

**APPLICATION REFERENCE: PL/2021/02572/MAJFDW****Site Address:** Lakeside, 32 Townshend Grove, Kingshurst, Solihull, B37 6LT

<b>Proposal:</b>	<b>Demolition of existing building and development of 28 No. dwellings including associated roads and parking.</b>
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	<b>The application relates to Council owned land/ property and there has been at least one objection on land use planning grounds.</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**The Proposal

The proposal includes the demolition of the existing building and the development of 28 dwellings comprising 20 one-bed flats, 4 two-bed dwellings and 4 one-bed maisonettes. The existing building to be demolished previously accommodated 18 one-bed flats therefore, the proposals will provide a net increase of 10 dwellings, comprising 2 additional one-bed flats, four two-bed dwellings, and four 4 one-bed maisonettes.

All 28 of the dwellings will be affordable homes. The 20 one-bed apartments and 4 one-bed maisonettes will be affordable homes for young people and be supported by and maintained by Solihull Community Housing (SCH) on behalf of the Council. An office will be provided on the ground floor of the new apartment building for an on-site support worker. The 4 two-bed dwellings are for borough wide affordable housing needs.

Vehicular and pedestrian access to the site will be via new access off Townshend Grove. The proposal would provide 18 off-street car parking spaces comprising 2 spaces per dwelling, 1 space per maisonette, and 6 visitor spaces. The proposal does not include car parking provision for the proposed apartment however, car parking was not provided for the existing flats. A secure cycle parking / storage area will be provided on the ground floor of the apartment building.

The proposal will result in the loss of two category B trees (moderate quality) and 13 category C trees (low quality). The loss of trees will be mitigated by onsite tree planting (ca. 12 to 15 trees), and offsite tree planting in Babbs Mill Park or street tree planting in the local area of up to 56 trees.

The proposal will result in the loss of ca. 870 sq. m of open space. The loss of open space will be mitigated by open space enhancements to Babbs Mill Park and Yorks Wood, such as footpath works, new seating, landscaping, natural play or other works as agreed with the local planning authority.

### Summary of Planning Balance

#### - *The Benefits*

The scheme would make a contribution to addressing the shortfall in housing land supply in the borough. Furthermore, all 28 of the dwellings will be affordable homes compared to a policy requirement of 11 dwellings. The construction phase of the development will deliver some economic benefits, and future occupants of the dwellings will also contribute to the vibrancy of the area. The application site is a windfall site which is well related to local services, sustainable modes of transport and open spaces. Improved energy efficiencies associated with the new buildings which will be constructed to current building regulations standards, and the incorporation of photovoltaics panels and air source heat pumps, would also provide some environmental benefits.

Cumulatively significant weight is afforded to the economic, social and environmental benefits of the proposal in the planning balance.

#### - *The Adverse Impacts*

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning conditions. Accordingly, for the reasons set out in this Report and subject to appropriate conditions, the proposal would accord with the relevant policies within the Local Plan and guidance in the Framework.

Neutral weight is afforded to this matter in the planning balance.

#### - *Overall Planning Balance and Conclusion*

In conclusion, for the reasons outlined in this Report, the overall planning balance is firmly in favour for the scheme and the proposal would therefore benefit from the presumption in favour of sustainable development.

### **MAIN ISSUES**

The main issues in this application are: -

- Background;

- Whether the proposal would provide an appropriate site for residential development having regard to policies in the development plan and national guidance;
- The effect of the proposal on highway safety and the free flow of the road network; and
- The effect of the proposal, by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area.
- Other Material Considerations.
  - Amenity;
  - Climate Change;
  - Drainage;
  - Ecology;
  - Affordable Housing;
  - Open Space;
  - Trees;
  - Economic benefits; and
  - Other Matters.
- Planning Balance and Conclusion.

## CONSULTATION RESPONSES

**Statutory Consultees** The following Statutory Consultee responses have been received:

Kingshurst Parish Council – No observations

Drainage and Lead Local Flood Authority – No objection subject to condition

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

SMBC Affordable Housing - No objection subject to condition

SMBC Ecology – No objection subject to condition

SMBC Highways – No objection subject to condition

SMBC Landscape – No objection subject to condition

SMBC Policy and Spatial Planning – No objection in principle

SMBC Public Health – No observations

SMBC School Place Planning Team – As only four of the proposed dwellings has more than one bedroom no contribution towards education will be required.

SMBC Urban Design - No objection

Seven Trent Water – No objection subject to condition

West Midlands Fire Service - The approval of Building Control will be required to Part B of the Building Regulations 2010.

West Midlands Police – No observations

## **COMMUNITY INVOLVEMENT**

The Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. The Council's Statement of Community Involvement (SCI) contains guidelines for developers to follow when consulting on planning applications within the boundaries of the local authority. The document states that the Council would expect developers of applications for major development to involve the wider community in the development of their proposals at a pre-application stage.

In line with the SCI and Framework a consultation exercise was undertaken to present the proposed redevelopment options to residents and stakeholders. The purpose of this consultation was to allow residents, local ward and parish councillors and other interested parties the opportunity to be involved in the proposals from the beginning.

Public consultation events were held in February and March 2021. A website was created so local residents could view the proposals and comments. An online Q&A session with local residents was also held. Feedback from the sessions and comments received on the website were considered prior to submission of this application.

Drawing matters together, the applicant has undertaken an appropriate consultation exercise in accordance with the Council's SIC and guidance in the Framework.

## **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 (1 objection and 1 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):

### Objection

- Loss of green space.
- The development will increase the population in the grove.
- Anti-social behaviour.
- Parking problems.

- More strain on the drainage system in the area.
- Lack of consultation with local community.

### Support

- The development is a good idea as the area is old and an eyesore.

## **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 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 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 13 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 Framework 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 reached in this report.

This report considers the proposal against the Local Plan, the relevant policies of the Framework, the Planning Practice Guidance (PPG).

## Background

The existing Lakeside building is a 3-storey building in Townshend Grove, Kingshurst, built in ca. 1963, and is accepted by the Council as needing redevelopment. This was approved by the Adult Social Care and Health Decision Session on 17 December 2019 where the Cabinet Member approved an option to demolish and rebuild Lakeside.

<https://eservices.solihull.gov.uk/mginternet/ieListDocuments.aspx?CId=555&MId=7635> (Item 6).

Whether the proposal would provide an appropriate site for residential development having regard to policies in the development plan and national guidance

## Development Plan

The application site is not allocated for any site-specific development in the Local Plan.

Policy P5 of the Local Plan supports new housing on unidentified sites in accessible locations where they contribute to meeting borough wide needs and towards enhancing local character and distinctiveness.

In order to find support in Policy P5, developments should; (a) be located in accessible locations; (b) contribute to meeting borough wide housing needs and (c) enhance local character and distinctiveness.

### - (a) *Accessibility*

In terms of the first test, Policy P7 of the Local Plan provides accessibility criteria in relation to local circumstances. Policy P7, amongst other things, 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 be within 800m of primary schools, doctor's surgeries, food shops and railway stations; and be within 400m of bus stops.

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 (Fordbridge Road)
Rail Station	800m	3200 (Lea Hall & Marston Green)
Food Store	800m	700m (Kingshurst Village Centre)
Primary School	800m	325m (St Anthonys RC Primary School)
GP Surgery	800m	700m (Kingshurst Medical Practice)

For the reasons set out above, Policy P7 is met, and the principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) meets the accessibility test in Policy P5.

- *(b) Contribute to meeting borough wide housing needs*

Turning to the second test, paragraph 11 of the Framework 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 Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) 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 the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would contribute to meeting borough wide housing needs and therefore meets the housing test in Policy P5. Housing is discussed in more detail later in the Report.

- *(c) Enhancing local character and distinctiveness*

Finally, considering the third test, Policy P15 of the Local Plan provides guidance on Securing Design Quality. Policy P15 of the 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.

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area is set out in the next section of this Report. Officers have concluded that the proposal would meet the relevant criteria as set out in Policy P15 of the Local Plan.

The principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would enhance local character and distinctiveness and therefore meet the test in Policy P5.

### National Policies

Paragraph 7 of the Framework confirms the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 defines the three objectives of sustainable development as economic, social and environmental.

Paragraph 9 states decisions should play an active role in guiding development towards sustainable solutions. The proposal seeks to redevelop a windfall site in a sustainable location for affordable new homes, so in this regard it would meet these objectives.

Paragraph 60 of the Framework confirms the Government's objective of significantly boosting the supply of homes. Paragraph 39 c) also promotes the benefits of using suitable windfall sites within existing settlements for homes. As the proposal would deliver affordable housing growth it would comply.

Paragraph 124 of the Framework advises that planning decisions should support development that makes efficient use of land. Paragraph 124 a) also advises this should take into account an identified need for different types of housing, while paragraph 124 e) highlights the importance of securing well-designed, attractive and healthy places. The proposal seeks to maximise the developable area of the site to address an identified housing need (i.e., affordable homes) in a manner which enhances the character and appearance of the area, so in this regard it would meet these aims.

- *Summary*

The application site is a windfall site which is well related to local services, sustainable modes of travel, and open spaces, and would contribute to meeting the borough's housing need. An assessment of the effect of the proposal on the character and appearance of the area is set out in the next section of this Report. Officers have concluded that the proposal would meet the relevant criteria as set out in Policy P5 of the Local Plan. Significant weight is attributed to the matter in the planning balance.

The effect of the proposal, by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area.

Policy P15 of the 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 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.

The application has been supported by a Design and Access Statement which provides the narrative behind the development of the proposal.

- *Layout, Scale and Massing*



In terms of layout, vehicular and pedestrian access to the site will be via new access off Townshend Grove and the site would be split by an internal estate road that would provide access to parking areas, dwellings, and apartments.

To the north of the estate road will be 4 two-bed dwellings, and to the south will be 20 one-bed apartments and 4 one-bed maisonettes. An existing pedestrian footpath between Townshend Grove and Fordbridge Road will be maintained and two links from the site to this route provided. The layout ensures that the dwellings and apartment building 'front' Townshend Grove and Fordbridge Road respectfully, thereby addressing each street and providing activity frontages and natural surveillance.

In terms of scale and massing, the table below provides a summary of the quantum of development sought and building heights.

<b>Unit</b>	<b>Eaves Height</b>	<b>Ridge Height</b>
4no. 2-bed dwellings	Ca. 5.10 m	Ca. 7.53 m
20no. 1-bed apartments	Ca. 8.35 m	Ca. 8.37 m
4no. 1-bed maisonettes	Ca. 9.53 m	Ca. 11.78 m

By way of comparison, the table below provides a summary of the 3-storey building fronting Fordbridge Road to be demolished and 2-storey dwellings on Townshend Grove.

	<b>Eaves Height</b>	<b>Ridge Height</b>
Existing 3 storey building	Ca. 8.6 m	Ca. 8.9 m
Existing 2 storey dwellings	Ca. 4.92 m	Ca. 8.26 m

The site is in a residential area which comprises predominately of 2-storey dwellings. There is a change in ground levels across the site with Townshend Grove approximately ca. 2.5 m higher than Fordbridge Road. The changes in ground level have helped inform the proposal, with the 4 no. two-storey dwellings located at the highest point of the site, adjacent to two-storey dwellings on Townshend Grove, and the taller apartment building and 4 no. one-bed maisonettes located at the lowest point of the site. The layout enables the scale and massing of the dwellings and apartment building to assimilate into the street scene whilst also creating its own identity which reflects its corner location at the junction of Townshend Grove and Fordbridge Road.

- *Appearance*

In terms of appearance, the existing building is currently vacant and consequently has a forlorn appearance and there is no vitality or activity arising from the site. This is exacerbated by the fact that doors and windows have been secured by metal frames and shutters. The building is built with two red bricks and has white window and door frames. The dwellings in the immediate area are brick built with a number of brick types evident, as is white render. Accordingly, whilst there is a degree of general continuity of building materials in the form of red brick, there is also some variation of materials.

The apartment is proposed to have a contemporary aesthetic in terms of the material treatment and elevational style. The vertical mass of the building is broken up using fenestration and architectural detailing. The main body of the building will be constructed of buff brick and fenestration will have dark grey frames. Fenestration is aligned vertically and architectural detailing such as hit and miss brick work, dark grey bricks in-between windows, and extended dark grey window frames, helps create vertical articulation. Sections of the building are also setback from the main body of the building and constructed of grey cladding as opposed to buff brick, which helps link the building to the fourth storey. The fourth storey uses grey cladding that visually detaches this level from the main mass of the building to appear more subservient. This is also emphasized by being setback from the main body of the building. The dwellings and maisonettes use the same materials palette as the apartment building, thereby ensuring continuity across the site.

- *Landscaping*

The proposal involves the removal of 15 trees, which will be mitigated for by onsite tree planting and landscaping, and offsite tree planting. Trees and landscaping are discussed in more detail in the Tree section of this Report.

- *Summary*

The site is located within an accessible location where the principle of development is supported. The proposal would not detract from the character and appearance of the area, rather the development would be a respectful addition which enhances its surroundings. The proposed buildings, whilst clearly more contemporary in appearance than immediate neighbours, would not be out of place within the area, rather they would provide a welcome addition to this site, improving its appearance and that of its immediate surroundings.

The proposal therefore accords with Policies P10, P14 and P15 of the Local Plan and guidance in the Framework. Significant weight is attributed to the matter in the planning balance.

#### The effect of the proposal on highway safety and the free flow of the road network

Policy P8 of the Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted.

Paragraph 111 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Transport Statement (TS) has been submitted in support of the application. The following text provides an assessment of the proposal and the information provided in the TS.

- *Access*

The proposal includes the creation of a new vehicular access off Townshend Grove to serve the car parking spaces allocated to the dwellings and maisonettes, and six visitor car parking spaces.

Visibility splays of 2.4m x 25m can be achieved to the left (south) of the proposed vehicular access and splays of 2.4m x 17m can be achieved to the right (north). The visibility splays that can be achieved at the proposed vehicular access would be commensurate with vehicle speeds of 20mph and 15mph respectively. The achievable visibility splay distances are considered to be acceptable due to the low vehicle flows and speeds that will likely occur along Townshend Grove.

#### - *Traffic Impact*

Chapter 4.0 (Highway Impact) of the TS provides details of the number of vehicle trips the existing and proposed uses could generate. Table 6 (Development Vehicle Trip Generation) indicates that the proposed dwellings, maisonettes and flats could generate a total of approximately 11 two-way vehicle trips during the AM peak period (08:00-09:00) and approximately 12 two-way vehicle trips during the PM peak period (17:00-18:00). This would be a net increase of approximately 6 two-way vehicle trips during the AM peak period compared to the existing flats and an increase of approximately 5 two-way vehicle trips during the PM peak period. The slight increase in vehicular trips likely to be generated by the proposal should have a negligible impact on public highway safety, or on the operation or capacity of the local highway network.

#### - *Car Parking*

The proposal includes the provision of 18 off-street car parking spaces within the application site, comprising 2 spaces per dwelling, 1 space per maisonette, and 6 visitor spaces. The proposal does not include car parking provision for the proposed flats however, it is acknowledged that car parking was not provided for the flats. Car parking for the flats was previously provided on-street along Townshend Grove and / or Fordbridge Road. The creation of two additional flats should not generate a significant increase in demand for on-street car parking to have a severe impact on public highway safety, or on the operation of the local highway network.

A secure cycle parking / storage area will be provided on the ground floor of the new apartment building.

The proposal therefore accords with Policies P7 and P8 of the Local Plan and guidance in the Framework. Neutral weight is attached to the matter in the planning balance.

### Other Material Considerations

#### Amenity

Policy P14 of the Local Plan 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.

- *Living Conditions – existing neighbours*

Numbers 19, 21, 23, 25, 27, 29, 31 & 33 Townshend Grove are located to the north of the application site, and a minimum separation distance of circa. 20 m is retained between the main front elevations of these dwellings and the proposed 4 two-bed dwellings.

Number 35 Townshend Grove and 278, 280, 284 & 286 Fordbridge Road are located to the east of the application site, and a minimum separation distance of circa. 16.3 m is retained between the main front elevations of these dwellings and the new 4 two-bed dwellings.

Number 286 Fordbridge Road is also located to the east the application site, and a minimum separation distance of circa. 16.3 m is retained between the main front elevations of these dwellings and the new 4no. two-bed dwellings. The new 4 one-bed maisonettes are located to the south-west of number 286 Fordbridge Road, and a minimum separation distance of circa. 15 m is retained between the main front elevation of this dwelling and the maisonettes.

Numbers 3, 7, 9, 11,13, 15 & 17 Townshend Grove are located to the west of the application site, and a separation distance of circa. 22 m is retained between the main front elevations of these dwellings and the flank elevations of the new 4 two-bed dwellings. A separation distance of circa. 18.5 m is retained between the main front elevations of these dwellings and the flank elevations of the new apartment building.

For the reasons given, the scheme provides appropriate separation distances between existing dwellings surrounding the application site and the new residential dwellings and apartment, thereby ensuring the scheme does not appear overbearing, result in any undue overlooking, or cause any other material harm to the amenities of local residents.

- *Living Conditions – future occupants of the development*

In terms of the amenity of future occupants of the development, the submitted plans show how the quantum of development proposed can be accommodated on site to provide an appropriate level of amenity space for future residents. Private gardens are provided to the rear of the 4 two-bed dwellings which are a minimum of circa. 30 sq. m. in size. While these gardens are small, officers consider them to be acceptable given the quantum of residential development each space will serve. No private amenity space is provided for the 20 no. one-bed apartments or 4 no. one-bed maisonettes however, these units will be located a short walk from Babbs Mill Park, which will allow future residents easy access to areas of public open space.

- *Summary*

Drawing matters together, based on the submitted plans and documentation, and subject to conditions, officers are satisfied that the quantum of development

proposed can be accommodated on the site in a manner which ensures the amenities of existing residents living around the perimeter of the application site, and future residents of the development is protected. The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework and neutral weight is attached to the matter in the planning balance.

### 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 and biodiversity and landscape mitigation is achieved. 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. Significant weight is attributed to these benefits.

Furthermore, it is important to note that amended Building Regulations came into effect from 15th June 2022 and are 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) are also 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 15 June 2022 will need to meet these new regulations as standard. An informative is added to the recommended decision to alert the applicant to this.

### Drainage

Policy P11 of the Local Plan explains that all new developments shall incorporate sustainable drainage systems unless it is shown to be impractical to do so.

Paragraph 167 of the Framework advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

In terms of the impact of the proposal on local drainage conditions, Environment Agency mapping confirms that the application site is in Flood Zone 1 (very low risk of flooding from rivers) and is also at a 'low risk' of surface water flooding. Notwithstanding the Environment Agency's low risk categorisation, the impact of the proposal on local drainage conditions requires careful consideration.

The application has been supported by a Flood Risk Assessment (FRA). The Drainage and Lead Local Flood Authority's Drainage Engineers have reviewed the FRA and are satisfied that the proposal would not give rise to flood risk or drainage issues, and this can be secured by means of a condition (Condition 7).

The proposal therefore accords with Policy P11 of the Local Plan and guidance in the Framework. Neutral weight is therefore attached to the matter in the planning balance.

### Ecology

Policies P10 and P15 of the Local Plan require that proposals conserve and enhance biodiversity and promote green infrastructure.

Paragraphs 179 and 180 of the Framework also seek to promote and enhance biodiversity.

In terms of protected species, the application has been accompanied by a Bat Activity Surveys Report and the Council's Ecologist has confirmed no further work or planning conditions are required.

With regard to biodiversity, the application has been accompanied by a Biodiversity Impact Assessment (BIA) which shows that there will be a small loss of 0.14 biodiversity units. The Council's Ecologist considers the loss of biodiversity can be mitigated by on-site enhancements such as bat and nesting bird boxes and landscaping. This can be secured by means of a condition (Condition 9) and will ensure that the scheme delivers biodiversity net gain in accordance with policy.

The proposal therefore accords with Policy P10 of the Local Plan and guidance in the Framework. Limited positive weight is therefore attributed to the matter in the planning balance.

### Affordable Housing

Paragraph 64 of the Framework advises that, in most cases, the provision of affordable housing should only be sought for major residential development. The proposal is classified as a major residential development. Policy P4 a) of the Local Plan advises that contributions will be expected to be made in the form of 40% affordable dwelling units on each development site.

All 28 of the dwellings will be affordable homes. The 20 one-bed apartments and 4 one-bed maisonettes will be affordable homes for young people and be supported by and maintained by SCH on behalf of the Council. It is proposed these dwellings will be provided as social rented dwellings. An office will be provided on the ground floor of the new apartment building for an on-site support worker. The 4 two-bed dwellings are for borough wide affordable housing needs. It is proposed these dwellings will be provided as social rent, affordable rent or shared ownership. The 100% affordable housing provision across the site can be secured by means of a condition (Condition 8).

The proposal therefore significantly exceeds the requirements of Policy P4 a) of the Local Plan through the provision of 100% affordable housing. Significant weight is therefore attributed to the matter in the planning balance.

### Open Space

Policy P20 a) of the Local Plan and Paragraph 99 of the Framework highlight the importance of retaining existing open space unless certain criteria are met.

The proposal will result in the loss of ca. 870 sq m of open space.

Paragraph 99 of the Framework advises that existing open space should not be built on unless (a) an assessment has been undertaken which has clearly shown the open space to be surplus to requirements, or (b) the loss resulting from the proposal would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

In terms of point (a), there is no evidence to suggest that the open space is surplus to requirements. Turning to point (b), whether the open space would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location. To mitigate for the loss of open space, the proposal includes open space enhancements to Babbs Mill Park and Yorks Wood such as footpath works, new seating, landscaping, natural play or other works as agreed with the local planning authority to a value of £21,750. Babb's Mill Park and Yorks Wood are within walking distance of the application site, so officers consider these areas to be 'suitable locations' for the identified enhancements. This can be secured by means of a condition (Condition 14).

The proposal therefore accords with criteria b) in paragraph 99 of the Framework and Policy P20 a) of the Local Plan. Neutral weight is attributed to the matter in the planning balance.

### Trees

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

Paragraph 174 of the Framework confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- *Tree Loss*

The proposal involves the removal of 15 individual trees. Whilst the loss of the trees is regrettable, it should be noted that apart from the loss of two moderate quality trees (category B), the trees which are to be removed are low quality (category C). The removal of the trees is required to make efficient use of land and deliver the comprehensive redevelopment of the site.

- *Replacement Trees*

The proposal has been accompanied by a Site Layout Plan which shows illustrative landscaping and tree planting within the site. To mitigate for the loss of trees, the proposal seeks to provide replacement tree planting and new hedgerows to create green edges which wrap around the site. The approach offers a variety of planting, with planting concentrated adjacent to Fordbridge Road (which is the Green Belt boundary) beyond which is Babbs Mill Park, thereby helping to create a transition between the urban and natural environment. The proposal seeks to provide ca. 12 to 15 new trees on site. The exact quantum of tree planting across the site will be informed by the detailed hard and soft landscape design. This can be secured by means of conditions (Condition 11 & 12).

Notwithstanding onsite replacement tree planting, offsite mitigation is also required for loss of existing trees on the site. Offsite mitigation is proposed in the form of tree planting in Babbs Mill Park or street tree planting in the local area of up to 56 trees. This can be secured by means of a condition (Condition 13).

- *Tree Protection*

Officers recognise that the scale of the proposal will undoubtedly have an impact on the natural environment during the construction phase, and it is therefore important that trees and vegetation scheduled for retention are suitably protected during the construction phase. This can be secured by means of a condition (Condition 10).

- *Future Management*

Onsite trees and landscaping will be maintained by SCH on behalf of the Council, and offsite trees will be maintained by Parks and Forestry or the Highway Authority. There is therefore no need for a landscape maintenance condition.

- *Summary*

The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of a site and an area is an important part of any proposal. The loss of trees is unfortunate, but necessary to make efficient use of the site and deliver a comprehensive redevelopment. The illustrative landscaping scheme shows onsite tree planting and landscaping. Offsite tree planting is also proposed. Officers



consider the proposed tree planting and landscaping to be sufficient to mitigate for the loss of existing trees on the site.

The proposal therefore accords with Policies P10 and P14 of the Local Plan and guidance in the Framework. Limited positive weight is therefore attributed to the matter in the planning balance.

### Economic Benefits

The proposal would support a number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify that number jobs created, the proposal would support a significant number of trades that would be involved in the construction process. This matter would be of significant benefit to the local economy. Further, the future occupiers of the dwellings would increase local spend in the area at local shops and other services. In summary, there would economic benefits during construction and from the expenditure of future residents through their occupation of the new dwellings. Thus, having regard to the guidance in the Framework significant weight to the economic benefits should be attributed to the matter in the planning balance.

### Other Matters

Concern have been raised regarding the potential for antisocial behaviour as a result of the proposal. The local planning authority has no evidence to suggest that this would be the case. Moreover, the site will be managed and maintained by SCH on behalf of the Council.

Concerns have also been raised regarding public consultation. As outlined early in this Report, the applicant undertook a consultation exercise prior to the submission of the application, and the application was advertised in accordance with the relevant legislation, with 39 individual neighbour letters posted, a site noticed posted onsite, and a press notice placed in the local newspaper

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12 April 2016, after which point it became operational on 4 July 2016. The application site is in the North Solihull Charging Area. When the CIL charging schedule was ratified by the Planning Inspectorate it was agreed that North Solihull would be exempt from CIL payments.

### 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, which 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 approve 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.

### Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise.

The Framework is an important material consideration. It advises that housing applications should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date Development Plan (as in Solihull) means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. This is often referred to as the 'tilted balance'.

The outcome of this application therefore depends on:

- Whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and
- Whether the overall planning balance would be in favour or against the scheme.

#### - *The Benefits*

The scheme would make a contribution to addressing the shortfall in housing land supply in the borough. Furthermore, all 28 of the dwellings will be affordable homes compared to a policy requirement of 11 dwellings. The construction phase of the development will deliver some economic benefits, and future occupants of the dwellings will also contribute to the vibrancy of the area. The application site is a windfall site which is well related to local services, sustainable modes of transport and open spaces. Improved energy efficiencies associated with the new buildings which will be constructed to current building regulations standards, and the incorporation of photovoltaic panels and air source heat pumps, would also provide some environmental benefits.

Cumulatively significant weight is afforded to the economic, social and environmental benefits of the proposal in the planning balance.

- *The Adverse Impacts*

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning conditions. Accordingly, for the reasons set out in this Report and subject to appropriate conditions, the proposal would accord with the relevant policies within the Local Plan and guidance in the Framework.

Neutral weight is afforded to this matter in the planning balance.

- *Overall Planning Balance and Conclusion*

In conclusion, for the reasons outlined in this Report, the overall planning balance is firmly in favour for the scheme and the proposal would therefore benefit from the presumption in favour of sustainable development.

In coming to this recommendation, officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

## **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>

### General

1. CS00 – compliance with plans
2. CS05 – commencement with 3 years
3. CS06 – materials to be submitted

### Highways

4. The development shall not be occupied until the access for vehicles has been laid out in general accordance with Drawing Number 100-107 (00)016H (Proposed Site Layout) and constructed to the standard specification of the Local Highway Authority.

In the interests of road safety and amenity to accord with Policy P8 of the Solihull Local Plan 2013.

(Note: This condition requires works to be carried out within the limits of the public highway. Before commencing such works, the applicant / developer must enter into a Section 184 Agreement. Applications should be made to the Highway Infrastructure Team and can be contacted at [duljit.madhar@solihull.gov.uk](mailto:duljit.madhar@solihull.gov.uk) or 0121 704 6487.)

5. The development shall not be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of:

- (a) Residential surveys.
- (b) The role of the Travel Plan coordinator over the life of the plan.
- (c) Modal shift targets.
- (d) The implementation of Travel Plan measures over a period of five years and incentives to promote sustainable modes of transport.

To encourage the use of sustainable modes of transport in accordance with Policy P7 and P8 of the Solihull Local Plan 2013

6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

In the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

#### Drainage

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

#### Housing

8. The development hereby approved shall be developed as a 100% affordable housing scheme with all dwellings provided as affordable housing, defined as social rent, affordable rent and shared ownership only.

To ensure appropriate provision of affordable housing is provided on site in accordance with Policy P4a of the Solihull Local Plan 2013.

#### Ecology

9. The development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local

Planning Authority. The scheme should include details of timings, specifications for integrated bat and bird boxes and native, fruit bearing or nectar-bearing tree and shrub species planting.

Reason: In accordance with NPPF, ODPM Circular 06/2005.

## Landscape

### 10. Arboricultural Method Statement

Prior to commencement an Arboricultural Method Statement shall be submitted to ensure that all site operations will be carried out with minimal risk of adverse impact upon trees that are to be retained. The arboricultural method statement should also include a list of contact

details for the relevant parties. This scheme will be appropriate to the scale and duration of the works and may include details of:

- a. removal of existing structures and hard surfacing.
- b. installation of temporary ground protection
- c. excavations and the requirement for specialized trenchless techniques
- d. installation of new hard surfacing – materials, design constraints and implications for levels
- e. specialist foundations – installation techniques and effect on finished floor levels and overall height
- f. retaining structures to facilitate changes in ground levels
- g. preparatory works for new landscaping
- h. auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

To safeguard existing trees and vegetation during development works in accordance with Policy P10, P14 and P15 of the Solihull Local Plan 2013.

11. CL04 – Soft Landscaping details to be submitted
12. CL06 – Implementation of soft landscaping scheme

## Tree Mitigation

13. The development hereby approved shall not be occupied until a scheme ('the scheme') for tree planting in Babbs Mill Park or street tree planting in the local area of up to 56 trees, and a strategy to deliver the scheme ('the strategy'), has been submitted to and approved by the local planning authority. The scheme shall provide up to £25,364.08 of tree planting and maintenance. The scheme shall then be carried out in accordance with the strategy unless otherwise agreed in writing with the local planning authority.

Reason: To mitigate for the loss of trees in accordance with Policies P10 of the Solihull Local Plan.

## Open Space

14. The development hereby approved shall not be occupied until a scheme ('the scheme') for open space enhancements to Babbs Mill Park and Yorks Wood such as footpath works, new seating, landscaping, natural play or other works as agreed with the local planning authority, and a strategy to deliver the scheme ('the strategy'), has been submitted to and approved by the local planning authority. The scheme shall provide up to £21,750 of open space enhancements. The scheme shall then be carried out in accordance with the strategy unless otherwise agreed in writing with the local planning authority.

Reason: To mitigate for the loss of open space in accordance with Policies P20 of the Solihull Local Plan and Paragraph 99 of the Framework.

#### Informative Notes

1. Climate Change Informative
2. Noise During Construction
3. Burning or Refuse on Demolition and Construction Sites
4. Street Naming and Numbering/New Developments