

APPLICATION REFERENCE: PL/2022/01289/MINFDW**Site Address:** 21A Meadow Drive Hampton In Arden Solihull B92 0BD

Proposal:	Demolition of existing bungalow and construction of new two storey dwelling.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The application has given rise to a significant amount of public opposition (9 objections).
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This application seeks planning permission for the demolition of an existing bungalow and the erection of a new detached dwelling providing accommodation over two floors in its place. The principle of this residential development is policy compliant, in an established residential area, and in an accessible location within the Borough.

This report demonstrates that in assessing this proposal, there would be no demonstrable adverse impacts (harm) regarding impact upon character and local distinctiveness of the area, neighbour amenity, highways, ecology, landscape and drainage.

The design respects the local distinctiveness of the area, and the proposal therefore accords with Policies P5, P7, P8, P10, P11, P14 and P15 of the SLP, and Policy ENV 1, HOU2 and objective 4 of the Hampton in Arden Neighbourhood Plan (HIANP).

The proposal, as demonstrated by the content of this report, is deemed acceptable in all other respects and no material harm has been identified that outweighs the benefits of the scheme. The proposal should therefore be approved, subject to conditions.

MAIN ISSUES

The main issues in this application are: -

- Principle of development
- The effect of the development on the appearance of street scene and character and local distinctiveness of the local area;
- The effect of the proposal on the living conditions of the occupiers of Neighbouring properties; and
- The effect of the proposal on highway safety and the free flow of the road.

Other Material Considerations

- Ecology;
- Landscape;
- Drainage;
- Climate Change;
- CIL and Affordable Housing;
- Planning balance and conclusions.

CONSULTATION RESPONSES

Statutory Consultees

- Network Rail – No Objection as follows: *‘with reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which MUST be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.’* Should permission be granted an advisory note to this effect is proposed.
- Parish Council – No objection, but suggest that restrictions relating to potential nuisance during construction be imposed during the development phase.

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

- SMBC Drainage - No objection subject to advisory note
- Severn Trent Water - No Objection with advisory note
- SMBC Ecology- No objection subject to conditions
- SMBC Landscape- No Objection subject to conditions
- SMBC Highways - 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.

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

9 letters of objection (including from Cllr. Bob Sleight) have been received from neighbouring resident addresses with the following concerns;

Councillor Bob Sleight has objected as follows:

‘As Ward councillor I have been contacted by a resident of 11 Station Road Hampton in Arden. The householder is concerned particularly during the construction period that the rear access of Station Road will be used by construction vehicles to deliver and remove materials and that the builders will use Station Road, which is unadopted, to park vehicles. If permission is granted could there be a condition that Station Road is not the access to the site.’

The remaining 8 objections are summarised as follows:

Policy

- There is no justification to this development, it is simply replacing one property with another;
- It does not assist with any form of housing shortage and just appears to be a development driven by potential monetary gain. This is demonstrated by the fact that a previous application (which involved erecting a new dwelling whilst keeping the existing one) was rejected.

Highway and Parking Matters

- Station Road is not a public Road, it is owned by Network Rail who need access to it for all times in case of railway maintenance and emergencies;
- Access for development should be via Meadow drive, not Station Road;
- Vehicle access is limited and will not support the additional use by contractors;
- The concerned property has pedestrian access only from Station Road and strict monitoring would have to be in place to ensure that the contractors abide by the conditions if permission is granted;
- The position of the property is going to cause significant parking and access issues to the Meadow Court car park which is next door to the development. Meadow Court only has 6 parking spaces for 9 flats, which already makes parking a challenge.
- All residents of Station Road are guaranteed continued pedestrian and vehicular access 24/7;
- Construction work must comply strictly with Solihull Council's noise limitation

standards;

- The railway often uses this area for parking of vehicles whilst day and night works are being carried out. This has the potential to cause conflict between any additional property and workmen.

Ecology and Landscape

- There are concerns about the landscape and trees in terms of wildlife;
- There has already been a significant reduction in trees in the immediate vicinity of the property in recent times due to the works that Network Rail have undertaken. This has meant less places for wildlife to live/use and loss of more trees would only make matters worse and waste efforts to help the likes of birds.

Character and Appearance

- The top storey of the property will look into my bedroom which is a loss of my privacy;
- There is potential for there to be some loss of light.

Residential Amenity

- Potential loss of amenity;
- Regarding the relationship with the neighbouring house, the proposal represents poor design of this house regarding more potential for overlooking, loss of privacy, loss of amenity, loss of light and will be built too close to the common boundary and with potential for noise and dust during construction.

Other Matters

- Demolition and the subsequent property build will be noisy and disturbing;
- The likely dust and so forth from demolition and the new build will also mean that I will need to keep my windows shut;
- No attempt is made to widen the pedestrian gate in the boundary wall where the 21a rear garden adjoins Station Road; in perpetuity;
- Effective measures are taken to control dust during construction and in line with current regulations;
- Any asbestos products are removed by a licensed contractor, via Meadow Drive;
- Following any completion that domestic waste be collected via Meadow Drive; in perpetuity;

RELEVANT PLANNING HISTORY

- PL/2022/01402/MINFDW - Construction of two storey dwelling and detached garage. **To be determined at planning committee on 1/2/23 at the same**

time as this application. Officer recommendation of approval subject to conditions.

- PL/2021/02677/PIP -Erect new dwelling in existing garden. **Withdrawn 28/4/2022 as legislation provision not applicable to garden land.**
- PL/2004/02994/OL- Outline application for one additional dwelling **Withdrawn 03.11.2009**

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.

MAIN ISSUES

Whether the proposal provides an appropriate residential use in accordance with relevant planning policy

The National Planning Policy Framework sets out the Government's planning guidance for England and is underpinned by a presumption in favour of sustainable development. Although it aims to boost significantly the supply of housing, great importance is attached to the design of the built environment. It advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

P14 Amenity seeks to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development. Measures are listed as part of achieving these which prospective developers should acknowledge.

Policy P15 'Securing Design Quality' of the Local Plan states that all development will be expected to achieve good quality, inclusive and sustainable design, which meets 7 key principles including conserve and enhance local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment and ensures that new development achieves the highest possible standard of environmental performance through sustainable design and construction and the location and layout of the development in accordance with the guidance provided.

The Council has also adopted Supplementary Planning Guidance contained within 'New Housing in Context'. This provides greater clarity regarding what constitutes suitable development. The document indicates that all new development in existing residential areas will be required to respect, maintain or enhance local distinctiveness and character. The guidance identifies a number of key characteristics and common elements that lead to local distinctiveness and character, all of which should be taken into account in the determination of the applications, these include plot format, building line build up, building set back, plot access, building format, key dimensions etc.

At present, the Council is unable to demonstrate a five year supply of housing and there is a drive at national level to 'boost significantly' the supply of housing.

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. Policy P5 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to

this Local Plan Policy. 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 seek to achieve and comments on distances from primary schools; doctor’s surgeries and food shops as well as distances from bus stops and railway stations. The intention is that development should be easily accessible and linked to existing amenity facilities that are capable of being arrived at on foot. Policy P7 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 P7 distance requirement	Local Authority calculation of distance
Bus stop	400m	300m
Rail station	800m	300m
Food store	800m	850m
Primary School	800m	850m George Fentham Endowed School
GP surgery	800m	750m

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) “unless justified by local circumstance”. It is recognised that the development falls only just outside some of the ideal distances that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within an existing residential settlement, which is well served by a rail station and also bus services into Solihull and surrounding districts. As such, the application proposal is considered to accord with spirit of Policy P7.

For the reasons set out above, the spirit of 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.

Turning to the second test, 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.

Policy P5 of the Solihull Local Plan (SLP) supports new housing on unidentified sites in accessible locations where they contribute towards meeting identified housing needs and towards enhancing local character and distinctiveness. The proposal seeks to erect a replacement dwelling thus contributing towards housing need. Issues of character and design are considered in greater depth later on in this 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 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.

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design 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 Policies P5 and P15.

The principle of further 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.

- Summary

For the reasons set out above, the principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) is compliant with Policy P5 of the Local Plan.

This should be accorded significant weight in the planning balance.

The effect of the development on the appearance of the street scene and character and local distinctiveness of the local area

Policy P15 of the SLP is a wide-ranging design policy that sets out the relevant guidelines by which development proposals will be assessed. Amongst other things, it states that all development proposals will be expected to achieve good

quality, inclusive and sustainable design. The policy is consistent with the NPPF and thus carries significant weight.

To supplement the above policies the Council's Housing in Context SPG aims to maintain and enhance the local distinctiveness, character and quality of Solihull's residential areas, encouraging the most efficient use of land, whilst complementing surroundings. It identifies a number of key characteristics and common elements that lead to local distinctiveness and character that should be taken into account in the determination of applications. The guidance also highlights other considerations in assessing applications for residential development, such as impact on amenity, car- parking standards, and access to the site and other relevant planning considerations whilst recognising that its methodology does not require proposals to be a copy or pastiche of existing styles & development. Furthermore, development not in harmony with its context will exceptionally be allowed but only where it is of outstanding individual quality and where it is appropriately located.

Objective 4 and Policies HOU1 and HOU2 of the Hampton In Arden Neighbourhood Plan (HIANP) are applicable to this application which detail;

- Objective 4: Ensure the provision of affordable family homes, affordable homes for single people and retirement homes and bungalows for the growing elderly should a need be identified through a careful, controlled and balanced development of housing on approved sites which meet the needs of the local community.
- Policy HOU1 – New Housing Developments: Where suitable sites are identified residential development will be supported where it comprises one or a combination of the following types:
 - 1/ Affordable housing for residential or shared ownership some of which may be for those with local connection in accordance with the Solihull MBC Housing Allocation Scheme and to meet the needs of first-time buyers and small families (as defined in Meeting Housing Needs SPD)
 - 2/ Smaller properties suitable for those seeking to downsize and
 - 3/ Properties suitable for the elderly, located close to key facilities and designed to current national recommendations.
- Policy HOU2 – Design: All new developments will have regard to the Hampton-in -Arden Village Design Statement and where appropriate, the Conservation Area Appraisal. New Development in the Parish should:
 - 1/ Be within the Inset Area noting that any Rural Exemption Sites will be outside the Inset Area.
 - 2/ Respect for the existing settlement pattern and retain the character of the village including maintenance and extension of footpath links.
 - 3/ Maintain overall balance and provision for all sections of the community with appropriate density of land use.
 - 4/ Protect and enhance existing open space and greens within the village.
 - 5/ Ensure that new development achieves the highest possible standards

of environmental performance through sustainable design construction including Secure by design.

6/ Retain or enhance the streetscene and avoid development to the rear of existing properties which adversely affect them.

With regard to the neighbours concerns that the replacement dwelling would represent poor design, the proposed footprint would be approximately the same as the existing bungalow, increased from approximately 104 to 112 square metres, maintaining at least a 1 metre gap along the common side boundary with number 21 and built the same height as the neighbouring detached house at number 21 at approximately 7.3 metres tall. The replacement dwelling would be built projecting approximately 3 metres further to the rear than the existing bungalow but would still be setback approximately 2 metres behind the rear elevation of the neighbouring house at number 21. The proposed footprint would line through with the frontage and side elevations of the existing bungalow.

A rear garden depth of at least 13 metres would be retained on the plot and would be of a comparable depth to the other neighbouring gardens between numbers 11 to 21 Meadow Drive.

The dwelling would be built of brick and tiles with a front facing gable, maintaining the character and appearance of the street frontage along Meadow Drive which contains other similar detached front and side gabled houses of similar age, designs, scale and appearance.

Given the above analysis, the proposed new replacement dwelling would be built to an acceptable design, scale, appearance and would not be squeezed into the existing plot or appear as overdevelopment or contrived. A sense of place would be maintained in this residential area and the overall character and local distinctiveness of Hampton-in Arden would be enhanced making efficient use of this urban land while allowing for a good quality design by introducing a cohesive development compliant with the objectives and detailed requirements of P5, P15 of the SLP, policy HOU1, HOU2 and objective 4 of the HIANP and guidance contained in the NPPF.

Limited weight should be attributed to this in the planning balance.

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

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

With regard to neighbour concerns regarding potential loss of privacy, potential overlooking, potential and loss of light, the proposed replacement dwelling would comply with the Councils 45 degree guidance when measured from the closest rear and front facing habitable room windows of the neighbour at number 21, given that

the replacement dwelling rear two elevation will be built set back approximately 2 metres behind that of the neighbour at number 21.

Planning conditions can ensure no additional openings are made in the elevations without further approval and that side facing first floor windows are obscure glazed and non opening.

The proposed replacement dwelling in this application would if approved be built in proximity the new additional dwelling at number 21A in planning application PL/2022/01402/MINFDW - *Construction of two storey dwelling and detached garage*, also being determined at planning committee on 1/2/23 at the same time as this application, and to be built on garden land to the side and rear at number 21A in a sub-divided plot.

Regarding the additional bulk and mass from both of these new houses, the relationship between these two new dwellings would be acceptable, given the resulting separation distances and garden depths of between 5.5 and 12 metres in the new adjacent garden as detailed in application PL/2022/01402/MINFDW. This would ensure the relationship between these 2 new dwellings would not be considered to be overbearing or result in loss of privacy or amenity between future occupiers of these two dwellings.

Regarding neighbour concerns regarding potential dust and noise from construction work, an advisory note – ‘Noise During Construction’ as detailed at the end of this report can ensure the applicant conforms with public protection legislation.

In summary, it is considered that the proposed development is appropriately proportioned and sited so as not to have an adverse effect on the living condition of the occupants of the replacement dwelling, neighbouring properties or the proposed replacement dwelling in application PL/2022/01402/MINFDW detailed above.

In this regard, the development would accord with Policy P14 of the SLP, and neutral weight should therefore be attached to this material consideration.

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

With regard to neighbour concerns regarding highway safety access arrangements, parking and the construction phase, the SMBC Highway Officer has no objection detailing;

‘The application form notes that the proposals involve no changes to existing access arrangements which are currently taken from Meadow Drive. The site layout plan submitted (drawing no. 1569-02) shows that the access is to remain as per existing and that there is sufficient parking proposed on site. Therefore, it is unlikely that the proposed replacement dwelling will result in a highway safety concern.

It is noted that temporary construction activities would require careful consideration due to the site location, so a construction management plan is recommended, to be secured by means of condition’, which is detailed at the end of this report.

On the basis of the above, the proposed development would be compliant with the requirements of Policy P7 and P8 of the SLP (2013) and neutral weight should be attributed to this in the decision making process.

Other Material Considerations

Ecology

With regard to neighbour concerns regarding loss of biodiversity, the Council's Ecology Officer has no objection subject to conditions detailed at the end of this report and details;

'I have viewed the updated Preliminary Ecological Appraisal Report, which now includes measures for the safeguarding of amphibians and reptiles. I recommend that works are undertaken in strict accordance with mitigation measures outlined in the report. This can be secured through a condition.

As per my previous response, species enhancements should be provided, and this could also be secured through a condition.'

On this basis the Council's Ecology Officers raise no objection to the proposal subject to conditions as listed at the end of this report and accordingly the proposal would accord with policy P10 of the SLP 2013. Neutral weight is therefore be attached to this in the decision-making process.

Landscape

POLICY ENV1 – TREES of the HIANP details 'All development proposals should include a landscaping scheme that:

- Wherever possible retains existing mature and established trees;
- Provides for additional tree planting to enhance, soften and screen the development
- Utilises tree species that reflect the existing pattern of tree cover in the Parish; and,
- Wherever possible includes for some semi-mature trees to aid the early maturity of the landscaping.'

With regard to neighbour concerns regarding loss of tree on the application site, the Council's Landscape Officer has no objection subject to landscape conditions as listed at the end of this report and details;

'No objection subject to the following comments;

The proposals require the removal of several trees T3, 4, 5, 6 and 7 and group 3 plus T8 (within 3.5m of the new building) would probably require removal as recognised within the submitted Arboricultural Impact Assessment (AIA). This breaks down into five category C trees, one category C group of trees (nine former hedge conifers) and one category U tree for removal.

Given the category/quality of the trees proposed to be removed, we consider this is acceptable in Landscape terms subject to the conditioning of a hard and soft Landscape scheme.'

In the submitted AIA detailed on page 18, it details 6 better quality trees to be replanted to comprise of Acer campestre 'Elsrijk' & Malus 'Comtesse de Paris' and where Protective fence to be erected and maintained to BS5837:2012 for retained trees on the site during the construction phase.

On this basis the Council's Landscape Officers raise no objection to the proposal subject to landscape conditions as listed at the end of this report that can ensure replanting of trees is carried out as per details in the submitted AIA. Accordingly the proposal would accord with policy ENV 1, P10 and P15 of the SLP 2013. Neutral weight is therefore be attached to this in the decision-making process.

Drainage

The Council's Drainage Engineers have raised no objection subject to a note detailed at the end of this report.

Severn Trent Water have no objection but offer an advisory note detailed in the conditions at the end of this report.

On this basis the proposal would be compliant with Policy P11 of the Solihull Local Plan 2013 and neutral weight should be attributed to this in the balancing exercise.

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. Officers note that new dwelling 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 are to come into effect from 15th June 2022 and become 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 15th of 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.

Affordable Housing

In terms of affordable housing, the proposal would create 1 replacement dwelling, rather than the addition of a new dwelling and the threshold set out in Policy 4a of the SLP and HOU1 of the HIANP would not be applicable. As such, no affordable housing provision is required to be provided by the proposal.

CIL

The proposal would be liable for the CIL charge if planning permission is granted. This would amount to a net additional 105 square metres of internal floor area based on the amended plans, following demolition of the existing buildings equating to a levy of £20,631.45 based on the contribution rate for new residential dwellings in a 'Rural Areas' location index for 2023 @ £196.49 per square metre for Residential Rural Areas.

Public sector equality duty

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

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

Human Rights

In determining this 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 & 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 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.

In terms of the benefits of the scheme, the development would accord with Policies P5, P7, P8, P10, P11, P14, and P15 of the Local Plan, Objective 4 and Policies ENV1, HOU 2 of the HIANP .

The purchase of materials and services in connection with the construction of the replacement dwelling, local employment during the construction period are all economic benefits that weigh in favour of the scheme. In terms of scheme's benefits, taken together, significant weight should be given to the economic, environmental and social benefits of the new homes.

In terms of adverse impacts, subject to conditions and notes, the development would not conflict with Policies within the Local Plan, Objective 4 and Policies ENV 1, HOU1 and HOU2 of the HIANP or guidance in the Framework. This should be accorded neutral weight in the planning balance.

In conclusion, for the reasons outlined above, the proposed development would benefit from the presumption in favour of sustainable development and the overall planning balance must be in favour for this proposal.

In coming to this recommendation, your 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.

The proposal is therefore recommended for approval subject to appropriate conditions.

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. CS05 commencement with 3 years
3. CS06 materials to be submitted
4. CD11 no additional openings
5. CD15 windows to side and rear elevations above ground floor facing to be obscurely glazed and opening restricted
6. CL04 Hard and Soft Landscaping details to be submitted
7. CL06 Implementation of landscaping scheme
8. CL10 Boundary treatment details to be submitted
9. The development hereby permitted shall be timetabled and carried out to wholly accord with the measures set out in the Preliminary Ecological Appraisal Report produced by Countryside Consultants Ltd on 5th December 2022 (pages 20-21). A brief letter/report shall be submitted to the Local Planning Authority within 1 month following completion of the works to confirm the measures have taken place and the outcome.

Reason: In accordance with NPPF and Policy P10.

10. 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 type, specifications for bat and bird boxes, native, fruit bearing or nectar-bearing tree and shrub species planting and access gaps for hedgehogs in any new fences.

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

11. 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; 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.

NOTE; Given that it is proposed to connect the development to a new soakaway, it is recommended that the applicant carries out soakaway tests to ensure that the proposed soakaway will work and is sized correctly. As the borough predominantly has impermeable soils there is a reasonable chance that the soakaway, unless correctly sized, designed and constructed, will not infiltrate effectively and will pose a flood risk as a result. Further advice, guidance and reviews of infiltration tests can be obtained from Solihull Council as the Lead Local Flood Authority (LLFA) on 0121 704 8000 or drainage@solihull.gov.uk

If the applicant chooses not to carry out infiltration tests and/or installs an ineffective soakaway, the applicant is potentially making themselves liable if the soakaway causes flooding within the site or on neighbouring land. Solihull Council as the LLFA has a duty to investigate all reports of flooding, including flooding on and from private land.

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NOTE: Severn Trent Water ; As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied. Severn Trent Water advise that there may be a public sewer located within the application site.

Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or is not permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

NOTE: Bat Note - Note Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2019 (EU Exit). It is a

criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

NOTE: Nesting Bird Note - Works should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

NOTE: Noise During Construction: Noise from construction and associated works has the potential to cause disturbance to neighbouring residents. In order to minimise this, this Authority would normally recommend that any work audible beyond the boundary of the site should only be carried out between the hours of 8.00am to 6.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays; there should be no noisy works carried out on Sundays or Bank Holidays. Best practicable means to prevent noise from the site should also be employed as defined in British Standard BS 5228 Part 1: 1984 (or its successors/revisions). Failure to keep these hours or to employ best practicable means to control noise could lead to the service of an enforcement notice under Section 60 of the Control of Pollution Act 1974. We would encourage applications for prior consent under Section 61 of the Act, particularly where the construction and/or demolition phase(s) may be prolonged or if work may be undertaken beyond the aforementioned hours. Please contact the Contact Centre (0121 704 8008) for further details.

Burning or Refuse on Demolition and Construction Sites: Because of the potential for nuisance to neighbours, burning of refuse prior to or during the construction phase is not generally acceptable and may be contrary to waste regulation legislation. If you do have special circumstances, such as a requirement to dispose of wood infected by disease or insects, please contact the Contact Centre (0121 704 8008) for further details.

Dust Control on Demolition and Construction Sites: Because of the potential for nuisance to neighbours and damage to property, reasonable steps to reduce dust emissions should be employed, particularly during any demolition works and in periods of dry weather.

NOTE: EV Charging points

NOTE Climate Change – Building Control

NOTE Network Rail -

With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which **MUST** be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.

For further general information on interfacing with Network Rail please see the link on our website:

Living by the railway - Network Rail

To the council - please forward the attached documents/forms/asset protection contact details to the applicant for actioning. An interface with Network Rail is

REQUIRED for this proposal – the outside party is advised that Network Rail will need to agree and supervise this proposal.

This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

The SMBC Council in response to this will send a copy of this note and advice to the Agent with the Decision Notice as detailed in the following 12 page email from;

From: Diane Clarke <Diane.CLARKE@networkrail.co.uk>

Sent: 09 December 2022 09:56

To: Planning (Places Directorate - Solihull MBC) <planning@solihull.gov.uk>

Subject: solihull pl-2022-01402-minfdw 21a meadow drive hampton dwelling