

APPLICATION REFERENCE: PL/2020/02346/PPFL**Site Address:** 24 Lightwood Close Knowle Solihull B93 9LS

Proposal:	Demolition of existing single storey garage to No. 24 Lightwood Close and erection of 1 No 3 bedroom and 2 No. 4 bedroom dwellings with associated access, parking and landscaping.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The application has been called-in by Councillor Rebeiro and the application has given rise to a substantial amount of public concern
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Recommendation:	APPROVALSUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 AGREEMENT .
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EXECUTIVE SUMMARY

This application seeks planning permission for the demolition of the existing front garage to no.24 Lightwood Close and the erection of 3 no. detached dwellings with associated access, parking and landscaping.

- Background

This application follows on from a previous application PL/2020/00674/PPFL which sought consent for the same development, with an additional 1.1m high boundary wall to the frontage of the site, either side of the access. This application was refused on 15.09.2020 for the following reasons:

- 1. The proposed development by virtue of the introduction of the acoustic wall to the proposed access road would introduce an incongruous feature, eroding the open plan nature of the estate and would fail to conserve and enhance local character, distinctiveness and streetscape quality contrary to Policy P5 and P15 of the Solihull Local Plan, and the NPPF 2019.*

2. *The proposal will result in the net loss of biodiversity across the site and there are no proposed means of mitigation to compensate for this loss. The proposal is therefore harmful to the biodiversity value of the site contrary to Policy P10 of the Solihull Local Plan and guidance within the NPPF.*

This application has removed the previously proposed acoustic wall to the frontage of the site, and has provided additional information in relation to biodiversity and mitigation measures and therefore it is considered that the previous reasons for refusal have been suitably addressed.

The principle of this residential development is considered to be policy compliant creating 3 additional residential units in an existing residential area, in an accessible location within the Borough. The design and layout of the scheme is considered to be acceptable and would not result in a negative impact on the neighbouring amenities of the application site and as such would be in accordance with policies P5, P14 and P15 of the Solihull Local Plan and policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan as set out below.

This report sets out that the proposal would have no material impact upon the local highway network and sufficient parking provision is provided on the site given the sustainable location of the site. The proposal therefore accords with Policies P7 and P8 of the Local Plan subject to the imposition of conditions.

The proposal would be compliant with Policy P10 in relation to landscaping and ecology subject to a S106 agreement, overcoming the previous reason for refusal.

The proposal is considered to be acceptable in all other aspects, subject to appropriate conditions, and is thus considered to comply with Policies P11, P16 and P21 of the Solihull Local Plan.

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 proposal on the character and appearance of the area,
- The effect of the proposal on the designated heritage asset
- 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 network

Other Material Considerations:

- Landscape;
- Ecology;
- Drainage
- CIL Contribution;

- Other matters;
- Public sector equality duty; and
- Human Rights.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Flood Authority - No objection subject to conditions.

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

SMBC Ecology – No objection subject to S106 to secure mitigation.

SMBC Heritage – No objection.

SMBC Highways - No objection subject to conditions.

SMBC Landscape - No objection subject to conditions.

SMBC Public Protection – No objections.

Open Space Society - No impact on adjacent Right of Way.

Knowle, Dorridge and Bentley Heath Neighbourhood Forum - No representations received.

PUBLICITY

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

18 responses were received including one from the Knowle Society, as well as a petition with 19 signatures was received. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Highways

- Increase in traffic in areas which already suffers from excessive parking;
- Disputes could arise when two vehicles trying to access/leave development;
- Inadequate highways access, parking and refuse provision;
- Inadequate bin collection point;
- Number of bins per household means no space for them to be stored on bin collection day;
- Development does not include a footpath;
- Cars currently overhang access way and therefore access will be blocked further ceasing additional issues;

- Lack of width to existing driveway;
- Highways assessment does not take account of emergency access criteria
- No dropped kerb provided; and
- Concerns over speeds people would drive up access in close proximity to neighbouring properties.

Landscape/Ecology

- Biodiversity comments within design and access statement and calculation are misleading;
- Previous biodiversity issues not overcome;
- Loss of trees prior to submission of application shows desire for development rather than safety of trees;
- TPOs on site have been ignored over the years and no indication of replacement planting taking place;
- Trees at boundary should not be relied upon for screening;
- Bats are protected by law and therefore a material consideration;
- No lighting plan has been submitted; and
- Retention of trees is critical.

Neighbour Amenity

- Disruption to neighbours from cars travelling in close proximity to front of properties;
- Overlooking to neighbours due to close proximity of properties;
- Loss of view; and
- Loss of light due to proximity of development.

Policy/Design/Character

- Densification of area will erode character of the close;
- Neighbourhood plan policies have not been taken account of;
- Density of development is too high;
- Not to scale 3D drawings are misleading over amount of space between dwellings;
- Land currently described as unkempt however it is garden land which was previously a copse;
- Development would be in close proximity to neighbouring listed buildings;
- Heritage issues over impact on adjacent listed buildings and inaccurate reference in documentation; and
- Loss of garage to no. 24 would make it unlike any others on the road.

Other Issues

- Pollution and disruption during build process;
- People living in area already suffering lockdown effects;
- Previous application sought to resolve noise issue with wall, but not contend there is no noise issue;
- Documents submitted in support are overly optimistic about site characteristics;

- Previous refusal should stand;
- Restrictive covenants on land; and
- Concern over impact on utilities.

PLANNING ASSESSMENT

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

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

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

This report considers the proposal against the Development Plan (Solihull Local Plan), the Knowle, Dorridge and Bentley Heath Neighbourhood Plan (KDBH NP) and the relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance

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

The NPPF sets out the Governments planning policies for England and is underpinned by a presumption in favour of sustainable development. Although the NPPF aims to boost significantly the supply of housing, great importance is still attached to the design of the built environment. The NPPF makes clear 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 (paragraphs 124–132). Decisions should aim to ensure that developments respond to local character and are visually attractive as a result of good architecture and appropriate landscaping.

The site is located within the mature sustainable residential area of Knowle. Challenge C of the Solihull Local Plan (SLP) acknowledges the challenge of accommodating more development in the mature suburbs and rural settlements while conserving the qualities that make them attractive. The SLP sets objectives to meet the challenge including by ensuring high quality design and conserving the qualities of the environment that contribute to character and distinctiveness (which envisages mature suburbs retaining their leafy suburban character) and ensuring development doesn’t adversely impact on residential or other amenities.

Policy P5 of the SLP 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 SLP is consistent with policies set out in the NPPF and full weight can be attributed to this SLP 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 distances
Bus Stop	400m	100m
Rail Station	800m	3300m (Dorridge Train Station)
Food Store	800m	900m (Knowle Village Centre)
Primary School	800m	1700m (Knowle C of E Primary)
GP Surgery	800m	1000m (Knowle Surgery)

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) "unless justified by local circumstance". It is recognised that the development falls outside the ideal distance for some of the criteria. Importantly, it should be noted that the site is located within a highly accessible location and there is no material difference in walking times to facilities from this application site when compared to neighbouring homes at School Road and its surrounds and, as such, the application proposal is considered to accord with 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.

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

Paragraph 11 of the NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an

authority can demonstrate a 5 year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 4.19 years (as of 1st April 2020) and therefore the tilted balance is engaged. This shortfall is considered to be moderate on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be limited this can have a bearing on the weight attached to the tilted balance.

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 demolish an existing front garage to a residential house to facilitate access to the rear for the erection of three new detached dwellings of good quality design, in keeping with their context.

The principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would contribute to meeting borough wide housing needs and therefore meets the housing test in Policy P5.

- (c) Enhancing local character and distinctiveness

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

Policy P16 Conservation of Heritage Assets and Local Distinctiveness states that characteristics that contribute to local distinctiveness are listed as worthy of being conserved. Reference is made to the importance of the historic environment to the Borough's local character and distinctiveness and its contribution to the five distinct 'places' of Solihull, of which the mature suburbs is one of the areas.

The proposal seeks to demolish the existing front garage to no.24 Lightwood Close to facilitate access to the rear of the site for the erection of 3 detached dwellings. The removal of the existing flat roof garage and replacement with the new access road and development of housing to the rear would provide an enhance focal point to the end of Lightwood Close through the introduction of new dwellings and additional landscaping. The scale, design and layout has not altered from that of the previously refused application where it was deemed that the layout and design of the dwellings was acceptable. Issues of character and design are considered in greater depth later on in this report.

The previous scheme introduced a wall to the frontage of the site, either side of the access road and this has now been removed from the development, thus retaining the open plan nature of Lightwood Close and ensuring the development would not impact on the character of the streetscene at this corner site.

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area is set out in the next section of this Report. Your officers have concluded that the proposal would meet the relevant criteria as set out in Policies P5, P15 and P16 of the Solihull Local Plan. This should be accorded neutral weight in the planning balance.

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

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

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

The Council's New Housing in Context SPD notes that each street has particular characteristics and rather than one single generic character, there are a number of key characteristics which have been identified as being the most essential elements contributing to the character or local distinctiveness of a street or residential area. These may include, plot width, plot format, plot access, building format.

KDBH NP Policy D1 looks at Character and Appearance and sets out that planning applications for a new development need to demonstrate that the proposal would be of a high standard of design and will preserve or enhance the character and appearance of the area.

Policy D1 also sets out criteria that will be used, when relevant, to assess the acceptability of the design of development. These include that it should be in harmony with the village character and reflect the characteristic of the surrounding area and be of a density characteristic of the Area and be in keeping with the scale, siting and appearance of nearby buildings.

The KDBH NP stresses in Policy D1 that new development should preserve or enhance the character and appearance of the streetscene or the area within which it is located, taking into account matters such as building lines, established plot widths, parking, access and the arrangement of front gardens, walls, railings and hedges

It is considered that the design of the detached dwellings pays due regard to the architectural treatments of the elevations of the existing properties along Lightwood Close, albeit that they would be more modern in appearance. They would however follow through the detached gable-fronted nature of these properties and be of a similar footprint and plot form in terms of plots size. Furthermore the dwellings would be of a suitable height in relation to existing properties on Lightwood Close so as to provide continuity to the development as a whole.

The dwellings to the rear of the site would be well situated within their plots to provide territory, private amenity space, and parking and turning areas, and would not result in a cramped or contrived development when viewed from within the site.

The previous application included a 1.1m high wall along either side of the access road into the rear of the site. It was considered that this would result in the addition of an incongruous feature and would enclose the currently open area at the head of the cul-de-sac to the detriment of the character of the areas. This element of the scheme has now been removed to secure the open plan nature of the frontage of this section of Lightwood Close can be maintained. The current end vista when looking up the access road serving no.s 17, 22 and 24 Lightwood Close, is the double garage of no.24. This would be demolished to allow the access to continue further into the rear of the site and provide access for the 3 new dwellings, resulting in the end vista being the access road, softened with the backdrop of the existing trees and hedging forming the rear boundary of the application site.

Having regards to the above it is considered that the proposed introduction of 3 new dwellings in this location would be of a suitable scale, design and layout and would not result in a detrimental impact on the character of the area or immediate streetscene on lightwood Close, and that the previous reason for refusal has been overcome through the removal of the proposed frontage wall. The proposal would therefore be in accordance with Policy D1 of the KDBH NP, Policy P15 of the Solihull Local Plan and guidance contained in the NPPF and neutral weight should be attributed to this in the balancing exercise.

The effect of the proposal on the designated heritage asset

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S.66(1) requires the decision maker to ask whether there would be some harm to setting of listed buildings. If there would be, the Council shall refuse planning permission unless that harm is outweighed by the planning benefits of the proposed development. This is a statutory presumption in favour of preservation (Barnwell Manor Wind Energy Ltd).

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

Paragraph 193 of the NPPF 2019 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significant of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Solihull Local Plan Policy P16 – Conservation of Heritage Assets and Local Distinctiveness, states that development proposals ‘will be expected to preserve or enhance heritage assets as appropriate to their significance, conserve local character and distinctiveness’.

KDBH NP states that ‘Designated heritage assets including listed buildings, conservation areas and archaeological features must be protected, conserved and enhanced in accordance with national and local planning guidance and policies’.

The application is located adjacent to the following:

Designated heritage assets:

- Elm Tree Farmhouse, 1405 Warwick Road (formerly The Elms): Grade II listed building;
- Yew Tree Cottage, 1405B Warwick Road: Grade II listed building

Non-designated heritage asset:

- 1405A Warwick Road (Former outbuildings to Elm Tree Farmhouse): Solihull MBC Local list of Heritage Assets.

Heritage assets are identified as having a degree of significance that merits consideration in planning decisions because of their heritage interest. The NPPF defines significance as: *“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”* Setting is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

The application site is situated immediately south of the designated and non-designated heritage assets as identified above. The application site is an area of undeveloped garden containing a mix of mature deciduous and coniferous trees, with the trees subject to a Tree Preservation Order TPO/00129. Previous applications on the site have granted approval for works to the trees, including felling, and these approvals required provision of replacement planting in the interests of maintaining public amenity.

The area of land alongside the unadopted access track is identified on the 1887/88 OS 1:2500 County Series mapping as an area of mixed woodland. The Heritage Statement identifies this parcel of land as being within the grounds of Copt Heath House, which was demolished to make way for the development of Lightwood Close.

The existing planting along the northern boundary of the application site makes a positive contribution to the significance of the heritage assets. Conversely the views across the application site towards the existing development have a negative impact on the significance of the heritage assets.

Historically, the heritage assets have enjoyed a setting amongst mature tree planting and although their context has been compromised by the encroachment of 20th century residential development, it still retains a degree of its earlier character. When assessing an application for development that may affect the setting of a heritage asset, the local planning authority should consider the implications of cumulative change. The loss of tree cover and further development will further erode the character of the area and will likely result in harm to the setting of the heritage assets.

Any harm to the significance of the heritage resulting from proposed development within their setting would be "less than substantial". Any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification. In situations where a proposed development would result in less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits.

It is considered by the applicant that the public benefits provided by the scheme are considered to be the same as the previous application on this site, namely;

- The contribution to housing provision and 5YHLS targets.
- Provision of family homes.
- Economic benefits would ensue from development in the creation of construction jobs.
- Economic benefits to the local area, in terms of more family housing, bringing more expenditure to local shops and services.
- Development of windfall sites such as this prevent development of greenfield and green belt locations.
- Sustainable location.
- Sensitive design to be in keeping with the local area and preserve the setting of the heritage assets.
- Removal of dangerous and diseased trees, with new replacement planting.

It is not considered that all these benefits would constitute public benefits which would be sufficient to outweigh the less than substantial harm caused by the development, and neutral weight should be attached to these. It is however considered that the contribution of housing provision and the 5YHLS and the associated economic benefits through job creation during construction are suitable recognised benefits.

Having regard to the above and the fact that the development would result in less than substantial harm, it is considered that substantial weight should be given to the benefits that arise from the proposal, namely the provision of much needed additional housing, and associated job creation and economic benefits the scheme would provide during construction.

Having regard to the above the proposal therefore accords with KDBH NP Policy, Policy P16 of the Solihull Local Plan and guidance in the NPPF.

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

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

In terms of the impact of the development on the neighbouring amenities the proposal would create three new dwellings to the rear of no.24 Lightwood Close, with access gained along the existing narrow access way serving no. 24, situated between no.s 17 and 22 Lightwood Close.

The new dwellings would be positioned around the new turning head with plot 1 to the rear of the existing dwelling, facing the new plots 2 and 3 to the north of the site.

Plots 2 and 3 would be located a minimum of 20m from the front of 1405 and 1405A Warwick Road and would be separated by the new rear garden, existing boundary of trees and hedging and driveway and parking areas for no,s 1405 and 1405A. Given these separation distances it is not considered that the new dwellings would result in a detrimental impact on the amenities of the nearby dwellings to the north in terms of loss of privacy, loss of light or overbearing impact.

Turning to the impact on the properties to the east of the site, located on Broadfern Road, these properties are situated a minimum of 49m away from the boundary with the application site and therefore again it is not considered that the new dwellings would result in a detrimental impact on the amenities of the nearby dwellings to the north in terms of loss of privacy, loss of light or overbearing impact.

With respect to the living conditions of future occupiers of the dwelling the drawings submitted demonstrate that a sizable area of rear amenity space would be provided in the form of private gardens, which would be akin to the size of other neighbouring plots. As a consequence, the proposal would have an acceptable effect on the living conditions of future occupiers of the development in terms of external space provision. Furthermore the orientation and separation between the new dwellings would be sufficient to avoid overlooking and loss of privacy from habitable rooms

As set out above the layout of the development is such that the new dwellings would be situated to the rear of the site and would use the existing access serving 24 Lightwood Close. Concerns have been raised by residents with regards to noise and disturbance as a result of additional vehicular movements along this new access, in close proximity to the dwellings of 17, 22 and 24 Lightwood Close.

Whilst it is noted that there are existing movements along this access way, there would be an increase from the 3 net additional units. It is recognised that there would

be some additional disruption to the occupants of properties either side of the access road (no.s 17, 22 and 24) however given the potential increase in the number of additional movements would be relative limited, it is not considered that this additional disruption would be significant enough to warrant refusal of the application on amenity grounds.

The Councils Public Protection team previously advised that *'additional access and egress noise is often implicated in residential and commercial schemes, particularly where new road layouts or access / egress arrangements are to be made. However the impacts of such, from small scale developments, when aggregated over standard impact assessment periods, are not considered sufficiently onerous to require either assessment or mitigation. This scheme does not present a potential for significant numbers of movements. There may be increases in the car movements presented by the scheme but the significance criteria, which is what Public Protection would assess, is unlikely to be met. As such Public Protection would not raise objection on such grounds or routinely require the use of a barrier to remedy such impacts.'*

It is considered that the scheme as submitted has not materially altered (with the exception of the removal of the acoustic wall) in terms of the scale or layout of the scheme and therefore with regards to Public protection comments these have also not materially altered and adequately address the issues with regards to the requirement for an acoustic barrier to the frontage of the site.

It is therefore considered that given the small scale nature of this development, and the low number of movements to and from the site, that there is not a requirement for an acoustic wall to minimise any disruption. Furthermore it should be noted that within the Borough there are a number of developments with a similar arrangement where access is gained to the rear of a site via entry between existing properties, and this is not an uncommon relationship.

In summary, it is considered that the proposed development would not have a detrimental impact on the neighbouring amenities of the application site and would therefore 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 network

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

The development proposals include the construction of three dwellings to the rear of the existing dwelling, following the demolition of the existing garage. The existing dropped kerb vehicular access will be utilised to serve the existing and proposed dwellings.

The Highway Authority usually requires a vehicular access serving multiple dwellings to measure at least 5m in width for a minimum distance of 7.5m, as measured from

the nearside edge of the carriageway. However, the Highway Authority acknowledges that the application site is located towards the end of a cul-de-sac where vehicle flows are likely to be low, and the proposals are also likely to generate a very low number of vehicle movements. It is also unlikely that two vehicles will meet within the access point onto the public highway and in the event that it does occur, it is unlikely that a vehicle temporarily waiting within the limits of the public highway to allow the egressing vehicle to pass will have a severe impact on public highway safety or on the operation of the local highway network.

According to the drawings and Transport Technical Note submitted in support of the proposals, sufficient parking will be provided for the existing and proposed dwellings. Turning areas will also be provided within the development site, which will allow cars and a fire tender to turn within the site so as to be able to re-enter the public highway using a forward gear.

The Highway Authority has consulted the Council's Waste and Recycling Team, who have confirmed that the refuse vehicle will not have to enter the development site. It is standard for a bin store to be provided within 20m of the public highway however it is acknowledged that due to the nature of the site this would not be possible and that bin store would have to be set 30m from the public highway with future residents moving the waste beings to kerbside on collection days rather than waste operatives collecting directly from the bin store. This is not considered to be an unusual situations with developments such as this.

The Council's Highway Engineer has undertaken a thorough and robust assessment of the development proposals. Based on this assessment, the Council's Highway Engineer has no objections to the proposed development subject to the imposition of conditions. Therefore the development is considered to be in accordance with Policy P7 and Policy P8 of the SLP (2013) neutral weight should be attributed to this in the decision making process.

Other material considerations

- Landscape & Ecology

Policy P10 of the SLP recognises the importance of a healthy natural environment in its own right. Policy P14 of the SLP requires new development to safeguard important trees, hedgerows and woodlands. The policy is consistent with the NPPF and thus carries significant weight.

The applicant has provided a Landscape Proposals plan and Biodiversity related information to address landscape and ecology matters on this site.

The application proposed to remove 5 trees from the site, 4 of which are category C trees and 1 category U. throughout the application discussions have taken place to ensure sufficient and adequate tree mitigation will be carried out. The planting proposals plan has demonstrated that the applicant's intention to mitigate for tree removal and enhanced planting across the site would provide 12 new trees and some additional native hedging.

In addition it is noted that 5 TPO trees have previously been removed from the site and there is a requirement for 5 replacement trees to be planted. These have been identified as lime and oak trees which are considered to be appropriate species, however there may be some difficulties with obtaining the oaks at the size specified due to restrictions on oak imports and availability. The Council's landscape Architect has advised that if this proved a problem the applicant should inform the Local Planning Authority in order to update the TPO documentation accordingly and provide alternative replacement trees to be secured.

In addition to the existing TPO on the centre of the site, a new TPO is being reviewed for the run of trees along the boundary with Broadfern Road at the request of local residents.

Within the proposed site layout there are large areas proposed for the installation of hard surfaces within the RPA and these will require a method statement to be submitted via condition

The Council's Landscape Architect has advised that there is no objection to the proposal subject to conditions to ensure mitigation for the lost trees through the adherence to the landscape plan, and submission of final details for hard and soft landscaping.

The Council's Ecologists have considered the submitted survey and BIA calculations and advised that bats are using this site, with evidence of use in the existing house which will be retained. Therefore, disturbance must be avoided as much as possible. A low-impact Lighting Plan should be submitted for approval and it is considered that this could be reasonably conditioned.

Confirmed breeding bird habitat has been lost as a result of the tree clearance in August 2019. As recommended in the ecologist's report submitted by the applicant, this needs to be replaced with mitigation, such as nest boxes and planting enhancement in a planting scheme, illustrated in the Landscape Plan for approval, and again it is considered reasonable by the Council's Ecologist for this information to be conditioned.

A Biodiversity Impact Assessment has been submitted and found that there is an overall loss of biodiversity of 0.06 units as a result of development. This should be provided through additional enhanced biodiversity measures, shown in a Landscape Plan by approval and this information should be submitted prior to determination of an application. Alternatively, it can be compensated for with a financial equivalent value, given as £10,129 by the WCC metric calculator and this should be secured by Section 106.

The proposal therefore accords with Policy P10 of the Local Plan and neutral weight can be attributed to the matter in the planning balance.

- Drainage

Policy P11 of the SLP advises that new development will not normally be permitted within areas at risk of flooding. The policy is consistent with the NPPF and thus carries significant weight.

The Council's Drainage Engineers have considered the proposal and raised no objections subject to suitable conditions to secure appropriate drainage of the site. The proposal is therefore compliant with Policy P11 of the SLP and neutral weight should therefore be attached to this material consideration.

- CIL Contribution

The proposal would be liable for the CIL charge if planning permission is granted. This would amount to a levy of £44,925.84 based on the contribution rate for new residential dwellings in a 'mature suburb' location (£92.44 sq.m.).

- Public Sector Equality Duty

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

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

- Human Rights

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

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

CONCLUSION

The principle of this residential development is considered to be policy compliant creating 3 additional residential units in an existing residential area, in an accessible location within the Borough. The design and layout of the dwellings is considered acceptable and as such would be in accordance with policy P15 of the Solihull Local

Plan and therefore in turn would comply with policy p5 of the Solihull Local Plan as set out below. Furthermore it is considered that the previous reason for refusal in relation to impact on character of the area has been adequately overcome.

The proposal would have no material impact upon the local highway network and sufficient parking provision is provided on the site given the sustainable location of the site. The proposal therefore accords with Policies P7 and P8 of the Local Plan subject to the imposition of conditions.

The proposal would be compliant with Policy P10 in relation to landscaping and ecology subject to securing a S106 for ecological mitigation, and the previous reason for refusal in relation to ecological matters have been adequately resolved.

The proposal is considered to be acceptable in all other aspects, subject to appropriate conditions, and is thus considered to comply with Policies P11, P16 and P21 of the Solihull Local Plan.

The proposal is therefore considered to be acceptable and recommendation is one of approval subject to conditions and entering into the S106.

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. CS05 – commencement within 3 years
 2. CS00 – compliance with plans
 3. CS06 – materials to be submitted
 4. CL04 – Hard and soft landscaping to include bat and bird box provision and an arboricultural method statement regarding the installation of the hard surfacing in close proximity/within root protection area of the TPO trees
 5. CL06 – Implementation of landscaping scheme
 6. CL07 – Replacement of tree or hedging lost within 5 years
7. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:
- a) Drawings showing overall site concept design principles
 - b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
 - c) Surface Water Drainage Design including:
 - Confirmation of the lifetime of the development
 - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances),
 - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;

- Confirmation of discharge rates and volumes (both pre and post development)
- Confirmation of proposed discharge location.
- Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
- Engineering details for all surface water drainage features
- Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
- Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- d) Surface Water Drainage adoption and maintenance strategy
- e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- f) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

The scheme shall be implemented, maintained and managed in accordance with the approved details

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

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

The scheme shall be implemented, maintained and managed in accordance with the approved details.

9. No development shall take place until full details of the finished floor levels of buildings and site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

To safeguard the amenity of neighbouring properties in accordance with Policy P14 of the Solihull Local Plan 2013.

10. 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.

11. No external lighting shall be erected, placed or operated on the site unless in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the approved details.

In the interests of ensuring a satisfactory appearance of development and to protect wildlife species, in accordance with Policies P10, P15 and P17 of the Solihull Local Plan 2013.