

PLANNING COMMITTEE UPDATE NOTE 03.03.2021

PL/2020/00108/PPFL - Knowle and Dorridge Tennis Club

There is an error in the section titled "All other impacts upon residential amenity". The third paragraph refers to lighting being on between 08:00 and 20:00 this should read 08:00 and 22:00. Condition 3 proposed and in place on the existing newer lighting states the correct hours (08:00 and 22:00).

Members are advised that there are no requirements attached to the permissions for the existing lighting columns installed on site to be automatically turned off.

PL/2020/01379/PPFL– 354 Stratford Road, Shirley

Updated Plans

An updated plan has been provided which now provides 17 on-site car parking spaces to the development. (Increased from the previously reported provision of 16 spaces). This new layout is the same layout as approved under application PL/2019/02521/PPFL.

S106 Legal Agreement

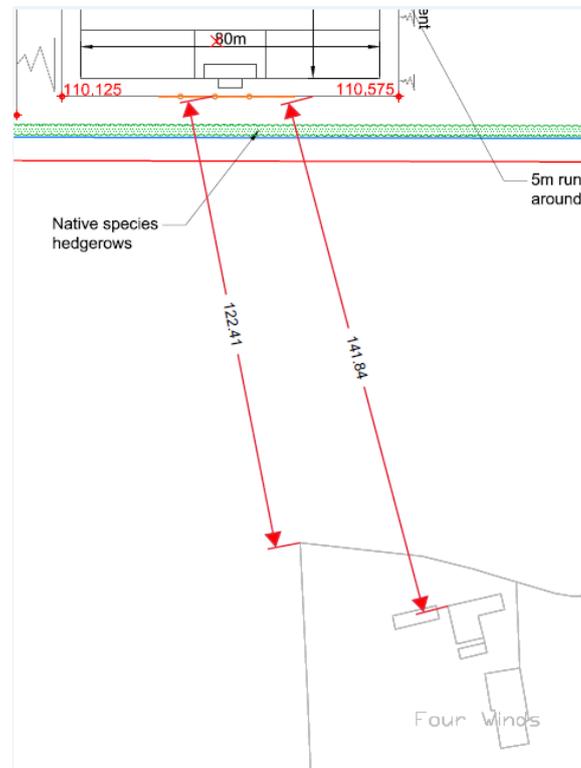
An overage clause is proposed to be included within the S106 to ensure that a review mechanism is in place. On completion of the development a re-appraisal of the financial viability of the scheme will be undertaken and should the development indicate additional profit above that identified within the current FVA, additional funds can be secured. This could result in a payment higher than the currently identified £312,000 up to a maximum of the £461,884 previously identified.

PL/2020/02792/PPFL – land at Catherine de Barnes Lane, Catherine de Barnes, Solihull

Following a further period of public consultation which ended on 27th February 2021, one additional planning objection has been received from a local resident who has submitted three previous written objections to this application.

The local resident raises concern regarding the submitted Noise Impact Assessment and the 2018 baseline data used by the applicant. The local resident states that a natural grass pitch provides greater noise reduction when compared with artificial grass as it has the ability to absorb sound. The local resident therefore considers that the applicant has incorrectly modelled the noise impacts from the proposal, and does not agree with the officer conclusion that the main impact on the amenity of the occupiers at Four Winds will be the new clubhouse and car parking area.

The further objection suggests that the committee report incorrectly states the distance between Four Winds and the southern pitches to be 140 metres but this is actually 120 metres. For clarity, the distances are detailed below;



The Proportionate Reconfiguration scheme has been detailed in the committee report. It is clear that this application is intrinsically linked to the DCO. For member's information, in determining the DCO the Examining Authority stated the following in respect of the WGAA site (also known as Páirc na hÉireann);

Páirc na hÉireann is recognised as a regionally important community facility with a membership of over 2000 and the principal location for Gaelic games in the West Midlands. It hosts numerous Warwickshire Gaelic football and hurling matches as well as the provincial knockout championships and the British University Gaelic football Championships. It is acknowledged that there is a local and regional need for the facility and that all reasonable efforts should be made to mitigate the impact of the Scheme on the club.

The original intention (back in 2017) had been to relocate the facility in its entirety on a site to the south-west of Páirc na hÉireann. That remained the case in the consultation brochure and during the statutory consultation process in spring 2018, as well as in the Preliminary Environmental Information Report. In the event, the Applicant believed that the compulsory acquisition of land to provide for the relocation could not be justified and instead pursued various options for the reconfiguration of the pitches at Páirc na hÉireann, culminating in the currently proposed 'Proportionate Reconfiguration' within the DCO.

Paragraph 5.8.68 of the Examining Authority's Report states that "it is also agreed that the 'legacy' scheme is to be pursued in the context of a separate planning permission, which will not be made before the close of the Examination. It is the intention that the 'legacy' proposal should not give rise to any environmental impacts on Four Winds or other neighbouring properties that are materially new or materially different from those set out in the Environmental Statement."

The Examining Authority made it clear that it would be the responsibility of the Local Planning Authority to determine the impacts of the legacy scheme. The committee report, having taken into account all matters raised by consultees and third parties, concludes that there will be no materially new or materially different environmental impacts on neighbouring properties to those considered as part of the DCO.

Paragraph 55 of the National Planning Policy Framework (NPPF) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

It was not possible, due to time constraints, to agree the proposed planning conditions with the applicant prior to the publication of the committee report. It is necessary to do this in accordance with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, which came into force on 1st October 2018.

The applicant has proposed a number of changes to the wording of the conditions proposed, including the merging or removal of some conditions due to the duplication of their purpose or because the proposed conditions do not satisfy the tests as set out on Paragraph 55 of the NPPF. The conditions now proposed to be included on the planning consent are detailed at Appendix A.

PL/2021/00074/VAR – 52 Woodlea Drive, Solihull, B91 1PQ

Page 174 correction (first paragraph) to read:

It is important to note that if planning permission for the current scheme were to be refused, and an appeal to the Secretary of State were to be unsuccessful; there is a realistic prospect that the 2020 application would be completed.

Other Material Considerations

Impact upon solar panels at no. 54 Woodlea Drive

The neighbouring property No. 54 Woodlea Drive has two existing solar panels on the rear roof slope. This roof slope is east facing and benefits from morning sun. The solar panels are on the section of the roof closest to the

boundary with no. 52. The resident at no. 54 has raised concerns with loss of light to the solar panels due to the proposed replacement dwelling. No technical evidence has been provided to support these assumptions. With regards to this impact, no. 52 is located directly to the south of no. 54 Woodlea Drive and for the majority of the morning the replacement dwelling would not overshadow the solar panels. In late morning as the sun approaches the south there would be a degree of additional overshadowing beyond the originally approved scheme due to the additional massing at roof level. However, given that it is two solar panels which are affected and for a minimal period of the morning (the solar panels would be shaded throughout the afternoon regardless) the impact in terms of loss of sustainable energy production is considered negligible and would not warrant refusal of the planning application.

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