

APPLICATION REFERENCE: PL/2021/01508/PPFL**Site Address:** 18 Sandy Hill Rise Shirley Solihull B90 2ER

Proposal:	New build house and detached garage to front of property on garden land adjoining 18 Sandy Hill Rise.
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:	Called in by Councillor Tim Hodgson and more than 5 objections received
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Recommendation:	APPROVAL
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EXECUTIVE SUMMARY

The principle of this residential development is policy compliant, creating one additional residential unit on a site currently in garden land in an established accessible residential area, and would help to meet an identified need for small dwellings in an accessible location within the Borough. The principle of development is acceptable and in compliance with Policy P5 of the Solihull Local Plan (SLP). The design and layout respects the local distinctiveness of the area and the proposal therefore accords with Policy P15 of the SLP.

The proposal, as demonstrated by the content of this report, is deemed acceptable in all other respects and no material harm has been identified that outweighs the benefits of the scheme. The proposal should therefore be approved, subject to conditions.

MAIN ISSUES

The main issues in this application are:

- The first main issue is whether the proposal provides an appropriate residential use in accordance with relevant planning policy;
- The second main issue is the effect of the proposal on highway safety and the free flow of the road network;

- The third main issue is the effect of the proposal on the character of the area and appearance of street scene;
- The fourth main issue is the effect of the proposal on the amenities of the occupiers of neighbouring properties; and

Other material considerations

- Landscape,
- Drainage,
- CIL
- Affordable housing
- Public Sector Equality Duty
- Human Rights
- Planning balance and conclusions

CONSULTATION RESPONSES

Statutory Consultees

None

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

- SMBC Drainage – No objection subject to condition
- SMBC Highways – No objection subject to conditions
- SMBC Landscape – No objection subject to condition

PUBLICITY

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

13 responses were received including an objection from Councillor Tim Hodgson. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Highway safety

- Impact on pedestrian safety;
- Parking issues already
- Only two parking spaces
- Negative impact on traffic
- Safety impact on children due to increased traffic
- Highway safety impact during construction
- No access for emergency services

Design and character

- Out of keeping with street scene;
- Overdevelopment;

- Undesirable type of development
- Garden Grabbing

Neighbour amenity

- Loss of light;
- The proposed buildings will be imposing; and
- Loss of privacy.

PLANNING ASSESSMENT

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

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

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

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance

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

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

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

- (a) *Accessibility*

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

	Policy P7 distance requirement	Local Authority calculation of distance
Bus stop	400m	161m
Rail station	800m	2253m
Food store	800m	483m
Primary School	800m	644m
GP surgery	800m	1126m

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) “unless justified by local circumstance”. It is recognised that the development falls outside the ideal distances that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within an existing residential area of Shirley, close to the A34 Stratford Road, which is well served by regular bus services. As such, the application proposal is considered to accord with Policy P7.

For the reasons set out above, the spirit of Policy P7 is met, and the principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) meets the accessibility test in Policy P5.

- (b) Contribute to meeting borough wide housing needs

Turning to the second test, paragraph 11 of the Framework indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 4.64 years (as of 1st April 2019) and therefore the tilted balance is engaged. This shortfall is considered to be limited on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be limited this can have a bearing on the weight attached to the tilted balance.

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

- (c) Enhancing local character and distinctiveness

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

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area is set out in the next section of this Report. Officers have concluded that the proposal would meet the relevant criteria as set out in Policies P5 and P15.

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

- Summary

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

This should be accorded substantial weight in the planning balance.

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

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

Policy P8 of the SLP states that development which results in a reduction in safety for any users of the highway will not be permitted. The policy is consistent with the NPPF and thus carries significant weight.

The application site is considered to be in a relatively accessible location. A bus stop is available on the Stratford Road (A34), a walking distance of approximately 161m from the application site. There are several regular bus services, which operate approximately every 6-10 minutes during the peak periods and provides services to Solihull Town Centre and Birmingham. The bus service also stops within a short walking distance of Shirley Railway Station. A food store and parade of shops are also provided along Stratford Road (A34) within a walking distance of up to approximately 480m. The parade of shops offers local facilities and amenities including a beauty shop, offices and retail units.

The development proposals include the construction of a single dwelling and the creation of a new vehicular access off Sandy Hill Rise. The Highway Authority notes that sufficient off-street car parking is proposed to serve the proposed dwelling. This appears to be a main concern of the local residents in this development. However the proposal provides two car parking spaces which meets the standards of the Vehicle Parking Guidelines which is a Supplementary Planning Guidance.

In addition concerns have been raised regarding the potential for disruption to the highway during the construction phase; however, it is considered any such disruption can be mitigated by a condition relating to a Construction Method Statement

It is unlikely that the development proposals will generate a significant increase in vehicle trips to have a severe impact on public highway safety, or on the operation of the local highway network. Although it is acknowledged that objectors state that there may be some existing parking issues along Sandy Hill Rise, this is an existing issue and it is unlikely that the erection of one dwelling will worsen any existing issues, certainly not severely as per the thresholds set out in the NPPF. Members should be aware that planning applications cannot be used as a means to addressing any pre-existing issues.

SMBC Highway Authority is therefore satisfied that the proposals accord with Policies P7 and P8 of the Solihull Local Plan 2013. SMBC Highway Authority considers the development proposals to be acceptable and should not be refused on highway grounds. Paragraph 109 of the NPPF states "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 be severe.

Neutral weight should therefore be attached to this material consideration

The effect of the proposal on the character of the area and appearance of street scene

Policy P15 of the SLP is a wide ranging design policy that sets out the relevant guidelines by which development proposals will be assessed. Amongst other things, it states that all development proposals will be expected to achieve good quality, inclusive and sustainable design. The policy is consistent with the NPPF and thus carries significant weight.

To supplement the above policies the Council's Housing in Context SPG aims to maintain and enhance the local distinctiveness, character and quality of Solihull's residential areas, encouraging the most efficient use of land, whilst complementing surroundings. It identifies a number of key characteristics and common elements that lead to local distinctiveness and character that should be taken into account in the determination of applications. The guidance also highlights other considerations in assessing applications for residential development, such as impact on amenity, car-parking standards, and access to the site and other relevant planning considerations whilst recognising that its methodology does not require proposals to be a copy or pastiche of existing styles & development. Furthermore, development not in harmony with its context will exceptionally be allowed but only where it is of outstanding individual quality and where it is appropriately located

This application provides for the subdivision of the existing garden of 18 Sandy Hill Rise to provide a new dwelling with new vehicular access. The design and layout of the proposed dwelling closely reflects the width and depth of surrounding existing dwellings, as well as forming a natural infill to the existing layout of the surrounding development.

The proposed frontage would provide for vehicular parking and landscaping with 2 spaces and a detached garage. The car parking would be visible from the streetscene however this arrangement would not be dissimilar to the arrangement of the adjacent dwelling number 18 and therefore would not be out of character with the surrounding area. The proposed dwelling has been designed to reflect the characteristics of surrounding dwellings incorporating the gabled roofs. Appropriate gaps are provided between the proposed new dwelling and the boundaries, similar to the plot formation of development found in the surrounding area.

The new dwelling would have a width of 9m and depth of 13.5m. The dwelling would be set in from side site boundary with number 18 by approx. 1m and would be on the boundary with number 25. Number 25 has their driveway adjacent to this boundary and is set off this boundary by approximately 5.2m. Rear garden depth is approx. 10.3m and approximately 9.9m to the frontage with the garden area being 4.6m in depth. The dwelling is therefore of a size, and is of a building-to-plot ratio, that is very similar to other development within the area.

In design terms, the dwelling is to be relatively simplistic and unfussy in appearance, maintaining a predominantly horizontal emphasis, incorporating side gables, ground floor bay window and is a suitable scale of development. Having regard to the

building typologies within the immediate area it is considered that the proposed dwellings will integrate successfully into the fabric of the area.

Having regard to the above it is considered given the context of the immediate surrounding area, the proposed development would represent a natural continuation of similar built form that reflects the form, scale and pattern of other development within the area. As such it will add to the built form within the area and is therefore compliant with Policy P15 of Solihull Local Plan and guidance within the NPPF.

Limited weight should be attributed to this in the planning balance.

The effect of the proposal on the amenities of the occupiers of neighbouring properties

Policy P14 of the SLP 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 apartments. The policy is consistent with the NPPF and thus carries significant weight.

Concern has been raised by the adjacent residents over the possible overlooking to their property and garden. The building does not infringe any 45 degree sightlines taken from the rear facing windows of any of the neighbouring properties. This is due to the orientation of the proposed building and the location of the closest neighbouring properties. Whilst outlook would be altered to windows in the rear of No.14 and 16 Stratford Road, the building would be positioned a distance in excess of 17m from the rear elevations of these properties. This distance is similar (approx.) as already exists between Nos 18 and 25 (those existing properties either side of the proposal) and the properties along Stratford Road to the rear.

With regards to the relationship with number 25 there would be a distance of 5.2m between the dwellings to the front increasing to 11m to the rear projecting element of number 25 where they have a first floor dormer style window. There are two side facing windows proposed on the new dwelling which would serve ensuite bathrooms these should be conditioned to be obscurely glazed. Given the distances it is felt that there would be limited to no impact on the living conditions of number 25.

Given the location of the new dwelling within the plot and the orientation to the other neighbouring properties it is considered that the separation distances between them would be sufficient to avoid a detrimental impact. The closest neighbouring property opposite the site would be at a distance of circa 23m this would be acceptable to not create direct overlooking.

With respect to the living conditions of future occupiers, the drawings submitted demonstrate that a sizable area of useable space would be located to the rear of the properties for use by occupants of the dwelling. As a consequence, the proposal would have an acceptable effect on the living conditions of future occupiers of the development in terms of external space provision.

In summary, it is considered that the proposed building is appropriately proportioned and sited so as not to have an adverse effect on the living condition of the occupants of nearby dwellings or future occupiers of the development. In this regard, the development would accord with Policy P14 of the SLP, and neutral weight should therefore be attached to this material consideration

Other issues

Landscape

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

In respect of trees on and around the development site, SMBC Landscape Architects have considered the landscape plan submitted with the application and have concluded that proposal can be undertaken without compromising the health or longevity of important trees on and around the site. Hard and soft landscaping for the wider site can be secured by condition.

The proposal is therefore compliant with Policies P10 and P14 of the SLP and neutral weight should therefore be attached to this material consideration

Drainage

Policy P11 of the SLP advises that new development will not normally be permitted within areas at risk of flooding. The policy is consistent with the NPPF and thus carries significant weight. The site lies within Flood Zone 1.

SMBC Drainage Engineers have considered the proposal and raises no objection subject to a condition to secure appropriate drainage of the site. The proposal is therefore compliant with Policy P11 of the SLP and neutral weight should therefore be attached to this material consideration

Affordable housing

In terms of affordable housing, the proposal would create a single dwelling which would not exceed the 1,000 sq.m 'floor space' threshold set out in Policy 4a of the SLP. Thus no affordable housing provision is required to be provided by the proposal. The proposal is therefore compliant with Policy P4a of the SLP and neutral weight should therefore be attached to this material consideration.

CIL

The proposal would be liable for the CIL charge if planning permission is granted. This would amount to a levy of £25,527.95 based on the contribution rate for new residential dwellings in a 'Mature suburb' location.

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 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 housing applications 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 P5, P7, P8, P10, P11, P14, and P15 of the Local Plan and relevant criteria therein. 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. In terms of scheme's benefits, taken together, significant weight should be given to the economic, environmental and social benefits of the new homes.

In terms of adverse impacts, subject to conditions, the development would not conflict with Policies within the Local Plan 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.

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

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

RECOMMENDATION

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

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

- 1) CS00
- 2) CS05
- 3) CS06
- 4) The development shall not be occupied until the vehicular access has been laid out in general accordance with Drawing Number 02 (Proposed Elevations/Site Plans), and constructed to the standard specification of the Local Highway Authority.
In the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013
- 5) The access to the site for vehicles shall not be used until a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Local Highway Authority.

In the interests of road safety and amenity to accord with Policy P8 of the Solihull Local Plan 2013

- 6) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the

loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

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

7) CL04

8) CL06

9) CL07

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

- Drawings showing overall site concept design principles
- Site layout plan and Surface Water Drainage Design calculations
- Confirmation of outfall location

To secure the satisfactory drainage of the site in accordance with policy P11 and P15 of the Solihull Local Plan 2013.