

**APPLICATION REFERENCE: PL/2021/00659/PPRM**

**Site Address:** Land At The Green For Phases F And G Of Plot 3 Stratford Road Shirley Solihull

<b>Proposal:</b>	Reserved matters consent sought for the development of 137 dwellings within Phases F and G of Plot 3 on the outline site, including public open space, SUDs attenuation pond, with play facilities to be provided alongside cycle and pedestrian routes, required by condition No. 3 relating to the reserved matters of layout, appearance and landscaping pursuant to planning permission reference PL/2018/02731/MAJFOT.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <b><u><a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a></u></b>

<b>Reason for Referral to Planning Committee:</b>	<b>The application which in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity.</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**

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

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

submitted for the remaining section of the site. This application seeks consent for 137 dwellings on phase F & G and follows on from the previously approved application (reference PL/2020/01611/PPRM) for 76 dwellings on Phase E.

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

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

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

## **MAIN ISSUES**

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

- Background; and
- Whether or not the proposed appearance, landscape and layout are acceptable having regard to the development plan policies and any other material considerations.
  
- Other material considerations
  - Highway matters;
  - Housing mix and affordable housing;
  - Living conditions;
  - Drainage;
  - Ecology
  - Planning conditions;
  - Developer contributions and infrastructure provision;
  - Public sector equality duty;
  - Human rights; and
  - Other matters.
  
- The Planning Balance

## **CONSULTATION RESPONSES**

**Statutory Consultees** The following Statutory Consultee responses have been received:

Lead Flood Authority & Drainage – no objection subject to conditions

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

SMBC Affordable Housing – No objection.

SMBC Ecology – No objection.

SMBC Highways – No objection subject to review of car parking layout for plots 222-225.

SMBC Landscape – No objection.

SMBC Urban Design – No objection.

## **PUBLICITY**

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

4 responses were received including one response from Julian Knight MP on behalf of his constituent. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

### Landscape/TPOs

- Number of trees covered by TPO which appear to have been disregarded
- Ecological concerns as a result of loss of hedgerow/habitat support

### Highways

- High levels of congestion already on Stratford Road and Dog Kennel lane

### Other matters

- Noise and disturbance as a result of intensive development
- Concern over air quality in the area
- Concern over final phases of developments
- Development is over intensive in this location and would benefit from a lower density
- Application sets the foundations for the final phases and impact on Blackford Road is concerning

## **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 13<sup>th</sup> 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.

### Background

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

The Council are currently unable to demonstrate a five year housing land supply and there is a drive at national level to ‘boost significantly’ the supply of housing. Paragraph 11 of the NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YHLS) or not. If it can’t then for

decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 4.19 years (as of 1st April 2020) and therefore the tilted balance is engaged. This shortfall is considered to be modest on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be modest this can have a bearing on the weight attached to the tilted balance

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

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

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

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

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

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

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

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

### *- Layout*

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

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

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

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

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

### *- Scale*

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

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

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

### *- Appearance*

The development incorporates a variety of types of housing as identified above, including apartments, maisonettes, terraced, semi-detached and detached houses.

The development proposes active frontages where possible providing activity and natural surveillance over open spaces and movement routes.

A contemporary design has been utilised, in accordance with the principles set out within the established Design Guide and in order to ensure that the proposal relates sympathetically to the new residential development building built under the first phase of the hybrid approval and that approved under the Phase E reserved matters phase which is being built-out by the same house builder as these proposed phases.

The proposed development has been devised as four distinct character areas, described within the approved design guide, and has influenced the detailed proposals for this phase. The character areas within this phase of development comprise:

- Avenue character area
  - o This area is focused around the existing spine road running through the wider site, and will deliver 3-4 storey buildings
- Green walk character area
  - o A less formal area than the avenue, this area will deliver most 2 storey dwellings with 3 storey units at key locations. The majority of these houses will face areas of public open space and the green corridor
- Core character area
  - o This area is proposed to include more terraced units with development delivered at a moderate-high density.

Details of the proposed external materials to be used on the dwellings have been provided and illustrate a palette of materials chosen. This palette establishes that whilst most dwellings will be clad in timber that is to be used in shades of grey, to match the previous phases, a small number of dwellings will be finished with a chalk colour render. A range of brick types will be used and brown and grey roof tiles in order to provide additional variety to the streetscene.

With regards to the apartments, these will be provided in three storey buildings, located to address the spine road aspects and provide a focal point at the pedestrian entrance to the site from the Stratford Road as well as framing the main vehicular route through the site. The contemporary, L-shaped, buildings will comprise three or four apartments per storey, set around a central stairwell providing access, details of which are shown on the apartment floor plans submitted with the application. Externally, the design will be simple, with contemporary features formed from the use of red brick and timber cladding. Grey roof tiles are proposed to be used along with light grey fenestration detailing.

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

floor dwellings will provide access to an internal staircase leading to the first floor dwelling.

The site layout incorporates one unit which is a 'flat over garage', the 'Saddler'. This is located in the central area of the phase and ensures that access is provided to the rear parking court whilst providing a built edge that frames the central green corridor. Again, this house type has been used in previous phases of the development so will not appear as an anomaly.

Terraced houses are proposed to be delivered which will comprise open market and affordable units and these would be a mixture of two and three storey properties. Again, all of the terraced dwellings will all have a similar external appearance, with predominantly redbrick façades, with a small amount of grey panelling used to add detail.

This phase of development also incorporates a number of semi-detached properties, which will deliver two, three and four-bedroom houses, which are proposed to be open market and affordable dwellings. The site layout also confirmed a number of four bedroom detached properties which will be open market and distributed across the phase.

The central area of this phase, combined F and G phases delivers the Greenway Walk, locating a mix of dwelling types along the linear public open space, fronting onto the green space with separating tree planting and attractive parkland railings boundary treatment. The dwelling types are characterised by terraced properties, providing high density clusters of small homes with gardens placed to ensure adequate amenity separation and develop private spaces. Where rear gardens are placed alongside rear parking courts, open space and tree planting has been provided to deliver breaks and create the appearance of courtyard areas.

The layout has sought to provide a legible movement strategy, with a road hierarchy that reflects the Outline Masterplan and Parameter Plan, whilst responding to the design requirements set out by the approved Design Code for this phase. Where possible, car parking has been accommodated within individual plots to the side of dwellings, although in denser areas of the site frontage parking or small parking court areas to the rear are proposed in order to more efficiently utilise the developable area.

It is considered that the properties and the layout have been designed in accordance with the approved Design Guide and the simple palette of materials with well-proportioned elevations styles will create a residential development which reflects that of the first phase of development to the south and east, and the second phase (Phase E) in the centre of the site. The layout responds well to its context and accords with Policy P15 of the Local Plan.

#### - Landscaping

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



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

The application is accompanied by a series of documents which set out the proposed landscaping proposed on the site. These identify the removal of additional trees above and beyond those identified under the hybrid application.

The proposals involve the loss of a number of trees and tree groups including 4 category B trees or tree groups, 12 category C trees or tree groups and 1 category U tree group. The new tree planting proposed in mitigation appears to be acceptable but as with other phases on The Green, the final tree mitigation will be assessed at a later stage through Solihull MBC Tree scoring matrix and via the existing S106 agreement as confirmed within the planning statement that accompanies the application.

The planning statement also states that the scope for public open space provision within phases F and G is restricted (although it is stated that there is an over provision on other phases). Based upon the planning statement Phase F and G offer a total 0.477ha of Public open space. However, based upon the standard provision of 2.86ha of open space per 1000 population the amount of open space provided for this amount of housing should be 0.9ha; this phase of development therefore represents a shortfall of 0.423ha. Again as with the tree mitigation this will be reassessed site-wide when final quantities are available and the applicant is aware of this and has agreed to provide the shortfall within the final phases of the development as required by the S106 agreement associated with the hybrid approval.

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

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

#### Other Material Considerations

- Highway matters

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

Policy P8 of the Solihull Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the

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

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

- *Alignment of the roads proposed within the application site. The primary roads through the site are relatively straight and uninterrupted, which could result in vehicle speeds higher than the recommended 20mph. In order to achieve vehicle speeds of 20mph or lower, traffic calming features should be provided at least every 60m-70m. The Highway Authority would typically require lower vehicle speeds to be achieved through the alignment of the carriageway such as speed control bends however, where constraints within the site reduce the ability to provide a number of speed control bends, physical features such as build-outs and raised tables will be considered.*
- *Visibility splays to junctions of spine roads are required to be increased to account for higher vehicle speeds along spine road*
- *Location of car parking spaces in proximity to junctions*
- *Parking bays to frontages leading to excessive lengths of dropped kerbs*
- *Clarification over temporary private drive to plots 90-93*
- *Desire lines of footpath crossings*
- *Visibility splays to plots 205-211 and 198-204*
- *Vehicle tracking for refuse and emergency vehicles*
- *Cycle provision to connect onto cycle infrastructure proposed/approved throughout wider site*

Following the submission of the initial consultation response, the highway authority has been in discussions with the applicant to address the concerns raised. Amended plans have been submitted that have effectively overcome concerns raised, with the exception of visibility splays to plots 222-225. It should be noted that the approved Design Guide acknowledges that footways running across open space will be shared with cycles and is therefore a shared footway/cycleway, and because of this no action was required by the applicant to highways last point raised above.

Concerns were highlighted with regards to third party ownership of land where these visibility splays would cross over and that the majority of the car parking spaces allocated to Plots 222-225 will be obstructed by vehicles parked in the spaces alongside them. In response to this, it is considered that a condition could be used to ensure that the size and layout of these parking spaces is amended to ensure that the spaces can be used freely and effectively without causing obstruction to the highway.

On this basis, officers are satisfied that the proposed site layout will not have a detrimental impact on highway safety, subject to the inclusion of a condition to seek a review of the parking areas serving plots 222-225.

In conclusion, the Council's Highway Engineers are content that the proposal provides appropriate parking provision to fully accommodate its parking needs, including appropriate visitor car parking. The proposed layout is therefore acceptable from a highway perspective so as to accord with Policy P8 of the Local Plan and

guidance in the Framework and should be afforded neutral weight in the planning balance.

- Housing mix and affordable housing;

The S106 for the site as a whole includes a vacant building credit calculation (VBC) and the planning permission requires the provision of affordable housing to be in accordance with this calculation. The assessed VBC calculation lowers the requirement for affordable housing on the site to 22% provision across Phase 2 (the area subject to outline planning permission and reserved matters applications).

Phase 2 is being taken forward in three parts: phase E, phase F and G and Sub phase F. Phase E has received Reserved Matters approval and Sub phase F is to follow at a later stage. An Affordable Housing Scheme for the whole of the Phase 2 has been provided demonstrating that a compliant mix of affordable tenures and property sizes will be delivered across this phase of the site overall. The S106 requires that the affordable housing is provided in accordance with the Supplementary Planning Document 'Meeting Housing Needs'.

The affordable housing proposals include a mix of property types with a range from 1 to 4 bedroom properties. The proposed sizes of the social rented affordable dwellings generally accords with the split set out in the Meeting Housing Needs SPD, whilst the split of sizes for the shared ownership properties provides for an even split of 2 and 3 bed dwellings, which is considered appropriate in this locality.

As set out above this phase of development for the reserved matters application is not seeking consent for the entirety of phase 2. The proposals for Phases F and G are for the delivery of 30 affordable dwellings out of a total of 137 to be built under this sub-phase, which is equivalent to 22% provision and therefore this entirely accords with the requirements of the S106. The affordable dwellings comprise 19 for social rent and 11 for shared ownership and are suitably distributed. The proposed build quality, materials, detailing, level of amenity space and privacy for the affordable dwellings will ensure that they are tenure blind.

Overall, the requirement is 65% of the affordable homes are provided for social rent. The current position is that,

- phase E (approved) has a split of tenures of 53% social rent and 47% shared ownership
- proposed phase F and G has a tenure split of 63% social rent and 37% shared ownership
- sub phase F - the final phase – must have a tenure split of 80% social rent and 20% shared ownership to deliver an overall affordable tenure balance across phase 2 that is compliant with the S106.

The subsequent reserved matters application for sub phase F will deal with the remaining section of phase 2, taking account of the affordable tenure balance in Phases E, F and G and would therefore be in compliance with the S106 agreement.

The Council's Housing Strategy Officer has confirmed that the affordable housing proposed for this phase is acceptable and accords with the affordable housing phasing plan and requirements of the S106 Agreement. The proposal therefore, accords with Policy P4 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

- Living conditions;

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses and businesses. Policy P14 of the Local Plan is consistent with policies set out in the Framework and again full weight can be attributed to this Local Plan Policy.

In terms of amenity of future residents, the proposed layout plan demonstrates that where rear gardens face rear gardens, separation distances between houses are a minimum of approximately 20m metres, so avoiding unacceptable overlooking.

The rear gardens have an average depth of 9-10m and given the proximity to the dwellings to areas of open space and play areas that are easily accessible to all, it is considered that private gardens are sufficient in size.

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

Where parking courtyards are proposed to be close to boundaries with private dwellings, these have been designed with landscape buffers where possible in order to provide a softer outlook, whilst still providing privacy and security.

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

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

- Drainage

The application was submitted with a Drainage Strategy. Having reviewed the proposed strategy with the applicant and reviewed the technical information submitted, SMBC Drainage engineers are satisfied that the strategy submitted can accommodate a SuDS scheme in line with policy P11, and whilst the Council is actively discouraging the use of gullies, the technical constraints of the site are understood to prevent an alternative being fully progressed, albeit best endeavours

have been made in this regard. Furthermore it is noted that the system will remain as a private drainage system and will not fall under the responsibility of SMBC for future maintenance.

The drainage strategy has been submitted and assessed by the Lead Flood Authority and they have raised no objection subject to additional information being submitted under the relevant discharge of condition 22 of the hybrid approval. The proposal is therefore compliant with Policy P11 of the SLP and neutral weight should therefore be attached to this material consideration.

#### - Ecology

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

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

#### Planning Conditions

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

- Condition 6 - Materials
- Condition 7 – Vehicle access upgrade
- Condition 9 – Service road access
- Condition 10 - Construction Method Statement
- Condition 11 – Turning and passing areas
- Condition 12 – Drainage (parking spaces)
- Condition 13 – Cycle parking/storage
- Condition 15 - Archaeology
- Condition 16 – Construction environmental management plan
- Condition 17 – Landscape and ecology management plan
- Condition 19 – Street Lighting
- Condition 20 – Biodiversity monitoring scheme
- Condition 21 – Ordnance Datum
- Condition 22 – Drainage (Surface Water run-off)
- Condition 23 – Plant machinery noise limit
- Condition 28 – Design Guide
- Condition 29 – Play provision

Condition 30 - tree Protection measures  
Condition 31 – Earthworks within RPA  
Condition 32 – hard and soft landscape  
Condition 33 - Programme of archaeological works  
Condition 34 – parameters plan heights  
Condition 37 – pedestrian crossing  
Condition 38 – S106 relevant parties

A full list of conditions is available using the following link by using planning application reference number PL/2018/02731/MAJFOT:  
<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

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

#### - CIL

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

#### - Public Sector Equality Duty

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

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

#### - Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence. The recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

- The Planning balance.

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

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

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

The outcome of this application therefore depends on whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and in terms of the schemes benefits. Significant weight is attached to the economic benefits of the development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services. Significant weight is attached to the social benefits of the development through 137 new dwellings, including 22% affordable housing.

Moderate weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping produces an acceptable response to the site and its surroundings, responding acceptably to the built character of the locality. All other matters are neutral in the planning balance.

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

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

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

## **RECOMMENDATION**

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

[http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications:](http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications)

1. CS00 – Compliance with plans

2. The external facing materials of the development hereby approved shall be carried out in complete accordance with the details shown on Materials Plans TG-MAT-CLAD; TG-MAT-BRICK & TG-MAT-TILE unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

4. Notwithstanding details shown on drawing number 7001E plots 222-225, are not approved on account of the associated car parking spaces being substandard. An alternative car parking layout to take account of this shall be submitted to and agreed in writing by the local planning authority and installed as approved and maintained thereafter.

In accordance with Policy P8 of the Solihull Local Plan.