

APPLICATION REFERENCE: PL/2020/01611/PPRM**Site Address:** The Green Stratford Road Shirley Solihull B90 4LA

Proposal:	Reserved Matters application for the development of 76 dwellings within Phase E of Plot 3 on the outline site, including public open space, SUDs attenuation pond, with play facilities to be provided along a linear cycle and pedestrian route, required by condition No. 3 relating to the reserved matters of layout, appearance and landscaping pursuant to planning permission reference PL/2018/02731/MAJFOT.
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 which in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This application relates to land at The Green, Stratford Road Shirley. In March 2019, hybrid planning permission (PA Ref PL/2018/02731/MAJFOT) was granted for an outline application for up to no.330 (C3) residential dwellings and up to 100,000 square feet of car dealerships, with all matters reserved apart from access and scale, and a full planning application for no.242 (C3) residential dwellings and a full planning application for a single car dealership.

The hybrid application granted consent for outline permission for up to 330 dwellings on the remaining section of the Green which was not allocated full planning permission for residential development, or the area allocated for car showrooms. However, this application does not seek consent to develop the entirety of the site allocated for these 330 houses and instead seeks consent for a smaller central parcel of the site (referred to as Phase E), with a future application anticipated to be submitted for the remaining sections of the site. This application seeks consent for 76 dwellings on Phase E.

As the outline planning permission for the construction of up to 330 dwellings on this wider site has already been granted, it is not the principle of residential development that lies at the heart of this application. Rather it is the acceptability or otherwise of the reserved matters in terms of *layout, appearance and landscaping* now put forward for consideration for this parcel of land and compliance with the design guide submitted in accordance with condition 26 of the hybrid approval.

It is considered that the submitted proposal is in accordance with the design guide and provides an acceptable layout in terms of landscape, ecology, drainage, urban design and highways.

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

MAIN ISSUES

The main issues in this application to be considered are: -

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

- Other material considerations
 - Highway matters;
 - Housing mix and affordable housing;
 - Living conditions;
 - Drainage;
 - Ecology
 - Planning conditions;
 - Developer contributions and infrastructure provision;
 - Public sector equality duty;
 - Human rights; and
 - Other matters.

- The Planning Balance .

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Flood Authority – No objection.

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

SMBC Affordable Housing – No objection.

SMBC Ecology – No objection.

SMBC Highways – No objection.

SMBC Landscape – No objection.

SMBC Urban Design – No objection.

PUBLICITY

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

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

Flooding/surface water drainage

- Flooding already occurs on Blackford Road and will be made worse; and
- Removal of trees will have impact on water levels.

Residential amenity

- Removal of trees will result in overlooking and loss of privacy.

Environmental concerns

- Loss of species as a result of developments;
- Noise and light pollution; and
- Significant loss of trees.

Highways

- Already traffic issues on Stratford Road, Blackford Road and Dog Kennel Lane; and
- Insufficient parking provision.

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 relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance

Background

As previously set out above, outline planning permission for the construction of up to 330 dwellings on this wider site has already been granted, so it is not the principle of residential development that lies at the heart of this application. Rather it is the acceptability or otherwise of the reserved matters relating to the layout, appearance and landscaping now put forward for consideration.

The Council are currently unable to demonstrate a five year housing land supply and there is a drive at national level to ‘boost significantly’ the supply of housing. 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 the NPPF when 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 modest on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be modest this can have a bearing on the weight attached to the tilted balance

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

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

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

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

The hybrid planning permission PL/2018/02731/MAJFOT provides a clear framework for the design of future reserved matters applications through the following key approved plans and documents:

Parameters Plan - GRN-FEA2479-EX-XX-DP-A-1270 Rev I)
Residential Design Guide – February 2020

The approved Design Guide was produced in consultation with the Council and provides a framework for the detailed design of reserved matters applications by setting out design guidance for the character areas within the site, and sits alongside the parameters plan which limits the maximum height and number of storeys for each area.

The proposal put forward under this application demonstrates the following key features:-

- Layout

The site benefits from vehicular access via the internal spine road both through the site from Stratford Road to the East and dog Kennel Lane to the west. The approved Design Guide established a movement strategy for the site, which has been refined through this phase of the reserved matters submission. The movement and layout however is based around a simple road hierarchy, with the primary street making use of the existing spine road through the site which will connection to secondary streets providing access to dwellings on the northern side of this parcel.

In keeping with the Design Guide, character areas are proposed throughout the reserved matters areas. The character areas within this phase of the development comprise:

- Avenue Character Area - This area is focused around the existing spine road running through the wider site, and will deliver higher density, 3-4 storey buildings; and
- Greenway Walk Character Area - A less formal area than the Avenue, this area will deliver mostly 2 storey dwellings with 3 storey units development at key locations. The majority of dwellings in this area will face out onto areas of public open space within the green corridor.

Car parking has been designed to be easily accessible from dwellings and apartments. Car parking and highway matters are discussed in more detail later in this report.

Finally, the layout provides for external bin storage within rear gardens of individual dwellings as well as a number of collection points with bin storage also provided for the apartment buildings.

- Scale

The scale of the development varies with a range of house types from 1 bed maisonettes to 4 bedroom houses, and 2 bed apartments, with taller buildings set out in key locations.

The proposed scale is in accordance with the approved scale parameter plan (GRN-FEA2479-EX-XX-DP-A-1270 Rev I) which states that 3-4 storey buildings can extend to 14m high maximum eaves heights.

Specific housing typologies have been applied to different parts of the site to ensure a sense of place and distinctiveness within the site is achieved. The proposed scale of the apartments and dwellings is in keeping with the vision set out for this area within in the design guide.

- Appearance

The development incorporates a variety of types of housing as identified above, including apartments, maisonettes, terraced and semi-detached houses. The development proposes active frontages where possible providing activity and natural surveillance over open spaces and movement routes.

A contemporary design has been utilised, in accordance with the principles set out within the established Design Guide and in order to ensure that the proposal relate sympathetically to the new residential development building built under the first phase of the hybrid approval.

The apartment blocks will be provided within three storey buildings, located at prominent points within the site, fronting the spine road and providing activity to all corners where possible. The buildings would comprise three apartments per storey, set around a central stairwell providing access to the units.

In contrast to the apartments in phase 1 of the development, these blocks have been designed to have a pitched roof. During the lifetime of this application the pitch to the roof was increased to 40 degrees to create a more suitable design solution.

Externally the design of the buildings will be relatively simple, with mostly brick elevations broken up through the use of render on the upper floors of the projecting flat roof bay details, and grey cladding on the recessed elements. The use of grey timber has been incorporated into the design to provide cohesion with the first phase of development to the south of the site.

Where maisonettes are proposed these have been designed to overlook public open space and have the appearance of traditional two storey housing from the outside, but will be subdivided into separate ground floor and first floor dwelling internally, with separate front doors providing access to separate ground floor entrances, which in the case of the first floor dwellings will provide access to an internal staircase

leading to the first floor dwelling. The elevations will similarly be mostly comprised of brick facades, although an area of render will wrap around one corner at both ground and first floor levels to provide interest. Grey fenestration will also be used, with grey rooftiles and downpipes providing cohesion to the simple. Again the use of grey detailing is to provide cohesion with the first phase of development.

The site layout incorporates one unit which is a 'flat over garage', the 'Saddler'. This unit is located within the Greenway Walk Character Area overlooking the public open space and comprises a two-bedroom, first floor apartment located above three garages. Externally, a simple brick façade is proposed, which will be complimented by grey fenestration and doors, including the garage doors, and grey rooftiles.

Terraced houses are proposed to be delivered which will comprise open market, two bedroom two storey dwellings, and affordable two and three bedroom two storey dwellings. Again these would be located within the Green Walkway Character Area and the use of the terraces provide a tighter grain of development, maximising the available space to deliver housing suitable for families. All of the terraced dwellings will all have a similar external appearance, with predominantly redbrick façades, with a small amount of grey panelling used to add detail.

This phase of development also incorporates a number of semi-detached properties, which will deliver two, three and four-bedroom houses, all of which are proposed to be open market. Again the palette of materials proposed is that of predominantly red brick with some areas of grey cladding and render. The semi-detached properties comprise a mix of two and three storey design, with the three-storey design provided in the Avenue Character Area, facing onto the spine road. These house types propose three-bedroom and four-bedroom accommodation, with predominantly redbrick façades, except for small areas of panelling or render. Grey windows and doors and roof tiles will be used in keeping with the other house types, providing consistency across the development. Standalone garages are proposed to provide additional parking and will have redbrick elevations and grey rooftiles in keeping with the elevations of the houses.

It is considered that the properties and the layout have been designed in accordance with the approved Design Guide and the simple palette of materials with well-proportioned elevations styles will create a residential development which reflects that of the first phase of development to the south and east.

- Landscaping

The proposed development as a whole will be surrounded by landscaping, public open space and children's play areas as part of the wider development at The Green.

The landscape, open space and play provision strategy has been informed by the layout and scale of the proposed development, and has taken into account the surrounding landscaping approved as part of the hybrid planning permission to ensure that areas of landscape are able to be located close to each other to provide a cohesive landscape strategy.

The application is accompanied by a series of documents which set out the proposed landscaping proposed on the site. These identify the removal of additional trees above and beyond those identified under the hybrid application. The original hybrid application identified some incursion into the root protection areas of these trees, however the finalised layout of this reserved matters part of the scheme has resulted in the need to remove some of these trees, with additional arboricultural method statements provided for works close to other trees. The works set out within the arboricultural statements are considered acceptable. With regards to the loss of the TPO trees the S106 accompanying the main application details mitigation for the loss of trees and The S106 for the site as a whole includes details of tree mitigation throughout the phasing of the site as per the tree matrix and it is considered acceptable to secure mitigation of the loss if the trees under this phase given the constraints of the site and layout.

In relation to the proposed planting, areas of amenity grass and turfed areas, and boundary treatments to demarcate private and public areas, these are considered acceptable in accordance with the design guide and wider scheme.

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

Other Material Considerations

- Highway matters

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

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

At the time of the initial submission of the application for this site, the Highway Authority raised objection due to the following concerns with the proposed site layout:

- The primary road that runs through the application site is proposed to measure 6.75m wide. The road width proposed should be reduced so that it is no wider than 5.5m wide unless it is proposed to accommodate larger vehicles (HGV's, Buses, etc.) on a regular basis. The reduced road width should contribute towards maintaining lower vehicle speeds and reduce crossing distances for pedestrians and cyclists.

- Visibility splays of 2.4m x 33m have been proposed at the two junctions into the application site off the Spine Road. The visibility splays proposed equate to vehicle

speeds of 25mph however, it is likely that vehicle speeds will be approximately 30mph due to the design and character of the Spine Road proposed. The Highway Authority therefore requires visibility splays of 2.4m x 43m to be provided at the junctions and accesses directly onto the Spine Roads.

- The Highway Authority has concerns that the visibility splays at the junction onto the Spine Road in the north-west corner of the development and the private access road serving a parking courtyard for Plots 37 to 45 will cross through car parking spaces / driveways, which will in turn obstruct visibility splays if vehicles are parked in the spaces.

- A block paving feature has been proposed to the front of the parking space allocated to Plot 48. It is unclear what type of feature is proposed nor the purpose of the feature. The position of the feature would also make manoeuvring into / out of the parking space allocated to Plot 48 difficult.

- There do not appear to be any crossing points or connections from the footways proposed along the southern/western side of the primary road through the site onto the cycleway proposed within the Public Open Space. It is also unclear whether the cycleway proposed through the Public Open Space will also serve pedestrians. Recent guidance (LTN 1/20 – Cycle Infrastructure Design) indicates that pedestrian and cycle routes should be segregated and also sets standards for the design of cycle routes.

Following the submission of the initial consultation response, the Highway Authority has been in discussions with the developer to address the concerns raised. A revised planning layout (Drawing Number 5001.R -Planning Layout Phase E) has been submitted which addresses the concerns previously raised.

Although the Highway Authority previously raised concerns regarding the width of the carriageway within the site, it has been confirmed that the section of carriageway that measures 6.75m cannot be reduced due to conditions imposed by the vendor to the developer. The Highway Authority also notes that a 3m wide shared footway / cycleway will be provided within the Public Open Space, which is in line with the approved Design Guide for the application site, and also as a result of the constraints throughout the Public Open Space (i.e. narrow widths, position of trees).

The Highway Authority is therefore satisfied that the proposed site layout will not have a detrimental impact on highway safety. In conclusion, the Council's Highway Engineers are content that the proposal provides appropriate parking provision to fully accommodate its parking needs, including appropriate visitor car parking. The proposed layout is therefore acceptable from a highway perspective so as to accord with Policy P8 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

- Housing mix and affordable housing;

The proposals include a mix of apartments, maisonettes, terraced and semi-detached houses with a range from 1 to 4 bedroom properties.

The S106 for the site as a whole includes a vacant building credit calculation (VBC) and the planning permission requires the provision of affordable housing to be in accordance with this calculation for Phase 2 of the development of The Green. The VBC calculation lowers the requirement for affordable housing on the site to 22% provision across phase 2 and also sets out the requirement for this to be in accordance with the Supplementary planning document 'Meeting Housing Needs'. In accordance with the S106 agreement that would equate to 62 affordable units out of a total of 286 units in total across the entirety of phase 2.

The proposed sizes of the social rented affordable dwellings generally accords with the split set out at paragraph 5.42 of the Meeting Housing Needs SPD, whilst the split of sizes for the shared ownership properties provides for an even split of 2 and 3 bed dwellings, which is considered appropriate in this locality. Whilst the proposed split of sizes of the affordable dwellings is not in complete accordance with the Meeting Housing Needs SPD, it is noted that paragraph 5.43 of the same document confirms that the Council's assessment of need is based on Borough wide evidence and that specific sites may result in different proportions being delivered.

As set out above this phase of development for the reserved matters application is not seeking consent for the entirety of phase 2, and has been sub-divided into this new Phase E which forms part of phase 2 as a whole. The proposals for Phase E are for the delivery of 17 affordable dwellings out of a total of 76 to be built under this sub-phase, which is equivalent to 22% provision and therefore this entirely accords with the requirements of the s106 Agreement.

When looking solely at phase E the split of tenures is broadly 50:50 between social rented and shared ownership and it is acknowledged that this is not in accordance with the s106 Agreement or the Meeting Housing Needs SPD. However, this Affordable Housing Scheme for the whole of the Phase 2 Residential land demonstrates that a compliant mix of tenures will be delivered across the site through subsequent reserved matters submissions on the balance of the site, and it is considered that the subsequent reserved matters applications that would deal with the remaining sections of phase 2, taking account of the shortfalls of Phase E and would therefore be in compliance with the s106 agreement .

The submitted Planning Layout for Phase E shows the 17 affordable dwellings distributed across the site in two even clusters of 10 and 7 dwellings and the proposed build quality, materials, detailing, level of amenity space and privacy for the affordable dwellings will ensure that they are tenure blind.

The Council's Housing Strategy Officer has confirmed the proposed housing mix and affordable housing accords with the affordable housing phasing plan and requirements of the Section 106 Agreement. The proposal therefore, accords with Policy P4 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

- Living conditions;

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses and businesses. Policy P14 of the Local

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

In terms of amenity of future residents, the proposed layout plan demonstrates that where rear gardens face rear gardens, separation distances between houses are a minimum of 19 metres, so avoiding unacceptable overlooking.

The rear gardens range in size from 6.0m to 15m in depth. Given the proximity to the dwellings to areas of open space and play areas that are easily accessible to all, it is considered that private gardens are sufficient in size.

As set out above the proposed layout includes L-shaped blocks of apartments, as supported by the Design Guide. This layout results in apartment windows facing out into the courtyard parking areas and ensuring sufficient separation between private windows to avoid loss of privacy. The window orientation for the apartments would provide natural surveillance to communal parking areas, highways and footpaths, with only limited views of private amenity areas.

It is not therefore considered that the proposed layout and relationship between the apartments and dwellings would have an unreasonable impact on the future occupiers of these residential units by reason of loss of light, privacy, overlooking or overbearing impact. Furthermore it is considered that sufficient separation would be afforded to the existing dwellings approved under the hybrid application and the new dwellings located either side of the spine road.

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

- Drainage

The application was submitted with a Drainage Strategy. Having reviewed the proposed strategy with the applicant and reviewed the technical note submitted, SMBC Drainage engineers are satisfied that the strategy submitted can accommodate a SuDS scheme in line with policy P11, and whilst the Council is actively discouraging the use of gullies, the technical constraints of the site are understood to prevent alternative being progressed. Furthermore it is noted that the system will remain as a private drainage system and will not fall under the responsibility of SMBC for future maintenance.

The drainage strategy has been submitted and assessed by the Lead Flood Authority and they have raised no objection. The proposal is therefore compliant with Policy P11 of the SLP and neutral weight should therefore be attached to this material consideration.

- Ecology

The Council's Ecologists concur with the comments from the Lead Flood Authority with regards to the proposed design of SUDs features and recognise the constraints of the site limit this in terms of the proposed features and their ability to provide ecological water quality benefits.

As set out above, there are a number of additional trees which are marked for removal, having previously been outlined for retention. Any additional tree loss will need to be included within the revised BIA for this phase of the development, in addition to mitigation proposals within the LEMP. This matter can be dealt with via the discharge of conditions on the hybrid application 17 (LEMP) and 20 (BIA) are still to be discharged.

- Planning conditions

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

- Condition 6 - Materials
- Condition 7 – Vehicle access upgrade
- Condition 9 – Service road access
- Condition 10 - Construction Method Statement
- Condition 11 – Turning and passing areas
- Condition 12 – Drainage (parking spaces)
- Condition 13 – Cycle parking/storage
- Condition 15 - Archaeology
- Condition 16 – Construction environmental management plan
- Condition 17 – Landscape and ecology management plan
- Condition 19 – Street Lighting
- Condition 20 – Biodiversity monitoring scheme
- Condition 21 – Ordnance Datum
- Condition 22 – Drainage (Surface Water run-off)
- Condition 23 – Plant machinery noise limit
- Condition 28 – Design Guide
- Condition 29 – Play provision
- Condition 30 - tree Protection measures
- Condition 31 – Earthworks within RPA
- Condition 32 – hard and soft landscape
- Condition 33 - Programme of archaeological works
- Condition 34 – parameters plan heights
- Condition 37 – pedestrian crossing
- Condition 38 – S106 relevant parties

A full list of conditions is available using the following link by using planning application reference number PL/2018/02731/MAJFOT:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

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

- CIL

Due to the hybrid nature of the application site as a whole the committee report for the application PL/2018/02731/MAJFOT set out that the CIL payment taking account of the vary factors across the site would result in a minimum contribution of £2,508,657 and a maximum potential payment of £2,980,003.

- Public Sector Equality Duty

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

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

- Human Rights

In determining this 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.

The Planning balance.

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: - 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

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

Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.

The outcome of this application therefore depends on whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and in terms of the schemes benefits. Significant weight is attached to the economic benefits of the development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services. Significant weight is attached to the social benefits of the development through 76 new dwellings, including 22% affordable housing. Moderate weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping produces an acceptable response to the site and its surroundings, responding acceptably to the built character of the locality. All other matters are neutral in the planning balance.

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

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

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – Compliance with plans
2. The external facing materials of the development hereby approved shall be carried out in complete accordance with the details shown on Materials Plan TG-MAT-CLAD Rev A unless otherwise agreed in writing with the Local Planning Authority.

To safeguard the visual amenities in accordance with Policy P15 of the Solihull Local Plan 2013.

3. First floor bathroom and W/Cs windows to be installed in the flank elevations of properties shall be obscurely glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained in that condition.

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

