

APPLICATION REFERENCE: PL/2020/02805/PPFL**Site Address:** 172 High Street Solihull Lodge Solihull B90 1JR

Proposal:	Demolition of existing building and erection of 18 No. new apartments with basement parking (Following PL/2019/02375/PPFL)(amended description).
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:	Application called-in to Planning Committee by Councillor Tim Hodgson.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS.
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EXECUTIVE SUMMARY

As a result of the housing land supply shortfall within the Borough 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 Where the policies which are most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against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 social benefits of the development through delivery of 18 apartments as well as meeting local housing needs in terms of smaller units within the Borough. 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. Moderate weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping of the

apartment block delivers a good quality, inclusive and sustainable design at the site that responds to the local distinctiveness of the area. 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.

MAIN ISSUES

The main issues in this application are the effects of the development:

- Background/Planning History;
- Whether the proposal provides an appropriate use in accordance with relevant planning policy;
- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposal on highway safety and the free flow of the road network.

- Other Material Considerations
 - Living conditions;
 - Drainage;
 - Ecology;
 - Landscape;
 - Affordable housing and housing mix;
 - CIL contribution;
 - Economic benefits;
 - Other matters;
 - Public sector equality duty; and
 - Human rights.

- Planning Balance and Conclusions

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:

Severn Trent Water – No objection subject to condition.

SMBC Affordable Housing – No objection.

SMBC Strategic Land Advisor– No objection, the development does not provide for any scope for affordable housing.

SMBC Ecology – No comment received.

SMBC Highways – No objection subject to conditions.

SMBC Landscape – No objection subject to conditions.

SMBC Urban Design – No objection.

West Midlands Police- recommend that all work carried out to be to the standard laid out in the Secured by Design “New Homes 2019” guide.

PUBLICITY

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

5 objections were received including an e-mail from Councillor Tim Hodgson and 1 comment were received in relation to the planning application. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Amenity

- Bin store too close to neighbours and will cause smells and noise disturbance;
- Overshadowing; and
- Loss of light.

Design /Character and appearance

- Second attempt is a much better fit than the previous hideous ugly city like effort;
- 3-storey is overbearing and dominates the corner plot;
- 18 properties as opposed to 14, although within the same footprint is too many potential occupants for the space; and
- Too many properties sharing the community garden.

Drainage

- Basement will cause flooding due to the clay base.

Highways

- Volume of traffic created.

Landscape

- Trees and bushes will take time to grow;

Other matters

- Excavation close to neighbouring properties will be detrimental to boundary stability; and
- Plans in 2015 for 2 houses was more in keeping with the surrounding.

1 comment received advising that electric vehicles are becoming more prevalent and each parking space should have a charging point.

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/Planning History

A planning application was submitted for the demolition of the existing building and erection of 14 new apartments with basement parking under planning reference PL/2019/02375/PPFL in September 2019. The design of the apartment building was contemporary in its design approach. The planning application was subsequently refused by the Planning Committee at its meeting on 27th May 2020 and is now the subject of an appeal with the Planning Inspectorate. The application was refused by Member’s on the following grounds: -

1. The proposed apartment building introduces a large, monolithic building of contemporary design within the application site. The proposed size, scale, mass and bulk of the building, together with its modern appearance which is dominated by flat roofs and large window openings appears as an incongruous and dominant feature in the streetscene, out of character with its context which is predominantly characterised by two storey residential houses. The proposal is therefore contrary to Policy P15 of the Solihull Local Plan 2013, New Housing in Context and to provisions of good design within the NPPF 2019.

2. The proposed apartment building introduces a basement car park whose access is located immediately adjacent to No.59 Greenslade Road. The intensity of use of this basement car park in such proximity to the neighbouring dwelling would have a harmful impact on the living conditions of occupiers at No.59 Greenslade Road through noise and disturbance caused by vehicle movements and comings and goings to and from the site. The proposal therefore conflicts with Policy P14 of the Solihull Local Plan 2013.

The amended planning application now proposes an apartment building of a reduced scale with a traditional design philosophy seeking to respond to the local distinctiveness of the area. The access has also been relocated away from the immediate boundary with the neighbour at No. 59 Greenslade Road by 8 metres. The committee report below sets out the material considerations in respect of the proposal.

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

Policy P5 of the Local Plan supports new housing on unidentified sites in accessible locations where they contribute to meeting borough wide needs and towards enhancing local character and distinctiveness. Policy P5 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

In order to find support in Policy P5, developments should; (a) be located in accessible locations; (b) contribute to meeting borough wide housing needs and; (c) enhance local character and distinctiveness.

- (a) *Accessibility*

In terms of the first test, Policy P7 of the Local Plan provides accessibility criteria in relation to local circumstances. Policy P7, amongst other things, seeks to ensure that new development is focused in the most accessible locations and promotes ease of access. When looking at housing development, this Policy sets out criteria of walking distances that new development should seek to achieve and comments on distances from primary schools; doctor's surgeries and food shops as well as distances from bus stops and railway stations. The intention is that development should be easily accessible and linked to existing amenity facilities that are capable of being arrived at on foot. Policy P7 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

	Policy P7 distance requirement	Local Authority Calculation of distance
Bus Stop	400m	200m
Rail Station	800m	1800m (Shirley Rail Station)
Food Store	800m	350m (One Stop Shop, Oxhill Road)
Primary School	800m	450m (Peterbrook Primary School)

GP Surgery	800m	1700m (Colebrook Medical Centre)
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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 some of the ideal distances that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within the existing mature suburb of Solihull Lodge and there is no material difference in walking times to facilities from this application site when compared to existing neighbouring homes at High Street and its surrounds and, as such, the application proposal is considered in accordance 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*

Turning to the second test, paragraph 11 of the Framework 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 Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) 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 limited 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.

The adopted supplementary planning document ‘Meeting Housing Needs’ expect developments to contribute towards addressing mismatches between housing demand and supply to help meet the Local Plan objective to address imbalances in housing supply and local demand. Within the Shirley Wards the SPD seeks 50% of all new market housing to be 1 or 2 bedroom dwellings. In this instance, 18 no. 2 bedroom apartments are proposed which would meet the identified need for smaller dwellings within the Ward and Borough as a whole, which carries significant weight in the planning balance.

The presumption in favour of sustainable development therefore applies in accordance with Paragraph 11(d) of the Framework. Significant weight is accordingly attributed to the positive contribution the 18 apartments make towards addressing this current housing shortfall in the Borough and to the need for smaller units within the Shirley Wards. Therefore, the proposal meets the housing test in Policy P5.

- *(c) Enhancing local character and distinctiveness*

Finally, considering the third test, Policy P15 of the Local Plan provides guidance on Securing Design Quality. Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment.

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design 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, P10 and P15.

The principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would enhance local character and distinctiveness and therefore meet the test in Policy P5.

- *Summary*

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

This should be accorded significant weight in the planning balance.

The effect of the proposed development on the character and appearance of the area

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

In order to determine the effect the proposed development would have on the character and appearance of the area, a baseline position against which to assess the impacts needs to be established.

The site currently comprises of two residential properties and their respective curtilages. Both properties are linked-detached houses that are set back from the road within their plots. Vehicular access for both properties is onto Greenslade Road. A detached garage block is adjacent to number 172. Both properties have large gardens to the rear and side.

The site is bound on all sides by residential development although there is varying scale, design and age to the surrounding properties. Dwellings fronting onto High Street are primarily 2 storey, semi-detached dwellings set on sizeable plots, which are mostly 1960-70s style houses. To the west, the style and size of dwellings becomes more mixed with 1930s style semi-detached houses located adjacent to a two storey extra care complex which has recently opened. The topography of the land is primarily flat. Three storey apartments are also feature in the wider area at Lichfield Court and Clare Court, High Street, Solihull Lodge and a 3-storey apartment block at the junction of High Street and Aqueduct Road.

The site is not in a conservation area, has no formal designation of protection or preservation, and none of the trees are subject to a tree preservation order (TPO).

The proposal demonstrates the following key features:-

- *Scale, massing and layout*

In terms of layout, this is dictated by the corner site and the regular flat shape of the application site. The apartment block would be L-shaped in form to address both frontages of the High Street and Greenslade Road. A relocated single access point from Greenslade Road is proposed to give access to the basement car park. This would be 8 metres further south than the original scheme. The staggered building lines proposed by the apartment block follow the notional building line exhibited within both streets and the layering of the roofscape add visual interest in the locality ensuring the proposal enhances the character and appearance at this prominent corner site.

With regard to scale and massing, the properties immediately surrounding the application site are predominantly two-storey dwellings (ranging in height 8.15m to 8.6m in height). However, the Sunhaven Care Home (opposite) due to its extensive roof height has the scale and massing of a 3-storey building at 10.6m in height.

The proposed apartment block due to the hipped roofs and layering of the roofscape would have a range of heights. Adjacent number 170 High Street the apartment block would be two-storey in height with a roof height of 8.35m compared to 8.6m at number 170. The apartment block then steps up to three-storey at the junction at 10.1m compared to 10.6 metres on the opposite corner exhibited by the Sunhaven Care Home and reduces to two-storey adjacent to number 59 Greenslade Road. The apartment building would be 8.15m in height compared to 59 Greenslade Road at

8.65m. The apartment block would also be set 1 metre from the boundary, whereby the original proposal abutted the boundary.

The illustrative streetscene provided demonstrates that proposed amended apartment building would relate to and be comparable in scale, mass and disposition to its immediate neighbours and therefore complements the existing massing and scale of the surrounding neighbourhood and street scene along High Street and Greenslade Road.

- *Design*

The amended design of the apartment block now takes a traditional approach rather than a contemporary appearance previously refused. The adoption of a more traditional architectural approach by stepping sections of the building forward to create bay features and gables to the roofline reduces the scale and bulk of the apartment building ensuring that it has regard to the local distinctiveness of the area. This interpretation of the 1930s architecture along High Street is therefore not out of character in the locality and therefore meets the provisions within Policy P15 Securing Design Quality and would deliver a good quality, inclusive and sustainable design at the site. The Council's Urban Design Officer has raised no objection to the proposal or the design response.

The secured basement parking area and internal arrangement of the apartments and window locations provide natural surveillance to the site frontage and the access road to the basement car park. This ensures that vehicles parked in the basement car park are not vulnerable to crime, due to the lack of natural surveillance.

- *Landscape*

There are no significant landscape features on the site and therefore any proposed planting should look to enhance the site. No planting plan has been submitted with the application, but the Proposed Site Plan indicates a hedgerow to the High Street and Greenslade Road frontage inter-dispersed with tree planting which would soften this prominent corner location the site occupies. These are fastigate and small trees which would enhance the character of the site compared to the open nature of the site currently.

The area above the underground car park has been amended since the previous application (PL/2019/02375/PPFL) which showed tree planting on what is affectively a roof garden. This is now predominantly a hard landscape area with small planting areas, and these areas will need to within raised planters. The details would need to be submitted to demonstrate that these will work in terms of sufficient soil volume and drainage, which can be secured by the imposition of a landscape condition.

Therefore, subject to the imposition of landscaping conditions the proposal would enhance the character and appearance in terms of its landscape setting compared to the existing situation.

- *Summary*

The site is located within an accessible location where the principle of development is supported. The adoption of a traditional architectural approach by stepping

sections of the building forward to create bay features and gables to the roofline ensures that the interpretation of the 1930s architecture along High Street integrates successfully with the character and local distinctiveness in the locality and its immediate neighbours.

Thus, the key characteristics of the proposed development would be a sympathetic response to the varied character of the surrounding area and would respect the local distinctiveness of the residential location in accordance with the SPG guidance. For above reasons there would be no conflict with the development plan policies, namely Policies P5 and P15 of the Solihull Local Plan 2013 which set out a requirement for good quality, inclusive and sustainable design. The proposal would also respect the design policies of the National Planning Policy Framework.

This matter should be accorded moderate weight in the planning balance.

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

Paragraph 109 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy P7 of the Solihull Local Plan 2013 indicates that all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access. Section a) i. of Policy P7 is considered to be the most applicable to the proposed development, which sets out the distances new residential developments should be located within to nearby local facilities and amenities. Policy P8b) also requires development to promote the use of sustainable modes of transport (i.e. walking, cycling and public transport). Paragraphs 108 and 110 of the National Planning Policy Framework (NPPF) highlight that sustainable transport modes should be promoted and priority should be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

The application has been accompanied by a Transport Statement (TS).

The TS provides a list of the essential services and amenities available within a reasonable walking distance, which includes One Stop Convenience Store (350m); Peterbrook Primary School (450m); Spar Convenience Store (450m); Boots Pharmacy (700m); Sainsbury's Food Store (1.4km); Aldi Food Store (1.5km); and Shirley Railway Station (1.8km). There are also three bus stops available within approximately 200m walking distance of the application site, which offer two services to Birmingham and Solihull Town Centre that operate approximately every 15 to 20 minutes.

The application site is therefore considered to be in a relatively accessible location with a number of local amenities and facilities including bus stops, food stores, and schools located within a reasonable walking distance.

The amended proposals now includes the closure of the existing vehicular access and the creation of a new vehicular access off Greenslade Road slightly further south to address concerns raised as part of the previous planning application in respect of the noise and disturbance from the comings and goings of vehicles on the amenity of the adjacent neighbour. The new vehicular access will serve the proposed basement parking area which will be secured through via an electric roller shutter at its entrance into the basement area. The area would accommodate 27 (150% provision) car parking spaces with a secure cycle storage area for the occupiers of the apartments.

The new vehicular access would be located approximately 7m south of the existing vehicular access. The Highway Authority acknowledge and understands that the closure of the existing and creation of a new vehicular access is to provide a greater separation distance between the vehicular access serving the application site and the existing dwelling at no.59 Greenslade Road.

The proposed vehicular access would measure at least 5m in width. Visibility splays of 31.3m would be provided to the right (north) of the proposed vehicular access when measured 2.4m back from the near side edge of the carriageway, and visibility splays of 29.2m will be provided to the left (south). The visibility splay distances are based on the 85%ile speed of vehicles recorded during the speed survey carried out on Tuesday 16th July 2019, which were 24mph for vehicles travelling northbound and 25.2mph for vehicles travelling southbound.

The TRICS database has been interrogated to calculate the number of vehicle trips the development proposals could generate during the AM and PM peak periods (08:00-09:00 & 17:00-18:00). As the proposals would replace two existing dwellings, the trip generation assessment has been based on the impact of 16 additional residential units. The TS indicates that the additional 16 residential units would generate approximately 8 additional two-way vehicle trips during the AM peak period and approximately 6 additional two-way vehicle trips during the PM peak period. It is unlikely that the additional vehicle trips the development proposals will generate will have a severe impact on public highway safety, or on the operation of the local highway network.

The proposals include the provision of 27 car parking spaces within the proposed basement car park. The submission indicates that nine of the proposed apartments would be allocated two car parking spaces each and the remaining nine apartments will be allocated one car parking space each. A secure cycle parking / storage area is also proposed within the basement car park, which can accommodate two cycle spaces per apartment.

Taking into account the accessibility of the application site, the level of cycle parking proposed, and the public transport services that are available within close proximity of the application site, the Highway Authority considers the level of car parking proposed to be acceptable. Due to the reduced level of car parking proposed, the Highway Authority recommends that a Green Travel Plan is conditioned to encourage future occupants to make use of the sustainable modes of transport available when travelling to and from the application site.

Thus having regard to the advice of Highway Authority, in terms of the accessibility of the site and evidence provided in terms of the additional vehicular movements created, the proposal demonstrates that no severe impact would occur on the strategic road network. The proposal therefore accords with Policies P7 and P8 of the Solihull Local Plan 2013. Thus paragraph 109 of the NPPF is engaged which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Overall, neutral weight can be attributed to the highway safety and impact matters in the planning balance.

Other Material Considerations

- *Living conditions*

Policy P14 of the 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 future occupiers of the proposed new dwellings. Policy P14 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

Existing residents: the proposal would introduce 18 new apartments with in a single block onto the application site and therefore the impact on the amenities of the occupiers of neighbouring properties requires careful assessment in relation to the opportunities for overlooking, overshadowing, loss of light or the creation of an overbearing impact.

Concerns have been raised by local residents with regards to potential overlooking to their properties and gardens, as well the development having an overbearing impact in terms of loss of light and privacy.

The apartment block would lie adjacent to the properties number 170 High Street and 59 Greenslade Road and front the properties 221 – 229 High Street and the Sunhaven Care Home at the junction of High Street and Greenslade Road.

The residential property 59 Greenslade Road is located to the north of the application site. The two-storey element of the apartment building has been relocated from the shared boundary with this neighbour compared to the original scheme with a hipped roof design. The apartment building now retains a 1 metre gap to the side boundary. The apartment block footprint would align with the notional building line of Greenslade Road with a single storey element projecting 1 metre in front of the building line of number 59. The footprint then staggers towards the junction of Greenslade Road with High Street. Number 59 Greenslade Road has a single storey wrap around extension providing habitable rooms to this dwelling. The Council's Building Regulation records indicate that the garage was converted to a studio with a single storey rear extension to the rear by permission in 2010. The roof scape of these alterations have 4 velux roof lights along its side facing slope facing onto the side elevation of the proposed apartment block that provide additional light to rooms within this single storey element. These windows are not the primary light

sources to the rooms, which are located at the front and rear of the extension. The Council's adopted House Extension Guidelines confirm that side facing windows, which are secondary to a rear-facing window, will not normally be considered. The siting of the proposed apartment block would not breach the 45 degree guide in terms of the front or rear facing windows. Whilst, it is acknowledged that the siting would reduce the amount of light to the velux roof lights these are not primary light sources and are secondary. Thus it is considered that such a relationship is not unacceptable in terms of loss of light or cause any over bearing impact.

The proposed access to the basement car park has been relocated and moved 8 metres further south from the common boundary with number 59 compared to the original refused scheme. The access provides a ramped access to the secured basement car park. The proposed apartment development would clearly intensify the number of vehicular trips to the site compared to the existing situation. The 18 apartments proposed could generate approximately 80 two-way vehicle trips over the 12-hour period (07:00-19:00). Any additional vehicle trips generated outside of these hours would likely be minimal. Over the same 12-hour period, a single dwelling would typically generate 5-6 two-way vehicle trips. Clearly, additional vehicular movements would be introduced. However, the relocated access now ensures that the degree of noise and disturbance associated with coming and goings of vehicles is not unreasonable or cause any statutory nuisance by reason of additional noise or disturbance to this neighbour from such activity.

The residential property number 170 High Street is sited on the eastern boundary of the application site. The proposed apartment block would be two-storey in height (8.35m) along this boundary maintaining a 1.2 metre gap with the side boundary to this neighbour, which is set off the boundary by 1m. The site layout plan indicates the basement to the car parking area would also be within 2.4m of the boundary with this neighbour. The two-storey element of the apartment block would project 3m (to the bay window) in front of the front elevation of this neighbour, with a minimal 0.3m projection beyond the rear elevation. The detail of the apartment block would have front and rear facing windows. The siting of the apartment block adjacent to this neighbour would not breach any 45 degree guide to any primary habitable room. The siting of the apartment block adjacent to this neighbour would therefore, not appear overbearing or cause any unreasonable loss of light to this neighbour.

Within the rear amenity of the apartment block, a single storey bin store is proposed to be sited. The bin store would be sited within 1m of the side boundary and have a footprint measuring 3.87m by 4.98m and an overall height of 2.9m. The elevational details of the bin store indicate a simple enclosed wooden structure, similar in proportion to a garden shed ensuring that its scale and appearance is appropriate to its context. Further, the enclosed nature ensures that smells are controlled from the bins. Along this boundary with number 170 currently exists a 2m high timber fence. Therefore, the siting and relationship of the bin store would not appear overbearing or cause any material loss of light.

In relation to the properties opposite the site namely 221-229 High Street, the proposed apartment building would maintain a separation distance of 25 metres between the front elevations. This separation distance ensures that the apartment block would not appear overbearing or cause any loss of light given the orientation of

the site to the north of these dwellings. Further, the separation distance ensures that no unreasonable loss of privacy would occur.

The apartment block would also maintain a gap of 23.5metres with the Sunhaven Care Home. Such a gap ensures that the apartment block would not appear overbearing, cause any loss of light or loss of privacy to the care home.

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

- *Drainage*

Policy P11 of the Local Plan advises that all new developments shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so. Developers shall ensure that adequate space is made for water within the design layout of all new developments to support the full use of sustainable drainage systems, and shall demonstrate that improvements to water environment will be maximised through consideration of a range of techniques.

The Framework confirms that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The applicant has indicated that they will manage surface water from the proposed development by using a sustainable drainage system, soakaway or mains sewer.

The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a sustainable drainage system (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system; and
- to a combined sewer.

Particular types of sustainable drainage systems may not be practicable in all locations. In this instance no geotechnical survey has been undertaken at this stage. The above hierarchy sets out the order of drainage options. It is therefore unknown whether infiltration techniques would prove feasible. Both the Lead Flood Authority and Severn Trent Water consider that the detailed drainage scheme for the development can be appropriately conditioned to mitigate any harm and ensure the site is appropriately drained and does not cause any wider drainage issues.

The proposal therefore accords with Policy P11 of the Local Plan and guidance in the Framework. This should be afforded neutral weight in the planning balance.

- *Affordable housing and housing mix*

On the 19 May 2016 Government announced changes to national planning guidance in respect of the thresholds at which affordable housing contributions may be sought

and a vacant building credit, which applies where developments re-use existing buildings or include the demolition of existing buildings. Solihull has adopted an Addendum to Solihull 'Meeting Housing Needs' Supplementary Planning Document.

The Council has therefore amended Council Plan Policy P4 a) as follows, 'The Council will require developers of allocated and unidentified sites to make a contribution to affordable housing on residential sites of 11 units or more, or which have a maximum combined gross floor space of more than 1000sqm to meet the housing needs of the Borough'.

The site is above the threshold where Policy P4a applies, however the policy also takes into account a number of other factors:

"Contributions will be expected to be made in the form of 40% affordable dwelling units on each development site, but will take into account:

- i. Site size;*
- ii. Accessibility to local services and facilities and access to public transport;*
- iii. The economics of provision, including particular costs that may threaten the viability of the site;*
- iv. Whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site;*
- v. The need to secure a range of house types and sizes in the locality in helping to achieve socially balanced and mixed communities; and*
- vi. The need to achieve a successful housing development."*

The proposed development seeks 18 apartments and the Solihull Local Plan policy P4 require 40% affordable housing equating to a requirement for 7no dwellings for affordable housing delivered as 5no dwellings for affordable rent and 2no for shared ownership.

The applicant for this development has submitted a viability study that argues that the scheme is unable to provide the affordable housing in accordance with our policy due to viability, in accordance with criteria iii above.

To establish if the requirement can be viably delivered the Applicant have appraised the development on an all open market basis to establish if a surplus is generated over the benchmark land value based on an existing use assessment of value.

The appraisal shows a negative outcome with a negative residual land value at - £183,733 and so clearly no surplus is generated over the benchmark land value to support any affordable housing delivery. To generate a positive land value the developer would have to take a commercial view to accept a lower level of return, at a developers profit at 14.8% of GDV which is just below the profit levels set out in the Planning Practice Guidance at 15-20% of GDV the appraisal shows a positive land value but this is still some £525,000 below the benchmark land value.

Introducing a requirement to provide affordable housing will compound the existing viability pressure and so Council's Strategic Land Advisor has concluded it will not be possible to viably deliver any affordable housing contribution on this development. It should be noted this assessment has been carried out based on predominantly

pre-Covid 19 market evidence and the RICS have issued material uncertainty provisions to valuation guidance. If the crisis continues to increase levels of unemployment this could affect market confidence with a resultant effect on sales values and sales rates.

Based on the above, the Council's Strategic Land Advisor has advised that the viability study justifies no affordable housing provision/contribution due to viability of the scheme. The Council Strategic Housing Officer (Affordable Housing) therefore confirms that the proposal would be in accordance Policy P14(iii) and no affordable housing contribution should be sought.

Thus in light of these conclusions the provisions of Policy P4 (iii) are engaged and no affordable housing contribution can be sought and the proposal therefore accords fully with Policy P4 of the Solihull Local Plan. Neutral weight should be afforded to the matter in the planning balance.

- *Ecology*

Policy P10 of the Solihull Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. Policy P10 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The Council's Ecologist previously advised that the Ecological Assessment for Bats produced by AMPA Associates (July 2019) includes an appropriate level of survey effort to have confidence that a bat roost are not present in the existing dwellings on the site.

Further, given the lack of landscape features on the site, the proposed imposition of landscaping conditions would both enhance the character and appearance in terms of its landscape setting as well as enhancing the biodiversity of the site compared to the existing situation ensuring a net gain in biodiversity compared to the exiting situation.

The proposal therefore accords with Policy P10 of the Local Plan and guidance in the Framework. This should be accorded neutral weight in the planning balance.

- *CIL contribution*

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016. The Council's Consultants in respect of the viability appraisal have confirmed that development is viable to pay to CIL if planning permission is granted. This would amount to £185,886.72 based on 2017 square metres of chargeable floor area for a residential in a Mature Suburb (chargeable rate for 2021).

This should be accorded neutral weight in the planning balance.

- *Economic benefits*

The proposal would support a number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify that number jobs created, the proposal would support a significant number of trades that would be involved in the construction process. This matter would be of significant benefit to the local economy. Further, the future occupiers of the apartment development would increase local spend in the area at local shops and other services. In summary, there would economic benefits during construction and from the expenditure of future residents through their occupation of the new apartments. Thus having regard to the guidance in the Framework significant weight to the economic benefits should be attributed to the matter in the planning balance.

- *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.

Planning Balance and Conclusion

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

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

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 social benefits of the development through delivery of 18 apartments meeting local housing needs in terms of smaller units. 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. Moderate weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping of the apartment block delivers a good quality, inclusive and sustainable design at the site that responds to the local distinctiveness of the area. 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 recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

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

RECOMMENDATION

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

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

1. CS00 - Compliance with all plans.
2. CS05 - Commencement within 3 years – full.
3. CS06 - Materials to be submitted.

4. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The details shall include:

- a) Details about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), 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 floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) 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);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development in accordance with Policy P11 of the Solihull Local Plan.

5. No development shall commence until full details of a management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The details 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 plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development and to reduce the flood risk to the development as a result of inadequate maintenance in accordance with Policy P11 of the Solihull Local Plan.

6. The development shall not be occupied until all parts of the existing vehicular access has been closed with the kerbs and footway reinstated, and the new vehicular access has been laid out in general accordance with Drawing Number SK01 (Proposed Access Arrangements) included within Appendix E of the Transport Statement prepared by Cotswold Transport Planning (dated November 2020), and constructed to the standard specification of the Local Highway Authority.

In the interests of public highway safety to accord with Policy P8 of the Solihull Local Plan 2013.

7. The development shall not be occupied until a Car Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority, which should provide details of the allocation of parking spaces. The car parking area shall thereafter only be operated in accordance with the approved strategy.

In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

8. The development shall not be occupied until a refuse collection strategy has been submitted to, and approved in writing by, the Local Planning Authority, which should provide details of refuse storage and collection.

To ensure adequate refuse storage and collection facilities are provided in accordance with Policy P8 of the Solihull Local Plan 2013.

9. No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and demolition/construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in demolishing/constructing the development; a turning area within the site for demolition/construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

In the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

10. Before the development hereby approved is occupied (or at such later time as may be agreed in writing by the Local Planning Authority) a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the occupier or the premises shall review the Green Travel Plan on a biannual basis. The review report shall be submitted biannually to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

To encourage the use of sustainable modes of transport in accordance with Policy P8 of the Solihull Local Plan 2013.

11. CL04 - Hard, soft landscaping scheme.
12. CL06 - Implementation of landscaping scheme.
13. CL07 - Replacement of trees or hedging lost.
14. All existing buildings on the site shall be demolished and all rubble and other waste material removed therefrom before the replacement apartment building hereby approved commences or by such further time as may be agreed in writing by the Local Planning Authority.

In order to secure the satisfactory development of the site in accordance with Policy 15 of the Solihull Local Plan.

15. CN20 - Contamination survey and remediation.
16. CN16 - Air cond/mechanical vent to be installed.
17. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with Policy P11 of the Solihull Local Plan.

