

APPLICATION REFERENCE: PL/2022/00764/PPFL**Site Address:** Land On The West Side Of Alderbrook Road Solihull

Proposal:	5-bedroom detached house including basement with connected double garage
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 consent for the erection of a single detached dwelling on land to the rear of 78c and 80 Alderbrook Road, to be accessed by an existing 1990's backland development cul de sac driveway off Alderbrook drive serving numbers 78, 78a and 78b Alderbrook Road to the rear. The application site historically is land approved as 'plot 5' for a detached dwelling which was never built as part of this 1990's back-land development approved under application PL/1999/01268/FULL (AKA 1999/541) - *Demolition of existing dwelling and erection of 5 dwellings*. This application represents an alternative design to that already approved for a large, detached house to be built on the plot 5 land. Given that the 1999 permission was implemented in part, the remainder of it, including the construction of Plot 5, may be completed at any time.

During the lifetime of this planning application, significant amendments have been secured to the proposed scheme, being:-

- The removal of the proposed front detached double garage to be built closest to number 78b and instead built as a side double garage flush with the main front elevation of the house and on the same side of the house as the garage detailed in the historic plot 5 approval (PL/1999/01268/FULL).
- The remodelling of the detached dwelling now includes characteristic subservient front gable elements also found on neighbouring houses in the cul de sac, while omitting front and rear dormers, which are

uncharacteristic.

- The accommodation is reduced from a 7-bed detached dwelling incorporating both first and second floor accommodation with front and rear dormers to a detached 5 bed first floor accommodation only and addition of a basement.

The Council is currently unable to demonstrate a five-year housing land supply. Consequently, para 11d) of the Framework is engaged. Therefore, according to para 11d) ii) of the Framework, consideration must be had as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

This report will demonstrate that all aspects of the proposal are visually acceptable and will not be unduly harmful to neighbouring amenity, highway safety, vegetation of significance, or the ecological value of the site.

The proposal would be in an established accessible residential area and would help to meet an identified need for additional dwellings within the Borough. The principle of development is acceptable and in compliance with Policy P5 of the Solihull Local Plan (SLP). 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.

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: -

- Whether the proposal provides an appropriate residential use in accordance with relevant planning policy;
- The effect of the development on the appearance of the 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 – None

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

- SMBC Drainage - No objection subject to condition
- SMBC Ecology- No objection subject to conditions
- SMBC Landscape- No Objection subject to conditions
- SMBC Highways - No objection subject to condition

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):

Overall, 9 objections have been received from different neighbouring addresses regarding the original submitted plans and the amended plans comprising of the following;

Regarding the original submitted plans the following concerns were raised;

Background comments

- The original planning permission for this plot in question has permission to build a two story, 5-bedroom house, similar in style and layout to the existing properties;
- We knew about this plot and the original planning permission for it when we bought our house less than a year ago and we agreed to buy our house(78b) based on this information;
- The application plot is for number 78D.

Design

- We have no objection to a house being built on plot 78d, but it must be in proportion and in keeping with surrounding properties. Please note a house will be primarily situated on land to the rear of 80 Alderbrook Road, which is lower than the adjoining 78c land;
- The house appears to take up the whole width of the plot, with no street scenes to check it's hard to tell for sure;

- Objection on the size and scale of the property. The planning application states 6 bedroom plus an annex, when the plans clearly show that this is a seven-bedroom house, with the addition of an annex this would make it 8 bedrooms;
- The original planning permission for this plot in question has permission to build a two storey, 5-bedroom house, similar in style and lay out to the existing properties. Our concerns are that the proposed development is over 4 floors and substantially bigger than what was in the original plan. It is not keeping in style and layout with the other houses within this private quaint road;
- There are no height guidelines on the plan which leaves the applicant to build to any height which will further encroach on loss of light to neighbouring properties and the design is not in keeping with the other four dwellings;
- The position of the garage is not in line with the original approved planning permission;
- Will the ground datum will be raised? The entrance has been relocated to a higher section of the road. The entrance on the approved development application, (see PL/1999/01268/FULL, document Plot 5) is at the only point where the access/exit is level with the road;
This final house has significantly different proportions, style/character to the original 1999 development, which comprises complementary housing styles, giving a unified appearance to this desirable back-land development
- The design is not in line with the other four dwellings at all;
- I am concerned about the potential height of the building as this has not been included in the plans;

Amenity

- Loss of light;
- Intensity of development and loss of privacy;
- Impact on community - parking, aesthetics;
- The proposal is going to cause significant loss of light to the houses and especially being in front of 78B property and very close to their boundary of less than 20 meters, therefore causing significant loss of privacy;
- The garage appears to be very high and overlooks the front door of 78B;
- The proposal is going to cause significant loss of light to us being in front of our property and very close to our boundary of less than 20 meters;
- There will be significant noise due to this massive building proposal;
- The proposed plan of the garage with a separate accommodation on top of the garage is extremely close to our front entrance (less than 20 meters) causing loss of light and privacy to us. The original plan does not have the garage as being detached and with an apartment on top of it;
- The position of the garage is not in line with the original approved planning permission;
- This will cause loss of sunlight into my garden and property;
- Such a large development and potentially how many people will reside there will cause significant noise.

Highway and parking

- Are the existing wall that borders the plot and the private road to remain? This wall is the property of Alderbrook Spinney Management Company Limited, and it must remain as an integral part of the road;
- Overdeveloping the site, and additionally I am concerned that the occupiers will not have enough space to park their cars so will overspill onto the private road;
- A covenant exists on this road, owned by (Alderbrook Spinney Management Company Limited) that does not permit any cars from parking on the road;
- This is to maintain safety on the narrow road, and to preserve the quality of life for the existing residents;
- This planning application is showing potentially 8 bedrooms which is very concerning as to how many people will be living in there, causing extra traffic into this private road and also the knock-on effect of additional bins on the pavement on collection days etc;
- The intensity of traffic and parking for a potential 8-bedroom house will cause significant issues to all neighbours and will be dangerous to kids playing in the private road / cul-de-sac area;
- The proposed massive plan will have an impact on our community facilities including overuse of the private gate, wear and tear of our road within the premise of 78 which is owned by Alderbrook Spinney Ltd company of which we within the premise are Directors.

Drainage

- The entire area is in the flood risk zone and this massive construction and basement design is going to aggravate this flooding problem for all neighbouring properties;
- Our property (78b) is at the lowest level and this proposal of building a basement will cause increased flooding to our house and property;
- The entire area is in the flood risk zone and we have been facing the brunt of it with flooding from the brook into our garden and the adjoining houses on Alderbrook road. This massive construction and basement design is going to aggravate this flooding problem for us even more;
- We also have a brook which runs through Alderbrook Road and can cause adjacent gardens to be waterlogged and flooded. This 4-storey building is very close to the brook and I am concerned that it will cause further potential flooding issues.

Ecology and Landscape

- Impact / loss of trees and loss of biodiversity;
- My major concern is the underground basement, will this impact the protected trees that border the boundary, when the estate was first established the roots of the oak trees were weakened which over time caused one of the largest oaks to fall onto my property another oak further along is also in poor condition;

- A plan showing trees and vegetation to be retained. Several mature trees are on the site, including an ancient oak and yew. These must be preserved to maintain the environment, wildlife habitat and garden character.

Amended plans have been submitted and a neighbour re-consultation took place on 9-11-22. A further 5 letters of objection were received siting additional concerns and comments as follows:-

Design

- We are pleased to see this new plan is more in keeping with adjacent properties;
- We request a street scene drawing showing the elevations relative to the existing ground levels and surrounding houses, to ensure it does not 'tower' over surrounding properties;
- Roof tiles colour is defined as dark. This would not complement the existing houses. A 'red tone' was mandated for the original development (1999);
- Our concerns are that the proposed development is about 7000 square feet or more and substantially bigger than what was in the original plan. It is not keeping in style and layout with the other houses within this very closed premise;
- A street elevation view has not been provided in the plans. The height of the ground floor at 3.8m and first floor is at 3.0m is significantly higher than average and is almost equivalent to three floors in a typical UK house. This is against the planning guidelines of Alderbrook Spinney, the management company;
- The size of the property is out of keeping with the private cul-de-sac and significantly larger than the property design that was already approved by the council. This will have a negative impact on the community;
- Why the flat roof and what is the overall height ?.

Ecology and Landscape

- A trees survey is necessary to establish that the mature Yew and Oak trees are protected, possibly with TPO's?
- The application as it stands seems inaccurate and misleading, and given the very fact that the location is not described properly we very much doubt the adherence to any plans.

Amenity

- As the proposed development is larger than the original that was granted permission there is still concern about privacy issues and noise pollution. A significantly larger property will likely take longer to build resulting in neighbouring houses being subjected to living on a building site for longer.

RELEVANT PLANNING HISTORY

- PL/1999/01268/FULL- *Demolition of existing dwelling and erection of 5 dwellings*. Approved 13-5-1999. **Note** as observed on site 22-3-2023 – Plots 1 to 4 have been built and occupied historically, but plot 5 remains undeveloped and as open land and the overall development, while started, remains incomplete.

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 application site land is located in an existing 1990’s residential backland development accessed by an existing cul-de-sac road onto Alderbrook Road and is in a wholly residential area within walking distance from Solihull town centre, services and train station.

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	450m
Rail station	800m	1100m
Food store	800m	1500m
Primary School	800m	700m
GP surgery	800m	650m

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 of Solihull close to the town centre, which is well served by a railway 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 one additional 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.

The proposed new dwelling would complete the layout of the previous approved development in approval PL/1999/01268/FULL for a backland site comprising of 5 new large detached two storey houses of individual designs.

While the application site is located on land that was previously deemed to be backland to the rear of the main Alderbrook Road, it is now on land accessed by an existing highway access forming a cul-de-sac to frontages of numbers 78, 78a and 78b Alderbrook Road. The Council's recently adopted SPD Residential Backland Development does not apply to this proposal, given the access to this backland site including the application site was established in 1999 with permission PL/1999/01268/FULL - *Demolition of existing dwelling and erection of 5 dwellings*.

The main difference between the original submitted plans in this application and the amended plans in this application now include;

- The removal of the proposed front detached double garage to be built closest to number 78b and instead built as a side double garage flush with the main front elevation of the house and on the same side of the house as the garage detailed in the historic plot 5 approval (PL/1999/01268/FULL).
- The remodelling of the detached dwelling now includes characteristic subservient front gable elements also found on neighbouring houses in the cul de sac, while omitting front and rear dormers, which are uncharacteristic.
- The accommodation is reduced from a 7-bed detached dwelling incorporating both first and second floor accommodation with front and rear dormers to a detached 5 bed first floor accommodation only and addition of a basement.

Regarding the fall-back position to what could still be built on the application site

when comparing the amended plans with the design of the historic approved detached house for plot 5 in approval PL/1999/01268/FULL;

- Both houses would accommodate ground and first floor accommodation only;
- Both houses be built with a tiled hipped roofs approximately the same main ridge 10m height;
- Both houses would have characteristic subservient front facing gable elements and chimney to the side;
- Both houses would sit comfortably in the plot dimensions with gaps to the sides;
- Both houses would be built with their frontage built approximately at a 110-degree angle to the frontage of the neighbouring house at number 78b (plot 4 in approval PL/1999/01268/FULL).
- Within the cul-de-sac both houses would have main hipped roofs comparable in width with the neighbour at number 78b (plot4) which is at least 10m wide and comparable eaves height of approximately 6.8 metres high.
- Both houses would have comparable overall rigged heights with the proposed at approximately 10 metres high and 9.5m high for plot 5 in approval PL/1999/01268/FULL.

Regarding neighbour concerns relating to the overall design, height and scale of the new dwelling, these points above demonstrate similar design characteristics of the proposed dwelling in this application, relative to that already approved for plot 5 in approval PL/1999/01268/FULL.

In detail, the proposed dwelling would have a gap of at least 7.7 metres from its front two storey corner to that of the neighbouring house at number 78b (plot 4) on one side and a gap between the side of the single storey side garage of between 0.5 and 1 metres up to the highway boundary beyond which are the frontages of numbers 78a and 78 across the other side of the street. Given these gaps, the proposed new dwelling has sufficient territory to ensure it would not appear to be squeezed into the plot and would maintain a driveway depth of at least 14.6 metres deep. To the rear the proposed dwelling would have an approximate 19.7metre deep rear garden and with a back-to-back separation distance with numbers 78c and 80 Alderbrook Road of at least 40 metres which is acceptable.

Regarding neighbour concerns around boundary wall retentions and treatments, a planning condition regarding means of enclosure can ensure all boundary and enclosure details are approved prior to commencement of works and secured throughout the lifetime of the development.

Regarding neighbour concerns relating to the overall design, scale, height and appearance of the new dwelling, further amended plans have been received detailing indicative cross section views and aerial 3d views across the application site relative to neighbouring properties in the cul-de-sac and fronting the main Alderbrook Road. Regarding neighbour concerns regarding material colours, planning conditions can secure the final details of materials and finishes.

While the new dwelling would have a flat roof section to the main roof, this design feature is acceptable and is not uncommon to other houses throughout the Borough. The overall height of this dwelling is approximately 10 metres, and other similar sized dwellings are located nearby such as along the main Alderbrook Road at number 74 and in adjacent backland developments at 68 – 70 Alderbrook Road and in Waverley Grove.

Given the above analysis, Officers maintain the proposed new dwelling would be built to an acceptable design, scale, appearance and density and would not be squeezed into the 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 Alderbrook Road and surrounding residential area 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 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 new dwelling. The policy is consistent with the NPPF and thus carries significant weight.

With regard to neighbour concerns regarding potential loss of light, privacy, potential overlooking, and additional noise and disturbance from residents in the new property, the proposed dwelling would on the amended plans, be orientated with closest two-storey blank gable walls approx. 12.8 metres wide and 10 metres high, both incorporating only small obscure glazed non habitable first floor room windows. These windows would face numbers 78 and 78a across the street on one gable side and on the other gable side there would be at least a 7.7 metres gap from the front corner of number 78B which has a main front elevation at an approximate 110-degree angle to that of the application property. Given this orientation and separation distances this would avoid any unacceptable direct overlooking between habitable room windows and given planning conditions can ensure proposed side windows are obscure glazed and any further elevation openings will require further permission.

To the rear the proposed dwelling would have an approximate 19.7m deep rear garden and with a back-to-back separation distance with numbers 78c and 80 Alderbrook Road of at least 40 metres which is acceptable.

The application property would be set back within the existing highway access road within the cul-de-sac with a 14.6m driveway which would be acceptable.

Condition 3 in historic approval PL/1999/01268/FULL, removed PD rights (class A-E) to all of the 5 new dwellings granted planning permission in 1999 and who are the

main neighbours of the application site. Regarding neighbour concerns detailed above, the same condition to remove PD rights for plot 5 in this planning application can be applied as detailed at the end of this report. This will allow the Council the same control of any additional PD structures that could be added to the application site under PD in the future, as already imposed on neighbouring plots 1 to 4 in permission PL/1999/01268/FULL.

Officers maintain this relationship with the proposed new house on plot 5 with the surrounding neighbouring houses would be acceptable and similar to the new dwelling already approved in 1999. 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 neighbouring properties regarding being overbearing, or result in unacceptable loss of light, amenity, privacy or result in unacceptable additional noise.

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

The SMBC Highway Officer has no objection subject to conditions and provides the following comments and condition;

The proposed dwelling will be accessed from a private access road off Alderbrook Road, which currently provides access to four additional dwellings. The proposed development should not generate a significant increase in vehicle trips to have a severe impact on public highway safety, or on the operation or capacity of the local highway network. The Highway Authority also notes that the proposed driveway should be able to accommodate at least two off-street car parking spaces.

With regard to neighbour concerns regarding highway safety, access arrangements, parking provision and the construction phase, the SMBC Highway Officer has no objection subject to the amended plans and adherence to the submitted Construction Method Statement (CMS) document submitted and which can be secured via condition 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 potential loss of biodiversity including harm to existing trees, the Council's Ecology Officer has no objection subject to conditions regarding detailed at the end of this report ensuring a Construction Environmental Management Plan is submitted to and approved in writing by the Local Planning Authority and biodiversity enhancements, detailing;

'I have viewed the Preliminary Ecological Appraisal produced by Midland Ecology on 12th December 2022. The survey found potential for the site to support bats, nesting birds, reptiles, great crested newts, badgers and hedgehogs. Invasive Schedule 9 species recorded within the site comprise montbretia, wall cotoneaster, rhododendron and variegated yellow archangel. According to the plans, two trees within the site with bat potential are proposed to be retained.

Measures for the safeguarding of protected and notable species should be written into a Construction Environmental Management Plan. The CEMP should also include measures for the protection of trees to be retained and for eradication of invasive species. The CEMP can be secured through a condition.

There will be a small loss of biodiversity through this development. However, in this instance, due to the loss being very small, I would consider this acceptable, provided enhancements for species are also provided. This to include native species planting and installing bat and bird boxes. This can 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

With regard to neighbour concerns, the Council's Landscape Officer has no objection detailing;

'Whilst we still have not had sight of a tree survey or Arboricultural Impact Assessment (AIA), we consider that there is sufficient information to comment based upon other supporting information within the application in particular the preliminary ecological appraisal (PEA). It appears that the majority of the mature trees are to be retained with the possible exception of the mature Yew. It also appears that the young Apple and Cherry tree will also be removed. This tree loss is acceptable in planning terms subject to suitable mitigation in the form of replacement tree planting. Suggest condition Hard and soft landscape scheme and tree protection measures for retained trees'

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 Accordingly the proposal would accord with policies, P10 and P15 of the SLP 2013. Neutral weight is therefore be attached to this in the decision-making process.

Drainage

With regard to neighbour concerns regarding potential flooding and damage to property, the Council's Drainage Engineers have raised no objection subject to the following condition;

'The building shall not be occupied until property level flood protection measures have been incorporated into the proposed development. Details of the measures

shall be submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority'

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 new dwelling which would not exceed the 1,000 sq. m 'floor space' threshold set out in Policy 4a of the SLP. As such, no affordable housing provision is required to be provided by the

proposal. The proposal is therefore compliant with Policy P4a of the SLP and neutral weight should therefore be attached to this material consideration.

CIL

The proposal would be liable for the CIL charge if planning permission is granted. This would amount to a net additional 819 square metres of internal floor area based on the amended plans, equating to a levy of £80,466.75 based on the contribution rate for new residential dwellings in a 'Rural Areas' location index for 2023 @ £98.25 per square metre for Residential Mature Suburbs.

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.

The purchase of materials and services in connection with the construction of the proposed 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, 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. 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.

10. The building shall not be occupied until property level flood protection measures have been incorporated into the proposed development. Details of the measures shall be submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority.

11. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expects to see details concerning appropriate working practices and safeguards for bats, nesting birds, reptiles, great crested newts, badgers and hedgehogs that are to be employed whilst works are taking place on site. The CEMP should also include working practices relating to invasive species. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: In accordance with NPPF and Policy P10 of the Solihull Local Plan 2013.

12. 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 and Policy P10 of the Solihull Local Plan 2013

13. CL03 – Tree Barriers.

14. CD11 – No other openings in elevations.

15. CD08 - Removal of PD (Part 1, Class A-E)

16. CW09 - Existing and proposed levels

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.

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