

APPLICATION REFERENCE: PL/2019/02546/PPOL**Site Address:** Land rear of 86 Meriden Road, Hampton In Arden, Solihull

Proposal:	Outline application for residential development of up to 109 units with associated access and public open space (landscaping, appearance, layout and scale reserved for future determination).
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 approval of an 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 AND THE COMPLETION OF A UNILATERAL UNDERTAKING / S106 AGREEMENT.
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EXECUTIVE SUMMARY**Solihull Council Plan**

The Solihull Council Plan 2020-2025 sets out the Council's Vision for the Borough and identifies a number of key objectives to be achieved by 2025 including, increasing the supply of housing, especially affordable and social housing (Objective 3). The Solihull Council Plan identifies the Local Plan, including appropriate policies, targets and allocated sites for future housing delivery, as a key driver for achieving this objective.

Solihull Local Plan 2013

The Local Plan recognises that Solihull has a strong reputation for its high quality built and natural environment, economic success and prosperity, excellent transport links, as well as being a desirable place to live. However, it acknowledges that there are significant problems and challenges facing the Borough. The Local Plan sets out twelve key challenges facing the Borough, together with objectives for how each

challenge can be addressed, including Challenge A (Reducing Inequalities in the Borough) which identifies “*problems of access to housing and local services, particularly in some rural areas*” (A viii, p.18); and Challenge B (Addressing Affordable Housing Needs across the Borough) which identifies “*a shortage of affordable housing, particularly for rent, in all areas of the Borough but especially the Mature Suburbs and the Rural Areas of the Borough*” (B i, p.19).

The application site is allocated for up to 110 dwellings in the Local Plan (p. 89 & 176).

Prior to the submission of this application pre-application discussions took place, as well as consultation with the local community and stakeholders. The result is the submission of a scheme that provides for a quantum of development and land use that accords with the designation of the site as a local plan housing site.

The proposal seeks outline application for residential development of up to 109 dwellings with associated access and public open space (landscaping, appearance, layout and scale reserved for future determination) on a site which is allocated for housing in the Local Plan (Site 24). The Local Plan confirms the site is allocated for up to 110 dwellings. The proposal will provide a mix of 1 & 2 bed apartments and 2, 3 and 4 bed houses. The proposal will also provide 44 affordable units which equates to 40% affordable housing.

This Report will demonstrate that the proposal will have a neutral or positive impact on the planning matters relevant to the assessment and determination of this application.

The proposal therefore represents an acceptable scheme that will deliver a significant amount of housing on an allocated housing site when the Council cannot demonstrate a five year housing supply. It will help secure the delivery of a key objective of the Solihull Council Plan, and help tackle challenges and objectives identified within the Solihull Local Plan 2013.

The proposal is therefore in accordance with the adopted development plan (Solihull Local Plan 2013 hereinafter referred to as the Local Plan) and guidance in the National Planning Policy Framework (the Framework). The development therefore benefits from the presumption in favour of sustainable development and the planning balance is firmly in favour for this proposal.

PROPOSAL

Detailed Elements

The proposed vehicular and primary pedestrian access into the site will be via Lapwing Drive adjacent to the northern boundary of the site. The new access will be located between no. 11 Lapwing Drive and no. 86 Meriden Road and is shown on the illustrative masterplan (Proposed Layout Plan - drawing number 2202.100 P6).

A secondary pedestrian only access will also be possible via Public Right of Way M118 which runs from the site to Station Road to the west via The Crescent, and Meriden Road to the east. M118 is shown on illustrative masterplan.

The planning application submission has provided full detail to allow a thorough and robust assessment to be made of these elements.

Outline Elements

Residential

The outline application allows for up to 109 dwellings with a mixture of 1 and 2 bed apartments and 2, 3 and 4 bed housing with 40% of the housing affordable to meet local need.

Public Open Space / Play Facilities

Whilst landscaping is not submitted in detail, the illustrative masterplan provides details of how Public Open Space (POS) and play facilities in the form of a Neighbourhood Equipped Area of Play (NEAP) will be incorporated at the southern end of the site. The detailed design of play facilities will be provided at reserved matters stage.

The POS and play facilities will either be adopted and managed by SMBC, or not adopted by SMBC and managed by private management company. This is discussed further later in this Report.

It should be noted that the POS and play facilities is proposed outside of the allocated site within the Green Belt, as are some of the drainage features which form part of the Sustainable Urban Drainage System (SuDS). An agricultural track is also proposed to enable the landowner to access the agricultural land to the south of the application site. This is discussed further later in this Report.

PROCEDURAL MATTERS

The Government's Planning Practice Guidelines (PPG) advises that *"an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'"*. Paragraph: 005 Reference ID: 14-005-20140306.

Access

The proposal is for outline planning permission with "access" only to be determined at this stage. Appearance, landscaping, layout and scale are all reserved for future determination (reserved matters).

As the application is submitted in outline with all matters except access reserved for subsequent consideration, the plans on which the application should be determined are:

- Location Plan (drawing number 2202.001 P4)
- Site Plan (drawing number 2202.002 P4)
- Site Access on Lapwing Drive (drawing number P1114/211B)

Appearance, Landscaping, Layout and Scale (reserved matters)

Appearance, landscaping, layout and scale are all reserved for future determination.

A number of documents relating to the appearance, landscaping, layout and scale of the proposed development have been submitted for illustrative purposes, including:

- Illustrative Masterplan (Proposed Layout Plan - drawing number 2202.100 P6); and
- Design and Access Statement (Rev P2).

Whilst not formally part of the scheme, Officers have treated the details relating to the matters reserved for future approval submitted with the application as a guide to how the site might be developed, but not as matters for formal determination as part of this application.

In addition, the application is supported by a number of reports and technical information in accordance with the Council's Local Validation requirements. They include a Contaminated Land Report, Preliminary Ecological Appraisal, Reptile Survey, Bat Survey, Biodiversity Impact Assessment, Flood Risk Assessment, Arboricultural Survey, Planning Statement, Transport Assessment and Travel Plan and Statement of Community Involvement.

MAIN ISSUES

- Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance; and
- The effect of the proposal on highway safety and the free flow of the road network.
- Other Material Considerations.
 - Housing;
 - Public Open Space;
 - Living Conditions;
 - Character and Appearance;
 - Drainage;
 - Ecology;
 - Green Belt; and
 - Other Matters.
- Planning Balance and Conclusion.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Environment Agency – We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make as there are no environmental constraints associated with the site which fall within our remit.

Hampton in Arden Parish Council

- In the absence of elevation drawings and diagrams representing the street scene we have a concern over the potential impact of the 3 storey dwellings.
- It is unclear from the drawings provided the precise route of the public footpath through and round the site.
- We wish to be reassured that our potential traffic calming scheme, in particular, the roundabout infrastructure at the Lapwing Drive junction, has been fully accounted for in the formulation of the assessment.
- There is we believe a lack of clarity concerning the number and type of affordable dwellings on the site.

We would hope to see these issues clarified when a full application is submitted.

Lead Local Flood Authority – No objection subject to condition.

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

SMBC Affordable Housing – No objection subject to S106 Agreement to deliver affordable housing and housing mix

SMBC Education – No objection and no financial contribution required

SMBC Ecology - No objection subject to condition

SMBC Public Health – No comment to make

SMBC Heritage – No objection

SMBC Highways - No objection subject to conditions and contribution via S106 Agreement of £12,000 for bus stop infrastructure and £20,000 for PROW enhancement and delivery of pedestrian crossing facility and gateway feature.

SMBC Landscape – No objection subject to:

In the event the site IS offered up for adoption, £108, 014, 96 (one hundred and eight thousand fourteen pounds and ninety six pence) to operate and maintain the proposed areas of public open space and play facilities.

In the event the site IS NOT offered up for adoption, but to be placed with a Management Company - creation of a Management Company and Management Plan to operate and maintain the proposed areas of public open space and play facilities.

SMBC Policy and Spatial Planning – No objection

SMBC Public Protection – No objection subject to conditions

SMBC Urban Design – No objection

Seven Trent Water – No objection subject to conditions

West Midlands Fire Service - Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and National Guidance Document on the Provision for Fire Fighting published by Local Government Association and Water UK

West Midlands Police - Recommendation that all work carried out to be to the standard laid out in the Secured by Design 'New Homes 2019'.

HS2 Limited – No objection

The Open Space Society

- The Planning Authority must ensure the proposed Public Open Space complies with relevant policies. There is probably insufficient space for formal pitches as well as landscaping, walking, and play areas, but the space needs to be properly laid out and equipped.
- The Planning Authority should secure that the proposed Public Open Space be registered as a village green under section 15 of the Commons Act 2006.
- The Planning Authority should secure the protection of the Public Open Space with the current Borough Byelaws, made under Section 164 of the Public Health Act 1875.
- The proposed Public Open Space would accommodate both the pre-1939 and current routes of M118. However, in view of the applicant's desire for further residential development of the wider area, no obstruction of the pre-1939 route should be permitted, unless it can be shown it has been lawfully extinguished.
- The Highway Authority should ensure that Public Rights of Way through the site are properly created and recorded, and that boundary structures should be limited to those needed for the control of livestock.
- The formal dedication of the permissive link path to M120 by the landowner is welcomed, and will be appreciated by many users.

Warwickshire Museum (Archaeology) – Objection on the grounds that the scheme is not supported by an archaeological site evaluation. It is considered an archaeological site evaluation can be secured by appropriately worded conditions.

COMMUNITY INVOLVEMENT

The Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Solihull Metropolitan Borough Council adopted its Statement of Community Involvement (SCI) in 2007. The SCI was updated in January 2020. The new SCI is entitled: Reviewing the Plan for Solihull's Future, Solihull Local Plan Review, Statement of Community Involvement (January 2020).

The SCI contains guidelines for developers to follow when consulting on planning applications within the boundaries of the local authority. The document advises that the Council would expect developers of applications for major development to involve the wider community in the development of their proposals at a pre-application stage.

In line with the SCI and Framework a consultation exercise was undertaken to present the proposed development options to residents and stakeholders. The purpose of this consultation was to allow residents, local councillors and other interested parties the opportunity to be involved in the proposals from the beginning.

The Statement of Community Involvement submitted with the application provides the following summary of the public consultation exercise undertaken by the applicant:

- As part of the development of the proposals, the applicant undertook consultation with statutory parties including the Local Planning Authority; local Ward Councillors; Dame Caroline Spelman; Hampton-in-Arden Parish Council and residents of the village.
- A public consultation event was held, where plans were displayed for public viewing and representatives' on-hand to answer any additional questions. This was attended by approximately 45 residents viewing the information available.
- A dedicated website page was set up which provided a copy of the response form to be downloaded and emailed to a specified email address.
- Although verbal comments were recorded on the evening of the event, six responses were received in total combining two forms completed on the night of the public consultation and four via email.

Drawing matters together, the applicant has undertaken consultation exercise in accordance with the Council's adopted SCI and guidance in the Framework.

PUBLICITY

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

Six 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).

Amenity

- Noise pollution and loss of amenity from the adjacent Arden Shavings site.
- Air pollution.

Drainage

- The development is situated very close to the River Blythe SSSI Flood Plain which is in flood many times a year.
- Will Severn Trent give permission for the public sewer to be used?
- The proximity of the proposed development to the River Blythe flood plain raises questions on ground conditions in relation to building foundations.

Highways

- The traffic flow through the village of Hampton in Arden will be increased.
- The distance of the proposed development from the centre of the village will mean that people will drive to the village which will cause traffic and parking problems.
- Increased traffic on Lapwing Drive and surrounding roads.

Other

- Concerns raised about potential contaminated land associated with both the historic ammunitions site and adjacent industrial site may have on the proposed development site.
- Detrimental impact on community facilities.
- Concerns over location of play space.

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 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 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 Local Plan, the relevant policies of the Framework 2019, the National Planning Practice Guidance (PPG).

Further, the Hampton-in-Arden Neighbourhood Plan 2017 – 2028 (NDP) is now formally part of the statutory Solihull Local Plan (i.e. the development plan).

Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance

Development Plan

The statutory development plan includes the Local Plan and NDP. The planning policies which are most relevant to this application are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policies.

The application site is allocated as housing Site 24 in the Local Plan (p.176). Although it should be noted that the POS and play facilities are proposed outside of the allocated site within the Green Belt, as are some of the drainage features which form part of the SuDS.

The Local Plan sets out the following reasons and conditions for allocating Site 24: *“this site has been released in special circumstances. Development of the site will be conditional on reclaiming the ammunition depot [Arden Wood Shavings] for open space, or in the event the ammunition depot is unavailable, some alternative development solution delivering additional open space”* (p.87).

Policy HOU1 (New Housing Developments) of the NDP explains *“where suitable sites are identified residential development will be supported where it comprises one or a combination of the following types:*

- *affordable housing for rental or shared ownership some of which may be for those with a local connection in accordance with the Solihull MBC Housing Allocation Scheme²⁴ and to meet the needs of first time buyers and small families (as defined in Meeting Housing Needs Supplementary Planning Document);*
- *smaller properties suitable for those seeking to downsize; and,*
- *properties suitable for the elderly, located close to key facilities and designed to current national recommendations”* (p.19)

The supporting text to Policy HOU1 explains *“a site of 2.79ha off Meriden Road for an estimated 110 dwellings is identified in the Solihull Development Plan for release in 2023. However, changes in circumstances or policy could result in an earlier release. It is intended that the site will only be released conditionally on the reclaiming of the Arden Wood Shavings site for open space.*

In the event that this site is unavailable an alternative solution for delivering the

additional open space will be needed. The Parish Council will publicise proposals and work with residents to identify favoured options” (p.20).

The Solihull Local Plan – Draft Submission Plan 2020

The Arden Wood Shavings site (former ammunition depot) is allocated for up to 100 dwellings under Policy HA1 (Meriden Road, Hampton in Arden) of the Draft Submission Plan (p.183). The Local Plan Review is yet to be examined. Accordingly although the Local Plan Review, as currently published, can carry some weight, it is limited.

Summary

Drawing matters together, the Arden Wood Shavings site (former ammunition depot) cannot be reclaimed for open space as it is being promoted by the Council for housing in its Draft Submission Plan. Therefore, as set out in the Local Plan and NDP, an alternative solution for delivering additional open space is required.

The principle of housing on the site is supported by the Local Plan and NDP providing the development provides (a) an ‘alternative solution for delivering additional open space’ and (b) meets ‘one or a combination of’ the tests in Policy HOU1 (New Housing Developments) of the NDP. An assessment of these requirements is set out later in this Report.

It is considered that the proposal meets the requirements set out in the Local Plan and NDP for the release of the site for housing and this should be accorded significant 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 explains 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 P8 of the Local Plan explains that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P7 of the Solihull Local Plan explains all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access and encourage walking and cycling. Policies P7 and P8 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policies.

This planning application seeks full detailed permission for access into the site.

Access Arrangements

The proposed access arrangements have been revised so that the application site will give way to vehicles travelling along Lapwing Drive. A new T-junction off Lapwing Drive has been proposed to serve the development site.

Appendix G of the Transport Assessment and Travel Plan (February 2020) prepared by Banners Gate Highways & Transportation provides details of the proposed access arrangements and illustrates that visibility splays of 33m can be achieved at the proposed junction, when measured 2.4m back from the near side edge of the carriageway. The visibility splays that have been illustrated are commensurate with vehicle speeds of 25mph which is considered to be acceptable, as the results of the speed survey carried out within the immediate vicinity of the proposed junction indicate that the 85%ile speed of vehicles recorded is 19.5mph.

A vehicle tracking drawing (Drawing Number P1114/211B) has also been submitted which demonstrates that a refuse vehicle can safely turn into and out of the proposed junction from all directions.

The Highway Authority also acknowledges that the proposed access arrangements take into consideration the Parish Council's aspirations to implement a roundabout within the vicinity of the Lapwing Drive / Meriden Road and Diddington Lane / Meriden Road junctions, to introduce a traffic calming feature at the entrance into the village. The Highway Authority is satisfied that the proposed access arrangements will not prohibit the Parish Council's traffic calming measures being implemented.

Trip Generation

To calculate the number of vehicular trips the development proposals could generate during the AM and PM peak periods, data from the Manual Classified Count traffic survey carried out on Wednesday 27th January 2016 at the Lapwing Drive / Meriden Road junction has been used. The TA indicates that the development proposals could generate approximately 67 two-way vehicular trips during the observed AM peak hour (07:45-08:45) and approximately 58 two-way vehicular trips during the observed PM peak hour (16:45-17:45). The Highway Authority notes that the vehicle trip rate derived from the traffic survey is greater than the vehicle trip rate calculated using the TRICS database. The trip rate calculated using data from the traffic survey is therefore considered to be robust and acceptable.

The trip distribution flows from Lapwing Drive to/from Meriden Road observed during the Manual Classified Count traffic survey have also been applied to establish which direction vehicles are likely to travel to/from Lapwing Drive. Based on the distribution flows, the development proposals will result in 43 vehicles turning left from Lapwing Drive onto Meriden Road during the AM peak period, 9 of which will then turn right onto Diddington Lane. The remaining 14 vehicles will turn right onto Meriden Road from Lapwing Drive. Approximately 4 vehicles will turn left onto Lapwing Drive from Meriden Road, and approximately 6 vehicles will turn right.

During the PM peak period, approximately 20 vehicles will turn left onto Meriden Road from Lapwing Drive, of which approximately 5 vehicles will turn right onto

Diddington Lane. The remaining 7 vehicles will turn right onto Meriden Road from Lapwing Drive. Approximately 19 vehicles will turn right onto Lapwing Drive from Meriden Road, and approximately 13 vehicles will turn left.

Traffic Impact

To assess the impact the development proposals could have on the operation and capacity of the local highway network, an assessment of the Lapwing Drive / Meriden Road priority T-junction and the Eastcote Lane / Meriden Road priority T-junction have been undertaken. The assessments have taken account of the permitted development on Land off Corbetts Close (PL/2018/00989/PPFL) for the erection of 44 dwellings, which are currently being constructed. The existing traffic flows have also been 'growthed' to a future year of 2026, which will take account of general traffic growth along the local highway network.

The Highway Authority previously raised concerns that the junction impact assessment did not consider traffic associated to HS2 and the Development Consent Order (DCO) application, which has recently been approved. The Highway Authority has been in discussions with the Council's HS2 Team to understand the agreed works on Diddington Lane. It has been confirmed that Diddington lane will be diverted and improved, and will remain open for use. With the document 'HS2 High Speed Rail (London – West Midlands) Supplementary Environmental Statement and Additional Provision 2 Environmental Statement, Volume 5: Technical appendices, Traffic and transport (TR-001-000), July 2015', Chapter 4.1 (Balsall Common and Hampton-in-Arden) provides details of the impact HS2 will have in Hampton In Arden, with Diddington Lane remaining open. Tables 8-24, 8-25, 8-35 and 8-36 indicate that there will only be a minimal increase in vehicle trips along Meriden Road during the construction period and from HS2 traffic once it is complete and operational. Based on the low level of additional traffic that will be generated through Hampton In Arden as a result of HS2 and the approved DCO scheme, the Highway Authority is satisfied that the traffic associated to HS2 and the DCO scheme does not need to be included in the junction impact assessments.

The junction impact assessments provided in Chapter 5 (The Development Site and Transport Topics) of the Transport Assessment and Travel Plan (February 2020) prepared by Banners Gate Highways & Transportation include the Meriden Road / Lapwing Drive junction and the Meriden Road / Eastcote Lane junction. The junction impact assessments demonstrate that the existing junctions will continue to operate within capacity with the additional traffic generated by the development proposals and in a future year scenario of 2026. The Highway Authority is therefore satisfied that the development proposals will not have a severe impact on the operation and capacity of the local highway network, and comply with Policy P8 of the Solihull Local Plan 2013.

Accessibility

The Highway Authority has consulted with Transport for West Midlands, who have requested a contribution of £12,000 to be provided towards the provision of two new bus stops along Meriden Road, with a bus shelter provided on the southern side of

the carriageway and a stop pole provided on the northern side. Suitable footway connections and pedestrian crossing points will also be necessary.

The Transport Assessment and Travel Plan (February 2020) prepared by Banners Gate Highways & Transportation suggests that the existing Public Right of Way (PROW) connecting from the south of the application site to Hampton In Arden railway station could be enhanced to improve connectivity for pedestrians and cyclists between the application site and the village centre, including the railway station. The Highway Authority carried out a site visit with the Senior Planning Officer and a Sustainable Travel & Highway Management officer, to inspect the existing PROW. Following the site inspection, it was determined that it would not be possible to improve the existing PROW to a sufficient standard, due to a number of constraints. Minor enhancements can be carried out to the PROW so that it is more useable however, the enhancements would not be to a sufficient standard so that it could be used all year round. It is therefore considered that although minor enhancements could be carried out to the PROW, it is unlikely that the PROW would be the preferred or safest route for pedestrians or cyclists from the application site to the village centre.

Based on the PROW only being suitable for minor enhancements, it is likely that future occupants of the development will walk or cycle into the village centre and railway station via the existing public highway footways along Meriden Road. The Council has prepared a traffic calming scheme on behalf of the Parish Council in order to reduce vehicle speeds throughout the village. The scheme includes the provision of a number of speed cushions and raised table crossing facilities, one of which is proposed near to the junction of Diddington Lane and Meriden Road. The proposed uncontrolled crossing point on a raised hump will provide a safer crossing point and connection onto the existing public highway footway on the northern side of Meriden Road for existing and future pedestrians and cyclists. The traffic calming scheme also include the provision of a gateway feature to the east of the Lapwing Drive / Meriden Road junction. The Highway Authority therefore seeks a contribution of £20,000 towards the enhancement of the existing PROW and the delivery of a pedestrian crossing facility and gateway feature. The Highway Authority notes that the request for enhancements to the PROW and the delivery of a pedestrian crossing facility and gateway feature are in line with the likely infrastructure requirements highlighted for the site in Figure 15 (Table of Allocated Housing Sites) of the Solihull Local Plan 2013.

Site Layout

The Highway Authority has expressed concerns with the alignment and layout of the carriageways proposed within the development, as they have not been designed to have a design speed of 20mph. A design speed of 20mph should be achieved through the provision of horizontal speed control measures (i.e. speed control bends, chicanes, etc.) at least every 60m. Vertical speed control measures will only be permitted where site constraints prevent horizontal speed control measures being implemented. The site layout should also be designed to give priority to pedestrians and cyclists, providing safe and direct links to existing footway/footpath/cycleway provisions.

The Council have prepared a Design and Adoption Guide to assist developers in designing a new site layout in accordance with the Council's adoptable standards. A copy of the Design and Adoption Guide can be found on the Council's website or at the attached link <https://www.solihull.gov.uk/Resident/Parking-travel-roads/Highway-adoption>. Chapter 3 (Design Guidance) of the Design and Adoption Guide provides guidance on the design of the new site. Based on the quantum of development proposals, the site layout should be designed in accordance with the details for a Residential Street.

Vehicle tracking drawings will also be required to demonstrate that the Council's refuse vehicle (Mercedes Econic Euro 6 – 10.525m long) and emergency service vehicles can safely manoeuvre within the site access and throughout the site.

Summary

Drawing matters together, the current planning application is for outline permission only, with all matters reserved except for access. Careful consideration will be required at reserved matters stage to ensure an acceptable layout is provided which addresses the above matters.

Notwithstanding the above matters, having undertaken a full assessment of the development proposals, the response of the Local Highway Authority to the proposal is one of no objection.

The proposal therefore accords with Policies P7 and P8 of the Local Plan and guidance in the Framework.

This should be afforded neutral weight in the planning balance.

Other Material Considerations

Housing

Five Year Land Supply

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 five 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 the 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 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

Affordable Housing and Housing Mix

Local Plan Policy P4 (a) (as amended) explains, 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.

In terms of affordable housing, the Planning Statement submitted in support of the application confirms that the proposal provides 44 affordable units which equates to 40% affordable housing.

With regard to housing mix, the proposed housing mix is shown in the table below.

Type	Social Rent	Shared Ownership	Market Housing	Total
1 Bed Apartment	8	0	13	21
2 Bed Apartment	0	0	13	13
2 Bed House	9	10	0	19
3 Bed House	9	5	19	34
4 Bed House	3	0	20	23
Grand Total	29	15	65	109

The application site is located in the Rural Housing Market Area where the Council's Meeting Housing Needs SPD advises the Council will seek 29% of new housings development to be 1 or 2 bed dwellings. The proposal provides up to 109 dwellings on site of which a total of no.21 (23%) would be 1 bed dwellings and no. 32 (35%) would be 2 bed dwellings.

The Councils Housing Officer have confirmed the level of affordable housing provision and housing mix is acceptable thus would be in conformity with Policy P4a of the Local Plan in meeting borough wide affordable housing need and the requirements of the Meeting Housing Needs SPD.

Policy HOU1 (New Housing Developments) of the NDP explains "*where suitable sites are identified residential development will be supported where it comprises one or a combination of the following types:*

- *affordable housing for rental or shared ownership some of which may be for those with a local connection in accordance with the Solihull MBC Housing Allocation Scheme and to meet the needs of first time buyers and small families (as defined in Meeting Housing Needs Supplementary Planning Document);*
- *smaller properties suitable for those seeking to downsize; and,*
- *properties suitable for the elderly, located close to key facilities and designed to current national recommendations" (p.19)*

For the reasons outlined above, it is considered that the proposal meets the first and second bullet points of Policy HOU1 of the NDP.

In terms of the final bullet points of Policy HOU1 of the NDP.

Paragraph 2.28 of the NDP explains that *“a major development of 110 houses is scheduled within the Solihull Local Plan on land at Meriden Road adjacent to the Arden Wood Shavings site [and] the Parish has both an ageing population and the need to provide for local families. The challenge is, therefore, to ensure a supply of family sized units and both bungalow and sheltered accommodation units for elderly residents to facilitate downsizing”* (p.13).

The proposal does not provide any bungalows or sheltered accommodation units for elderly residents. The Local Plan does not require bungalows or sheltered accommodation to be provided on the site, and the NDP does not qualify what quantum of bungalows or sheltered accommodation is required on the site to meet the final bullet point of Policy HOU1. It is considered that the introduction of ground floor apartments and smaller two-bed dwellings could provide ‘properties suitable for the elderly’ and therefore the proposal meets the third final bullet points of Policy HOU1 of the NDP. This can be dealt with at detailed design stage (reserved matters).

This should be accorded neutral weight in the planning balance.

Public Open Space

Policy P20 (b) of the Local Plan explains that the Council will require provision for and maintenance of appropriate open space, sports and recreational facilities as an integral part of new development. Policy P20 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

POS requirements are 2.86ha per 1000 population based on 2.3 people per dwelling (based on census data). The proposal seeks outline permission for up to 109 dwellings which equates to an open space requirement 7,170 sq m.

In addition to the POS requirement of Policy P20 (b) of the Local Plan, both the Local Plan and NDP require the delivery of ‘additional open space’ in the event the Arden Wood Shavings site (former ammunition depot) cannot be reclaimed for open space. The Arden Wood Shavings site cannot be reclaimed for open space as it is being prompted by the Council for housing in its Draft Submission Plan.

The proposal therefore needs to provide ‘additional open space’ to meet the requirements in the Local Plan and NDP. Neither the Local Plan nor NDP qualify how the ‘additional open space’ should be provided. The Local plan advises *“in the event the ammunition depot is unavailable, some alternative development solution delivering additional open”* (p.87), while the NDP advises *“in the event that this site is unavailable an alternative solution for delivering the additional open space will be needed”* (p.20).

The location of the POS and play facilities is shown on the illustrative masterplan on Green Belt land which is discussed in detail below. The proposal has sought to address the requirement for additional POS by providing both quantitative and qualitative enhancements. In terms of the quantitative enhancement, the proposal provides ca. 8,236 sq m of POS compared to a requirement under Policy P20 (b) of the Local Plan of 7,170 sq m. With regard to the qualitative enhancement, the proposal provides a play/recreation area within the POS in the form of a Neighbourhood Equipped Area for Play (NEAP), which is not a policy requirement of the Local Plan or NDP for the quantum of development proposed on the site.

It is therefore considered that the proposed levels of open space and play facilities are sufficient and meet the requirements of Policy P20 (b) of the Local Plan, and the 'additional open space' requirements set out in the Local Plan and NDP.

This should be afforded neutral weight in the planning balance.

Living Conditions – Existing Residents

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.

This planning application seeks full detailed permission for access into the site. However, the impact of the proposal on the amenity of existing residents living around the perimeter of the site requires careful consideration. In this regard, whilst not formally part of the scheme, officers have treated the illustrative masterplan as a guide to how the site may be developed

Numbers 11, 15, 17, 19, 21 & 23 Lapwing Drive and numbers 1, 2 & 3 Nesfield Grove

Considering the impact of the proposal on the amenity of the occupiers of these dwellings, the illustrative masterplan indicates that 2 storey residential dwellings will be sited adjacent to the boundary with these properties. The illustrative siting demonstrates that a separation distance of ca. 20 metres is retained between the site boundary and majority of new residential dwellings. Three dwellings are sited closer to the site boundary, but a minimum separation distance of ca. 5 metres is retained to the boundary. This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of Lapwing Drive and Nesfield Grove.

Numbers 54, 52, 50, The Crescent

Turning to the impact of the proposal on the amenity of the occupiers of these dwellings, the illustrative masterplan indicates that three 2 storey residential dwellings will be sited adjacent to the site boundary with these properties. The illustrative siting demonstrates that a separation distance of between 4 and 6 metres

is retained between the site boundary and new residential dwellings, with the main body of the dwellings on The Crescent located ca. 50 metres from the site boundary. This relationship ensures the new residential dwellings do not appear overbearing or cause any material harm to the amenities of residents of The Crescent.

Numbers 48, 46, 44 & 42 The Crescent

With regard to the impact of the proposal on the amenity of the occupiers of these dwellings, the illustrative masterplan indicates that the POS and play facilities will be sited adjacent to the site boundary with these properties. The illustrative siting demonstrates that a separation distance of ca. 40 metres is retained between the site boundary and new play facilities. This relationship ensures the POS and new play facilities do not cause any material harm to the amenities of residents of The Crescent.

Number 86 Meriden Road

With respect to the impact of the proposal on the amenity of the occupiers of this dwelling, this dwelling is located adjacent to the north eastern boundary of the application site. The illustrative masterplan indicates a 2 storey residential dwelling and apartments, estate road serving the new development, and parking area serving the new apartments will be sited adjacent to this boundary with this neighbour.

The illustrative siting retains a separation of distance of ca. 3 metres between the new dwelling to the north and boundary with number 86, and a distance of ca. 10 metres from the new apartment to the south and boundary with number 86. This relationship ensures the new residential units do not appear overbearing or cause any material harm to the amenities of the occupiers of number 86 Meriden Road.

It is recognised that the estate road and parking area serving the apartments will bring activity in terms of vehicle movements and associated activity in close proximity to the boundary. Careful attention will be required at the reserved matters stage to ensure a suitable buffer strip adjacent to this boundary is provided. On the basis of the illustrative masterplan, it is considered that sufficient space exists in this part of the site to mitigate this impact and provide the necessary buffer strip and planting.

Summary

On the basis of the illustrative masterplan, it is considered that the relationship with neighbours is acceptable and the quantum of development proposed can be accommodated on the site to ensure the amenities of existing residents living around the perimeter of the application site is protected. Careful attention will be required at the reserved matters stage in terms of the layout, scale appearance of the residential units and the location of habitable room windows to ensure that there is no undue overlooking of private rear gardens, but it is considered an acceptable relationship can be achieved.

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.

Living Conditions – Future Residents of the Development

Activities at a neighbouring Arden Wood Shavings site which sits directly adjacent to the development site presents a potential for noise disturbance to proposed residential units. The movement of stock, particularly close to the boundary, and the use of other noise generating plant and machinery (Balers, lifting equipment etc.) could produce noise impacts that might amount to a significant disturbance / annoyance to proposed noise sensitive receptors. It is not considered unreasonable to assume that other tonal equipment and alarms could also present a disturbance potential. On-site activities at Arden Wood Shavings are not restricted at night, and any such, impacts need to be investigated and addressed as part of any final scheme, as the potential for disturbance and complaint may be heightened should such activities take place at night.

As such, careful consideration of this scheme's layout and the interruption of potential noise exposures / pathways is considered important and needs to be informed by establishing and quantifying existing effects. A noise mitigation strategy can then incorporate good design and layout of habitable elements, to address potential problematic impacts along the following principles:

- The location and orientation of houses and gardens to minimise potential impacts on habitable rooms, windows and external amenity space;
- The creation of buffer zones / bunds or other raised or hard landscaping to create stand-offs or barriers to attenuate potential noise impacts; and
- The use of roads / public open spaces as a means to distance receptors from noise impacts.

In order to ensure a good understanding of the nature and extent of any noise or disturbance presented by the neighbouring wood Arden Wood Shavings site, an acoustic consultant will need to be appointed to assess how the neighbouring site is used, the location and operation of plant and machinery and the likely extent of vehicle movements etc. Underpinning discussions should be a good understanding of the hours of use / hours of activity on site and respective noise impacts.

Summary

The Council's Public Protection Officer has welcomed the applicant's willingness to undertake careful consideration of matters and for appearance and layout of the dwellings to be informed by a noise assessment. The Council's Public Protection Officer raises no objection to the proposal subject to conditions to ensure noise is fully investigated via detailed assessment and addresses necessary mitigation. In addition to conditions, any future reserved matters application will be need to supported by a Noise and Impact Assessment in accordance with the Council's Local Validation Criteria (January 2020) which demonstrates, amongst other things, how the appearance and layout of the dwellings has been informed by the noise assessment.

The illustrative plan demonstrates that the quantum of development proposed can be accommodated on site so as to provide suitable amenity space in the form of private gardens. However, careful attention will be required at the reserved matters stage to ensure appropriate separation distances can be achieved between residential dwellings to avoid any unreasonably overlooking or loss of privacy.

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.

Character and Appearance

Policy P15 of the 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 HOU2 (Design) of the NDP explains that all new developments will have regard to the Hampton-in-Arden Village Design Statement and, where appropriate, the Conservation Area Appraisal. The NDP sets out a number of design principles which are broadly consistent with Policy P15 of the Local Plan and guidance in the Framework.

The application proposal is for outline planning permission with access only to be determined at this stage. Appearance, landscaping, layout and scale reserved for future consideration (reserved matters). Whilst not formally part of the scheme, Officers have treated the details relating to the matters reserved for future approval submitted with the application as a guide to how the site may be developed, but not as matters for formal determination as part of this application.

As previously set out, the Arden Wood Shavings site (former ammunition depot) is allocated for up to 100 dwellings under Policy HA1 (Meriden Road, Hampton in Arden) of the Draft Submission Plan. To support the Draft Submission Plan the Council has produced an Illustrative Concept Masterplan for the Arden Wood Shavings and the site the subject of the current application as an undeveloped allocated housing site in the current Local Plan (Site 24).

The Illustrative Concept Masterplan promotes, amongst other things, emphasises the importance of retaining TPO trees and established hedgerows, ensuring POS and play facility are appropriately located for the development as well as where public footpaths converge; and providing an integrated landscape, ecologically and drainage strategy for the site.

The application has been supported by a Design and Access Statement (DAS) which sets out the design aspirations for the proposal. The DAS advises that the proposal will incorporate green open spaces, mix of house types and tenures, mix of materials

informed by local character, shared surface areas for vehicles and pedestrians, retaining existing trees, hedges and buildings, balancing a semi-rural character edge of settlement location, whilst making most effective use of land.

The Council's Urban Designer has advised that the current application broadly reflects the aspirations of the Illustrative Concept Masterplan for the application site. The principle of developing this site is therefore considered acceptable subject to securing a suitable area of POS. However, careful consideration will be required at reserved matters stage in order to demonstrate that 3 storey development is appropriate on the site, cross section and street scenes will need to be provided at reserved matters stage. These should be supported by a street scene approach to place making which extends to car parking arrangement. A street design approach will aid legibility around the site. Parking courts as shown on the illustrative masterplan should be avoided as they reflect an urban response to car parking provision which is considered inappropriate in this semi-rural, edge of settlement location.

Summary

The illustrative masterplan demonstrates that the quantum of development proposed can be accommodated on site in a form that broadly reflects the aspirations of the Illustrative Concept Masterplan for the application site. However, careful attention will be required at reserved matters stage to ensure the appearance, layout, scape and landscaping reflect an understanding of the site context and its surrounding to ensure the proposal respects local character in accordance with Policy P15 of the Local Plan and Policy HOU2 of the NDP.

This should be accorded neutral weight in the planning balance

Drainage

Policy P11 of the Local Plan explains 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. Policy P11 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 Framework confirms that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.

The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a 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.

The application has been supported by a Flood Risk Assessment (FRA) and Drainage Strategy prepared by Enzygo.

A SuDS drainage scheme is proposed to manage excess runoff from the development, comprising of a swales and a detention basin designed to maintain runoff at pre-development rates. The FRA concludes that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of local policy and national guidance. The development should not therefore be precluded on the grounds of flood risk and surface water and foul drainage.

The LLFA have reviewed the FRA and have confirmed that, subject to conditions, the proposal satisfies the requirements of Policy P11 of the Local Plan and guidance in the Framework.

This should be afforded neutral weight 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 application has been supported by a Preliminary Ecology Appraisal (PEA), Initial Biodiversity Impact Assessment and Biodiversity Enhancement Strategy, Reptile and Bat Survey.

Biodiversity

The Initial Biodiversity Impact Assessment and Biodiversity Enhancement Strategy conclude a net biodiversity gain can be achieved on-site subject to appropriate mitigation for the habitats on site, therefore no off-site compensation is required.

In this regard, it is important to note that as this application is submitted in outline with all matters reserved save access, a definitive landscape plan or strategy has not been submitted. Accordingly, the Council's Ecologist is satisfied that a net biodiversity gain can be achieved on-site subject to a suitable Landscape and Ecological Mitigation Strategy. This can be secured by condition.

Protected Species

The application has been supported by a number of ecological reports which conclude that the proposed development can be undertaken without harming any protected species subject to appropriate mitigation.

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.

Green Belt

Policy P17 of the Solihull Local Plan addresses Countryside and Green Belt issues. It indicates that inappropriate development will not be permitted in the Green Belt, except in very special circumstances. Policy P17 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 VC1 of the NDP addresses Green Belt and Landscape and advises that national and Local Plan Green Belt policies will apply in the relevant parts of the Plan Area.

Certain elements of the site are located within the Green Belt outside of the site allocation boundaries, being land mainly to the east upon which new Sustainable Urban Drainage System is proposed, and south where POS and new play facilities to serve the local community are proposed. An agricultural track is also proposed to enable the landowner to access the agricultural land to the south of the application site.

Sustainable Urban Drainage System

The proposed attenuation swale would be located to the east of the application site, beyond Arden Wood Shavings and within designated Green Belt. The proposed attenuation swale constitutes an engineering operation which paragraph 146 (b) of the Framework advises is not inappropriate development in the Green Belt providing it preserves its openness and does not conflict with the purposes of including land within it.

The land on which the attention swale is located is covered in overgrown shrubbery. Whilst an area of shrubland would be cleared to accommodate the swale and associated connections, the remaining vegetation would form a screen, maintaining as much of the original character of the land as possible. In addition, the Biodiversity Enhancement Strategy submitted in support of the application sets out how areas of swale will be planted with vegetation. Subject to appropriate landscaping, the proposed attenuation swale would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

POS

The POS would be located to the south of the proposed housing beyond the field boundary and within designated Green Belt. The proposed POS constitutes a material change in the use of land which paragraph 146 (e) of the Framework advises is not inappropriate development in the Green Belt providing it preserves its openness and does not conflict with the purposes of including land within it.

The land on which the POS is located is currently agricultural land. Whilst an area of land would be developed to accommodate the play facilities, the remaining area

would remain open and undeveloped. In addition, the Biodiversity Enhancement Strategy submitted in support of the application sets out how areas of POS will be planted with vegetation, including plantation woodland, semi-improved grassland and wetland habitat. Subject to appropriate landscaping, the POS would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Play Facilities

With respect to the play facilities, paragraph 145 (b) of the Framework advises that the provision of appropriate facilities for outdoor recreation are not inappropriate development in the Green Belt as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

It has been established that the context of 'openness' should relate to the Green Belt generally rather than be confined to the development site itself, and a greater impact on openness than the existing development must be assessed on the basis of a consideration of harm, rather than simply of change.

The illustrative masterplan shows the location of the play facilities in relation to the surrounding area. To the north is housing proposed by the current application, to the east is Arden Wood Shavings, to the south is open countryside, and to the west is existing housing within the settlement of Hampton-in-Arden. It is noteworthy that Arden Wood Shavings to west, in addition to being sited adjacent to the application site and POS, extends further ca. 115 metres to the south beyond the southern boundary of the POS.

Play facilities accord with the essential characteristics, five purposes and opportunities for access and outdoor recreation of Green Belt. It is acknowledged that the play facilities would result in a degree of visual and spatial change, however, when considered in context with the extent of pre-existing built development around the site, it is not considered this change would translate to harm (i.e. not preserving) the openness of the Green Belt.

The application is submitted in outline with all matters reserved, so details of the design of the play facilities has not been submitted. However, a suitably worded condition can be imposed to ensure any play facilities is suitably designed to reflect the countryside setting. Subject to condition, the play facilities would therefore preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Agricultural Track

The proposal includes an agricultural track to enable the landowner to access the agricultural land to the south of the application site. The illustrative masterplan shows the track running across the POS adjacent to boundary with Arden Wood Shavings.

The proposed vehicular access track constitutes an engineering operation which paragraph 146 (e) of the Framework advises is not inappropriate development in the

Green Belt providing it preserves its openness and does not conflict with the purposes of including land within it.

The issue is firstly the impact of the track on openness. The proposed track would utilise the access to be created onto Lapwing Drive. There is consequently no impact as a result of that access. The traffic levels would be low and as moving vehicles are involved; any resultant impact would be short duration. Finally, the track would be at existing ground level. A condition can be imposed to ensure the appearance and layout of the agricultural track is appropriate to its setting by requiring a grid force system which resembles grass once installed and seeded, thereby preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

For the reasons outlined above, the elements of the proposal which are located within the Green Belt would preserve its openness and not conflict with the purposes of including land within it. The proposal is therefore not inappropriate development in the Green Belt. On this basis, the very special circumstances test in the Framework is not engaged and the application should be determined on its own planning merits.

The proposal therefore accords with Policy P17 of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

Other Matters

Contaminated Land

The application has been supported by a Contaminated Land Report prepared by Arcadis Planning Consultants. The Report concludes:

“The site has not been developed. Therefore, no viable source of contamination nor potentially contaminative land use (current or historical) has been identified on-site. The investigation did not encounter Made Ground in the trial pits. No visual nor olfactory evidence of contamination was observed in the trial pits, PID readings were below the limit of detection in the environmental samples, a slight seepage was observed at depth two trial pits, but not all of the deeper pits and contamination migration was not evident in the trial pits. The contamination assessment has not identified any exceedances of the human health and controlled waters GAC” (p.6).

And as such:

“the risk to human health (current and future site end users, visitors, adjacent site users) controlled waters (groundwater and surface waters), buildings and services (by direct contact with contaminated soils, ground gas accumulation and sulphate attack to buried concrete) from on-site/off-site sources are considered likely to be negligible” (p.6).

The Council’s Public Protection Officer has reviewed the Report and raised no objection to the proposal.

This should be accorded neutral weight in the planning balance.

Air Quality

The application site is allocated for up to 110 dwellings in the Local Plan. The site is located within a reasonable walking distance of the services and transport links in the village, thereby reducing reliance on private vehicles. Given this context, it is unlikely that significant air quality impacts will be presented by the proposed scheme and no air quality recommendations or conditions have been requested.

The Council Public Protection Officer welcomes the applicant's commitment to considering Electric Vehicle (EV) charging facilities at reserved matters stage. This can be secured by condition.

This should be accorded positive weight in the planning balance.

Impact on Arden Wood Shavings

In addition to the impact of the operations undertaken at the Arden Wood Shaving site on the amenity of occupiers of future residents of the proposed development, the impact of the development on the operations undertaken at the Arden Wood Shaving also requires careful consideration.

Paragraph 182 of the Framework advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities, and existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The illustrative masterplan demonstrates that the quantum of development proposed can be accommodated on site in a manner which avoid development adjacent to the boundary with the Arden Wood Shaving site. The illustrative masterplan shows the majority of the land adjacent to the boundary will be used for infrastructure in the form of a swale and estate road. A small number of dwellings are proposed adjacent to the boundary in the north east corner of the site.

Careful consideration will be required at reserved matters stage to ensure the proposed development provides suitable mitigation before the development has been completed, so as to avoid any adverse effect on the day-to-day operation of the Arden Wood Shaving site.

In this regard, and as previously set out, the Council's Public Protection Officer raises no objection to the proposal subject to conditions to ensure noise is fully investigated via detailed assessment and addresses necessary mitigation. In addition to conditions, any future reserved matters application will be need to be supported by a Noise and Impact Assessment in accordance with the Council's

Local Validation Criteria (January 2020) which demonstrates, amongst other things, how the appearance and layout of the dwellings has been informed by a noise assessment. On this basis, it is not considered that the proposal would adversely affect future operations at Arden Wood Shaving and the proposal accords with the criteria set out in paragraph 182 of the Framework.

This should be accorded neutral weight in the planning balance.

Heritage

The nearest Designated Heritage Asset (DHA) is the conservation area of Hampton in Arden which lies ca. 370 metres and more to the west, almost entirely beyond housing, and the railway in deep cutting. The most significant nearby Heritage Asset (HA) is Patricks Farm to the east beyond the attractive Blythe flood plain which winds through periodically flooded meadows, an easily appreciated historic landscape.

Having regard to the separation distances between the application site and DHA and HA, and subject to careful design and use of materials at reserved matters stage, there would be neutral effect on the setting, character and appearance of the DHA and HA, which would be preserved. The Council's Heritage Officer has raised no objection to the proposal.

The proposal therefore accords with Policy P16 of the Local Plan and guidance in the Framework.

This should be accorded neutral weight in the planning balance.

Education

In terms of education, the Council's Education Officer has advised that the funding for additional primary school places is collected via the Community Infrastructure Levy (CIL) so no financial contribution is required via s106 Agreement. For secondary education the application site is served by Heart of England Secondary School – where there is sufficient existing capacity to meet the needs of the pupil demand from this development at Year 7 intake. Previous financial contributions have been secured via s106 Agreement and are supporting any requirement to create places in higher year groups where necessary to respond to demand. Having regard to the above, the Council's Education Officer raised no objection and confirms no financial contribution required.

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

The Solihull Local Plan – Draft Submission Plan 2020

The Arden Wood Shavings site (former ammunition depot) is allocated for up to 100 dwellings under Policy HA1 (Meriden Road, Hampton in Arden) of the Draft Submission Plan (p.183).

The POS, play facilities and agricultural track as shown on the illustrative masterplan are located outside the allocation for Site 24 within the Green Belt, and within the

land allocated for housing under Policy HA1 of the Draft Submission Plan. However, the Local Plan Review is yet to be examined. Accordingly although Policies within the Local Plan Review, as currently published, can carry some weight, it is limited. The current application should therefore be determined on its own planning merits in accordance with the current development plan.

In the event more weight were to be attached to Policies within the Draft Submission Plan, the Illustrative Concept Masterplan for the Arden Wood Shavings site prepared to support the Draft Submission Plan shows the land to the south of Site 24 as POS. Therefore, should this application be approved, it would not undermine the plan-making process with respect to allocation of the Arden Wood Shavings for housing under Policy HA1 (Meriden Road, Hampton in Arden) of the Draft Submission Plan.

CIL Contribution

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Council on 12th April 2016 and the proposed development is CIL liable. However, as the application is submitted in outline with all matters reserved save access, the CIL payment will be calculated at reserved matters stage.

This matter should be accorded neutral weight 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’.

The Framework is an important material consideration. It advises that applications involving the provision of housing should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date development plan (as in Solihull) means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. This is often referred to as the ‘tilted balance’.

The outcome of this application therefore depends on:

- Whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and
- Whether the overall planning balance would be in favour or against the scheme.

In terms of the benefits of the scheme, the development would accord with Policies of the Local Plan and NDP and relevant criteria therein as detailed in this Report.

The proposal will help secure the delivery of a key objective of the Solihull Council Plan, and help tackle challenges and objectives identified within the Local Plan.

The proposal will deliver a significant amount of housing on an allocated housing site when the Council cannot demonstrate a five year housing supply. The provision of up to 109 dwellings, including 44 affordable homes, is a social benefit that weighs in favour of the scheme.

The purchase of materials and services in connection with the construction of the dwellings, local employment during the construction period are all economic benefits that weigh in favour of the scheme.

The proposal will provide landscape and ecological enhancement, modest enhancement to the existing of PRow, and electric charging facilities. These are environmental benefits which weigh in favour of the scheme.

In terms of scheme’s benefits, taken together, substantial weight should be given to the economic, environmental and social benefits of the proposal.

In terms of adverse impacts, subject to conditions, the proposal would not conflict with Policies within the Local Plan and NDP or guidance in the Framework. This should be accorded neutral weight in the planning balance.

In conclusion, for the reasons outlined above, the proposed development would benefit from the presumption in favour of sustainable development and the overall planning balance must be in favour for this proposal.

Heads of Terms – S106 Agreement

Paragraph 56 of the Framework confirms that planning obligations should only be sought where they meet the following tests: -

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

Policy P21 – Developer Contributions and Infrastructure Provision of the Local Plan accords with and re-affirms the tests set out in the Framework.

Should this application be approved, it will be accompanied by a S106 agreement that will secure the following:

Highways

£12,000 – Bus Stop infrastructure - The Highway Authority will require a contribution towards the provision of two new bus stops along Meriden Road, with a bus shelter provided on the southern side of the carriageway and a stop pole on the northern side. Suitable footway connections and pedestrian crossing points will also be necessary.

£20,000 – PROW enhancement and delivery of pedestrian crossing facility and gateway feature. The Highway Authority will also require a contribution towards the enhancement of the existing Public Right of Way, and towards the delivery of a pedestrian crossing facility and gateway feature on Meriden Road.

Housing

40% to be affordable housing (of which 65% social rent and 35% shared ownership).

Public Open Space / Play Facilities

In the event the site IS offered up for adoption,

- £108,014,96 to operate and maintain the proposed areas of public open space and play facilities.

In the event the site IS NOT offered up for adoption, but to be placed with a Management Company,

- Creation of a Management Company and Management Plan to operate and maintain the proposed areas of public open space and play facilities.

RECOMMENDATION

The recommendation is therefore one of approval subject to:

1. The précis of conditions set out below; and
2. The Applicant's entering into a Section 106 Agreement.

Conditions

1. Prior to the commencement of the development details of the following matters for that phase or combination of phases (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (a) the scale of the development;
- (b) the layout of the development;
- (c) the external appearance of the development;
- (d) the landscaping of the site;

The development shall be carried out in accordance with the approved details.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the approved plans:

- Location Plan (drawing number 2202.001 P4)
- Site Plan (drawing number 2202.002 P4)
- Site Access on Lapwing Drive (drawing number P1114/211B)

Reason: To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with P15 of the Solihull Local Plan 2013.

4. Notwithstanding the submitted Flood Risk Assessment, no above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include:

- i) Engineering details of all surface water drainage features.
- ii) Demonstration that the final design provides appropriate treatment for water leaving the site.
- iii) Maintenance plan for the proposed system including the piped discharge to a watercourse over 3rd party land.
- iv) Model and calculations demonstrating that the proposed system will manage flows to greenfield rates in all storms up to a 1 in 100 year storm with an appropriate allowance for climate change.
- v) Overland flow routing plan demonstrating that the buildings will be safe from flooding in the event of blockage or exceedance of the drainage system.
- vi) Foul drainage plans

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

Reason: To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

5. 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.

Reason: To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

6. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is 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.

Reason: To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

7. The development shall not be occupied until the junction to the site off Lapwing Drive has been provided in general accordance with Drawing Number P1114/211B (Site Access on Lapwing Drive) and constructed to the standard specification of the Local Highway Authority.

Reason: In the interests of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

8. No dwelling shall be occupied until the estate roads (including footways and cycleways) serving it have been laid out and substantially constructed to the satisfaction of the Local Highway Authority in accordance with details approved in writing by the Local Planning Authority.

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

9. The development shall not be occupied until details of the footway extension from the new junction to the new bus stops have been approved in writing by the Local Planning Authority, and constructed to the standard specification of the Local Highway Authority.

Reason: In the interests of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.

10. The development shall not be occupied until details of the new bus stops, bus shelters, bus stop poles, and crossing facilities have been approved in writing by the Local Planning Authority, and constructed to the standard specification of the Local Highway Authority.

Reason: In the interests of highway safety and to encourage the use of sustainable modes of transport in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

11. The development shall not be occupied until details of car parking and secure cycle parking have been agreed in writing by the Local Planning Authority.

Reason: To ensure sufficient car parking and cycle parking is provided for the development in accordance with Policy P8 of the Solihull Local Plan 2013.

12. The development shall not be occupied until a Residential Travel Plan and Residential Travel Packs have been submitted to and approved in writing by the Local Planning Authority. The Plan and Packs shall specify targets for mode share shifts to be achieved and a time period to achieve this from the occupation of the development. The Plan shall be implemented and monitored in accordance with its terms, and thereafter implemented in accordance with the approved details.

Reason: In order to encourage the use of sustainable modes of transport in accordance with Policy P7 of the Solihull Local Plan 2013.

13. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for:

- the anticipated movements of vehicles;
- the parking and loading/unloading of staff, visitor, and construction vehicles;
- the loading and unloading of plant and materials;
- hours of operation and deliveries;
- the storage of plant and materials used in constructing the development;
- a turning area within the site for construction vehicles;
- wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; and
- control measures to minimise noise, vibration and dust emissions escaping beyond the development site boundary.

Reason: In the interest of highway safety and to protect the neighbourhood from dust, fumes, odour or noise emissions in accordance with Policies P8 and P14 of the Solihull Local Plan 2013.

14. The site shall be landscaped strictly in accordance with the details approved pursuant to Condition 1 details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

15. Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

16. In the event the site IS NOT to be offered up for adoption but to be placed with a Management Company, a Landscape Management plan shall be submitted to and agreed in writing by the LPA which will form the basis of an acceptable level of maintenance in the future.

A Landscape Management Plan - including long term design objectives, management actions, responsibilities, future monitoring and maintenance schedules for all landscape areas under the control of the Management Company, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation. The landscape management plan shall be carried out as approved.

The management plan shall include the following elements:

- Details of maintenance regimes.
- Details of management responsibilities.
- Details of treatment of site boundaries and / or buffers around water bodies.

Reason: In the interests of protected species and habitats and trees and hedgerows of significance in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

18. Prior to the commencement of work on site a schedule of all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated shall be submitted to and approved in writing by the local planning authority. No tree, hedge or shrub on the site indicated in the approved schedule for retention

shall be topped, felled, lopped or root pruned except with the prior written consent of the Local Planning Authority

The work hereby approved must be carried out in accordance with British Standard 3998 for tree work

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

19. Prior to the commencement of work on site all existing trees/hedges and large shrubs except those agreed for removal, shall be protected by barriers as specified within BS5837. Details of the specifications and methodologies for tree protection measures, type of fencing and its siting, including a methodology for any proposed works that encroach within the root protection areas of retained trees shall be submitted to and approved, thereafter the tree barriers shall be implemented and maintained on site as approved. The protected areas shall be kept free of all materials, equipment and building activity during the site development, and ground levels within the protected areas shall not be raised or lowered.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

20. No development shall commence until design details of the play equipment (NEAP) and a phasing programme have been submitted to and approved in writing by the Local Planning Authority. Thereafter works shall be completed and carried out in accordance with the approved details and phasing programme unless agreed in writing with the Local Planning Authority.

Reason: To ensure delivery of the development hereby approved in a satisfactory manner in accordance with Policies P20, P15 and P17 of the Solihull Local Plan 2013.

21. A landscape (and Ecology) management plan, including medium (5-10 years) and long term (10-25 years) design objectives, management actions, responsibilities, future monitoring and maintenance schedules for all landscape, habitat mitigation and compensation works, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape and/or ecology management plan shall be carried out as approved.

Reason: In the interests of protected species and trees in accordance with Policies P10 and P14 of the Solihull Local Plan 2013.

22. Prior to the commencement of construction, a noise impact assessment shall be carried out by a suitably qualified individual, to assess all on and off-site noise impacts affecting the development site. The means of gathering necessary information in pursuit of this noise impact assessment along with any assessment protocols and proposed monitoring times and periods, shall meet with the prior written approval of the Local Planning Authority (prior to any monitoring or assessment, (that is to be subject of approval), taking place. Assessment of noise

impacts from the surrounding area shall include, but shall not be limited to, noise from off-site transport related noise and noise generating activities associated with the adjacent depot / yard facility know as Arden Wood Shavings

Reason: To protect existing and future occupants from external noise impacts in accordance with policy P14 of the Solihull Local Plan 2013.

23. Following completion of investigation and assessment of noise impacting the development site, a report of findings shall be submitted for approval by the Local Planning Authority. This shall include an Acoustic Design and Noise Mitigation Strategy which shall give detailed specification of all noise mitigation measures necessary to protect the amenity of proposed residents both within, and external to, proposed dwellings. The submitted assessment will consider the prevailing and baseline noise climates across the site, and the mitigation of measures, in accordance with current guidance, and recognised national standards including, BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and BS 4142:2014 (+A1:2019): Methods for rating and assessing industrial and commercial sound.

Mitigation measures identified and agreed shall be carried out in full and the scheme shall thereafter be used and maintained in accordance with the approved scheme.

Reason: To protect existing and future occupants from external noise impacts in accordance with policy P14 of the Solihull Local Plan 2013.

24. Before the development hereby approved is brought into use, details of any air conditioning, electrical or mechanical ventilation shall be submitted in writing for approval by the Local Planning Authority where relevant the scheme shall specify in detail the provisions to be made for controlling noise from such items, this shall include where ventilation is being provided as a means to satisfy acceptable internal noise levels or necessary noise mitigation requirements.

Reason: The scheme shall be used and thereafter maintained in accordance with the approved scheme.

To protect existing and future occupants from external noise impacts in accordance with policy P14 of the Solihull Local Plan 2013.

25. A scheme of Electric Vehicle (EV) charging shall be submitted in writing for approval by the Local Planning Authority. The approved scheme shall detail arrangements for EV charging across the development site, including information on the number/proportion, type, performance/power, housing/fitting, location and use of all associated EV charging facilities. The approved scheme shall be fully installed and operational before the occupation of the development.

Reason: To assist and promote the move to a low carbon future and to promote sustainable forms of transport in accordance with guidance in the NPPF.

26. Prior to occupation and use of the site, a scheme of lighting shall be submitted for approval by the Local Planning Authority. The scheme shall detail and quantify off site light spill, with contours marked on plans, showing associated light levels. The installation and subsequent operation of lighting on site shall be in accordance with the approved scheme and shall thereafter be retained.

Reason: To protect neighbourhood amenity in accordance with policy P14 of the Solihull Local Plan 2013

27. No development shall take place until:

a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Warwickshire County Council Archaeological Information and Advice team.

b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.

Reason: To ensure adequate opportunity for site research and recording in accordance with Policy P16 of the Solihull Local Plan 2013

28. Prior to any development works (with the exception of any groundworks associated with the archaeological evaluation detailed above) taking place an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed in condition 32 above. The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy is to be undertaken.

Reason: To ensure adequate opportunity for site research and recording in accordance with Policy P16 of the Solihull Local Plan 2013.

29. The agricultural track as shown light green on drawing 2202.100 P6 shall be constructed of a plastic grid system that is then filled with soil and grass seeded. Detail of the agricultural track shall be submitted for the written approval of the local planning authority prior to the track being brought into use and shall include a timetable for its implementation and maintenance.

Reason: To secure an acceptable form of the development in the Green Belt in accordance with Policy P17 of the Solihull Local Plan 2013.