

Public Protection advised previously that they did not raise objection in principle to the submitted technical information, but that further data access was requested. Core LAmax data has now been provided. Following this, public protection confirm that apart from potential concerns / mitigation for balcony noise impacts (see below) no further objection is raised on noise grounds.

- Balconies

Balconies are proposed for this development that marginally exceed BS8233:2014 outdoor amenity noise criteria. While BS8233 does make specific provision for potential increased noise impacts to balcony areas fronting on to roads and other strategic transport network routes, it also states (with reference to balcony areas) that:

“Achieving levels of 55 dB LAeq,T or less might not be possible at the outer edge of these areas, but should be achievable in some areas of the space”.

As such Public Protection officers would recommend that, where external amenity noise criteria of 50 – 55dB(A) has been shown to be exceeded, evidence be provided by the applicant that demonstrates what specific efforts have been applied to protecting larger balcony areas (for example by screening or building design etc.) so as to achieve the lowest practicable levels of noise at those amenity spaces. It is considered that this can be secured via suitably worded condition.

A planning condition is also proposed to any approval to ensure that the noise mitigation and protection commitments contained in the submitted Mewies Engineering Consultants Ltd noise report REF: 23336-ENV-0401 Rev A for Wain Homes (West Midlands) Ltd are met.

- EV Charging

Public Protection support the inclusion of EV charging points subject to a condition to secure revised details to confirm the location of these.

- Planning conditions

It is important to note that outline planning permission has already been granted, which has a large number of planning conditions / informative notes already attached. These should therefore be read alongside the current reserved matters application, and cover many of the concerns raised (e.g. working times, noise, dust, access routes for construction traffic).

A full list of conditions is available using the following link by using planning application reference number PL/2021/03201/PPOL:
<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

Therefore, only a limited amount of additional conditions are proposed to the attached to this approval, which deal with very specific matters that emerged during the course of the consideration of the reserved matters application. These are set out in the final section of the Report.

In addition to this there is the requirement to adhere to the S106 agreement which outlined matters in relation to:

- Affordable housing
- Education Provision
- Public Open Space

- Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Matters of sustainable urban drainage are secured, a net gain in biodiversity will be achieved both on site and off site and landscaping is maximised, limiting tree loss and requiring landscape mitigation and landscape schemes more generally. Officers also note that new dwellings will be constructed to modern Building Regulation standards and will therefore have a far greater thermal efficiency than older dwellings. Whilst not yet reaching net zero, such standards will, by their very nature, help reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions.

Furthermore, it is important to note that amended Building Regulations came into effect from 15th June 2022 and are now applicable to new builds. This relates to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations. Part S (Infrastructure for the charging of electric vehicles) has also been bolstered and become a building regulation requirement. Whilst new measures will not apply to schemes which are already subject to a building notice; full plans application to Building Control; or initial notice to Building control and which commence work for each building before 15 June 2023, it is our understanding that anything subject to such Building Control applications after the 15th June 2022 will need to meet these new regulations as standard.

- CIL Contribution

The proposal would be liable for the CIL charge if planning permission is granted. This would amount to a levy of £ 762,695.88 based on the contribution rate of £91.88 per sqm for 8301 sqm for new residential dwellings in a 'Mature suburb' location.

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 as it 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 request for approval, 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. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

CONCLUSION

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'.

As a result of the housing land supply shortfall paragraph 11(d) of the Framework applies. Where the policies which are most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The outcome of this application therefore depends on whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and in terms of the schemes benefits. Significant weight is attached to the economic benefits of the development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services. Significant weight is attached to the social benefits of the development through 109 new dwellings, including 29 affordable units.

Moderate weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping produces an acceptable response to the site and its surroundings, responding acceptably to the built character of the locality. All other matters are neutral in the planning balance.

Therefore, in summary, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the application should be approved. In coming to this decision, officers have also taken into consideration all the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion, and the recommendation of 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 plans
2. CS07 – submission of materials
3. First floor windows to be installed in the flank elevations of properties shall be obscurely glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained in that condition.

To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan 2013

4. Notwithstanding the plans approved under condition 1, revised details of the Whitebeam (render) housetype shall be submitted to approved in writing by the Local Planning Authority.
To safeguard the visual amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.
5. Before proposed balcony elements to Blocks A-D (facing Northeast, East or Northwest and that front on to the Stratford Road, Shirley, Solihull, as detailed in 'Site Layout and Landscape Context Plan' Drawing No. 2048WHB/TGS/SL01) are brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority that stipulates measures that shall seek to minimise and protect balcony occupants from external noise impacts. Impacts shall be assessed in accordance with BS8233:2014 and relevant noise criteria and outcomes.

The scheme shall thereafter be used and maintained in accordance with the approved scheme.

To protect future occupants from elevated external noise levels, in accordance with policy P14 of the Solihull Local Plan 2013.

6. The development hereby approved shall include the noise mitigation and acoustic protection commitments proposed (Mewies Engineering Consultants Ltd noise report REF: 23336-ENV-0401 Rev A for Wain Homes (West Midlands) Ltd). Report REF: 23336-ENV-0401 Rev A proposes sound attenuation measures, including glazing and ventilation provision, for acoustic treatment to building envelopes, so as to provide acceptable internal noise levels. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be installed as proposed in report REF: 23336-ENV-0401 Rev A and shall thereafter be used and maintained in accordance with the approved scheme.

To protect future occupants from elevated external noise levels, in accordance with policy P14 of the Solihull Local Plan 2013.

7. No development shall take place until arrangements shall have been made to ensure the proposed footpaths tie in to land to the south of the application site in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.