

**APPLICATION REFERENCE: PL/2021/00553/PPFL**

**Site Address:** Hobs Moat United Reformed Church Faulkner Road Olton Solihull  
B92 8SD

<b>Proposal:</b>	Demolition of existing buildings and erection of 7 dwellings comprising of 3 pairs of semi-detached dwellings and 1 detached dwelling.
<b>Web link to Plans:</b>	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	The proposal has given rise to substantial weight of public concern.
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**

The principle of this residential development is policy compliant, creating 7 additional four bed residential dwellings on land that includes the full demolition of a redundant church building, allowing for a new residential frontage along Faulkner Road incorporating new vehicular access to serve these new dwellings.

This proposal would be in an established accessible residential area, and would help to meet an identified need for 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.

**Background**

This application was first registered on 26/02/2021 with the proposed title as *'Demolition of Existing Buildings and Erection of 4No Detached and 4No Semi*

*Detached Dwellings, Car Parking and Ancillary Works*'. These original proposed plans included a new frontage of 7 four bed dwellings along Faulkner Road comprising of a pair of 2 storey (with roof conversion) semi-detached gabled roof houses either side of the neighbour at number 25 and 39, with both pairs standing 1 metre taller than the neighbours and with 3 detached 3 storey front gabled houses in the middle, all standing 2 metres taller than the neighbours at 25 and 39. A final 8<sup>th</sup> proposed detached house would be inserted in the land fronting Lode Lane between 449 and 503 Lode Lane. On the basis of this proposal the Agent was advised by Officers that the application would represent poor urban design, would not enhance local character and distinctiveness and therefore would not meet the test in Policy P5 or policy P15. Also original neighbour notifications resulted in 29 objections being received and with the main concerns summarised in the publicity section of this report below.

The Agent then requested to submit a re-designed proposal with amended title and amended plans, followed by an additional amendment regarding the design of the proposed front elevations which are now the subject of this committee report.

Neighbours and consultees were re-notified of the amended proposal on 9/6/2021 and 5 further comments of objection received. Following further comment from consultees, the proposed plans were amended further regarding the design of the proposed front elevations of the houses and neighbours were reconsulted on 13/09/2021. One further objection was subsequently received. All neighbour comments are summarised in the publicity section of this report below.

The main differences between the original plans and the further amended plans include;

- The removal of the 8<sup>th</sup> detached house to be inserted along Lode Lane;
- All houses are to be 2 storey only with pitched roof accommodation, rather than 3 storey in part.
- Development to infill the frontage along Faulkner Road with 7 houses comprising of 3 pairs of semi-detached houses and 1 detached house, rather than all detached houses;
- All the houses are to have tiled side gabled roofs, rather than some front gabled properties;
- All proposed roofs reduced in height to the same height of the neighbouring properties at 25 and 39 Faulkner Road, rather than being 1 to 2 metres taller.
- The proposed two storey side wall depths are to be comparable with the existing neighbouring houses, but allowed to be slightly set back to accommodate satisfactory parking on driveways.
- A further re-design of the proposed frontage elevations to be more in keeping with the design of the existing pairs of semi-detached houses either side, now incorporating two storey front bays and matching eaves height.

## **MAIN ISSUES**

The main issues in this application are: -

- Whether the proposal provides an appropriate residential use in accordance with relevant planning policy;
- The effect of the development on the appearance of street scene and character and local distinctiveness of the local area;
- The effect of the proposal on the living conditions of the occupiers of Neighbouring properties; and
- The effect of the proposal on highway safety and the free flow of the road.

#### Other Material Considerations

- Landscape;
- Ecology;
- Drainage;
- CIL and Affordable Housing; and
- 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 conditions.

SMBC Urban Design – No Objection regarding final proposed design

SMBC Ecology- No objection subject to conditions and notes.

SMBC Highways - No objection subject to conditions.

SMBC Landscape - No comment.

SMBC Planning Policy – 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.

29 objections have been received regarding the original submitted plans and the following concerns were raised.

- 3 storey dwellings poor design and not in keeping with surrounding area;
- Set back too far;
- Rear separation distances unacceptable;
- Potential loss of privacy and overlooking;
- Inappropriate materials;

- Hipped roofs preferred;
- Infill house on Lode lane inappropriate and poor design;
- Will damage wildlife;
- Will result in noise and air pollution;
- Drainage and sewage provision inadequate;
- Land link onto Lode Lane needs to be used by residents;
- The area is mainly populated by older residents and 4 bed family houses not required;
- No play area for children likely to live in 4 bed houses;
- Need a community building, not new houses;
- The proposal has inadequate parking;
- New driveways are too shallow and too small.

Following re-consultation with neighbours on 9/6/2021 regarding the revised scheme and amended plans a further 5 comments of objection/support were received from residents raising the following points;

- The proposal has inadequate parking;
- New driveways are too shallow and too small;
- The revised scheme of 2 storey dwellings with accommodation in the roof with dormers is better than the original submitted 3 storey dwellings, however the houses are still deeper than neighbouring houses;
- The rear dormers will allow overlooking and loss of privacy;
- Rear dormers should be replaced with rear Velux lights;
- Inadequate rear separation distances with neighbouring houses along lode lane;
- Loss of light to neighbours;
- Problems with crime in the area.

Following re-consultation with neighbours on 13/09/2021 regarding the revised scheme and amended plans, detailing the re-designed front elevations of the proposed houses, 1 comment of objection was received from a resident raising the following points;

- The bay windows are an improvement and in keeping with the existing houses in the street, however the detached house is still out of character and if removed would allow the new houses to be wider and less deep and would therefore not be built so close to the rears of houses along Lode Lane.

## **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”) 2021, the National Planning Practice Guidance.

## **MAIN ISSUES**

### 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	300m
Rail station	800m	>800m
Food store	800m	500m
Primary School	800m	260m
GP surgery	800m	800m Hobs Moat Medical Centre.

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 one of the ideal distances that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within an existing residential area close to Lode Lane, which is well served by regular bus services into Solihull train station. 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 limited weight in the planning balance.

The effect of the development on the appearance of the street scene and character and local distinctiveness of the local area

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.

The proposal seeks to demolish the existing redundant church building complex which would provide a new frontage approximately 50 metres wide along Faulkner Road in-between the existing pairs of semi- detached houses either side and would accommodate a row of 7 new dwellings comprising of 3 pairs of semi-detached houses and 1 detached house that would be accommodated on a site approximately 33 metres deep abutting the rear gardens of houses along Lode Lane.

The proposed plot widths of approximately 7.2 metres wide and approximately 33.5 metres deep would be comparable with the plot widths and depths of the neighbouring pairs of semi-detached houses either side running along the street between numbers 25- 7 and 39 to 63 Faulkner road respectively and overall within the grain of development along this street.

The proposed garden depths of at least 11.7 metres would be acceptable and the proposed combined garden depths of the neighbouring gardens to the houses to the rear along Lode Lane would be adequate, given these neighbouring gardens are over 20 metres deep which together provide adequate rear separation distances between the new dwellings and existing neighbours along Lode Lane.

The new dwellings would sit comfortably within their new plots, maintaining a gap of at least 1 metre between the sides allowing a gated pedestrian access to the rear gardens. All of the proposed front elevations would be approximately in line with each other and set back slightly by 1 metre relative to the existing neighbouring house front elevations either side, which would be acceptable, allowing for proposed individual landscaped driveways with 2 parking spaces per house with direct access onto Faulkner Road.

The proposed new 2 storey dwellings would be of an acceptable design, scale and appearance with the 2 storey parts being 6 metres wide and 9 metres deep and finished with tiled pitched gabled roof 9 metres high and of comparable width, depth and height of the neighbouring pairs of semidetached houses either side and along the street. While most of the existing semi detached pairs of houses either side of the application property

are finished with original hipped roofs, the immediate neighbour at number 25 has been extended with a hip to gable roof with rear flat roof dormer.

The proposed rear dormers would be set down, set back and set in to the main roof, finished with a pitched roof and of an acceptable design and scale and given there are other examples of rear dormers at the neighbour at number 25 and in the surrounding houses along Lode Lane.

The cross-section plan from the frontages of neighbouring houses along Lode Lane to the frontages of the proposed dwellings help demonstrate that the proposed height and scale of the 7 dwellings would be acceptable and not appearing overbearing or dominating surrounding existing houses, given the distances of the new dwellings from surrounding houses and highways.

Officers are content that the above analysis demonstrates that the proposed development density and plot sizes would sit comfortably within the surrounding predominate grain of development in the area and would not be out of character. Equally, the principle of introducing a new housing plot at this location would not be harmful to the grain and character of the area. Given the modest change in land levels over the proposed plot, Officers consider this would not result in new development that would be considered overbearing or too intensive to surrounding neighbours.

Regarding the further objection to the amended design and further re-consultation with the Council's Urban Design Officer, who maintains that Faulkner Road is typically made up of 1950s semi-detached properties with driveways. The housing typically features bay windows and the rooflines have continuous ridge and eaves heights which all give the street a distinct character. The applicant has sought to introduce some of these features in the revised scheme and the objector does not disagree with this point given the three pairs of semi-detached properties will now have bay windows which provide the central feature to the pair which reflect that of the prevailing character. Glazing bars also reflect those of the 1950s dwellings while the building materials proposed indicate a modern interpretation of the 1950s palette.

The building line is set back from the established one, but allows cars to park on the plot rather than over hang the pavement, while the roof pitch also allows for a fourth bedroom which provides the flexibility for home working for families. The land on Faulkner Road is higher than that of Lode Lane, however the second floor bathroom windows are glazed with obscure glass, therefore reducing any potential overlooking.

For these reasons it is considered that the proposed changes to the application have resulted in a scheme which reflects an understanding of the existing character of Faulkner Road and regarding the objection the Council maintain the additional single detached house maximises the efficient use of land for housing in accordance with planning policy as detailed in this report.

Given, the final amended scheme, incorporating two storey front bays and

eaves similar to the existing pairs of semi-detached houses either side, the Council's Urban Design Officer now has no objection.

On this basis Officers are now content that the proposed plot widths, house widths and gaps between the proposed dwellings are acceptable as are the proposed house designs and appearance, all of which make good reference to the prevailing mixed architecture types and would enhance the character of the street, rather than be incongruous to the streetscene and warrant refusal. This is given the significant improvement to the proposed amendments to the scheme compared to the original 8 detached houses that comprised of various roof heights and designs, all of which would appear incongruous within the existing street.

In summary the new dwellings would not be squeezed into the existing plot, but would be designed to an acceptable density, layout, scale, height, character and appearance, incorporating similar design cues from neighbouring buildings within the locality that incorporate facing brickwork and pitched tiled roofs built as semi-detached or detached designs. A sense of place would be maintained in this mature urban suburb street and the overall character and local distinctiveness of this urban area would be enhanced making efficient use of urban land while allowing for a good quality design by introducing a cohesive landscaped development compliant with the objectives and detailed requirements of P15 of the SLP, and guidance contained in the NPPF.

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

#### The effect of the proposal on the living conditions 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.

The proposed new dwellings would have additional single storey elements 4.5 metres deep to the rear extending the overall depths of the dwellings to 14 metres deep. Regarding neighbour concerns regarding the proposed overall depth, the proposed rear single storey elements closest to the existing houses number 25 and 39 would be built in excess of the 45 degree lines, (measured from the closest rear habitable room windows) from numbers 25 and 39 by 1.4 and 3.4 metres respectively. However these excesses would be acceptable given the proposed rear elements would be single storey, built 1 metre away from the common side boundaries with number 25 and 39, finished with a flat roofs and mainly screened by existing boundary fences that can be erected to 2 metres high. Number 39 also has extensive single storey rear elements with pitched roofs projecting along most of their garden common side boundary with the application site.

The proposed new dwellings would have adequate rear garden depths being at least 11.7 metres deep and with resulting first floor rear separation distances from neighbouring habitable room windows in dwellings along Lode Lane of at least 39 metres which would be adequate. Regarding neighbour concerns along Lode Lane relating to loss of privacy, light and potential overlooking, the resulting separation distances between the proposed new ground, first floor and rear dormer windows of the new dwellings and that of the rear windows to the neighbouring houses along Lode Lane would be acceptable. This is demonstrated in the submitted site section plan from the frontage of the new dwellings to the rear of neighbouring dwellings along Lode Lane. The proposed rear dormer roof windows would have no greater potential for overlooking and loss of privacy than the proposed first floor windows.

Planning conditions can ensure all proposed side facing windows on all new housing plots are obscurely glazed and with no other openings made to minimise overlooking and maintain privacy levels so mitigating any potential harm between all neighbours.

Although the Council has no specific policy regarding private garden sizes, it is considered that the proposed combined separation distances and garden lengths detailed above in this report are sufficient and represent acceptable urban design, allowing the dwellings and gardens to be used without any detriment between the neighbours and future occupiers of the dwellings.

Overall the resulting separation distances, garden depths and design would ensure amenity and privacy levels would not be harmed between properties and maintained without any unacceptable levels of overshadowing and overlooking.

Given there is no identifiable harm that cannot be mitigated by planning condition, the proposal is considered compliant with Policy P14 of the SLP, and neutral weight should be attributed to this in the decision making process.

In summary, it is considered that the proposed development 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.

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

The Council's Highway Officer has no objection subject to the following comments and conditions;

The Highway Authority previously requested further information to be submitted, to address concerns regarding potential conflict between the position of the proposed driveways and the location of the existing speed hump on Faulkner Road. Revised drawings have since been submitted, which indicate that the existing speed hump will be extended to allow vehicles to manoeuvre into/out of the car parking spaces allocated to Plot 5 directly off the speed hump.

The revised proposals have also reduced the number of dwellings proposed from eight to seven. All seven of the proposed dwellings will be accessed directly off Faulkner Road. Two off-street car parking spaces are proposed for each dwelling. A shed / cycle store has also been proposed in the rear garden for each plot. The Highway Authority has interrogated the TRICS database to calculate the number of vehicle trips the development proposals could generate. The proposals could generate approximately four two-way vehicle trips during the AM and PM peak periods (08:00-09:00 & 17:00-18:00), and approximately 34 two-way trips throughout the day during a 12-hour period (07:00-19:00). The number of vehicle trips that are likely to be generated by the development proposals during the peak periods is not considered to be significant, and should not have a severe impact on the operation or capacity of the local highway network. The Highway Authority also acknowledges that the existing church buildings could generate vehicle trips in their own right.

The application site is considered to be in a relatively accessible location. There are two bus stops available on Lode Lane within 300m walking distance of the dwellings fronting Faulkner Road. A number of bus services are available at the bus stops, which offer higher frequency services to Solihull Town Centre, Birmingham City Centre, and Marston Green. A parade of retail units along Hobs Moat Road is located within 500m to 850m walking distance of the application site, which includes a Tesco Express, takeaway restaurants, and convenience stores. Ulverley School is located 260m walking distance to the south of the application site.

On this basis of the above, the proposed development would be compliant with the requirements of Policy P7 and P8 of the SLP (2013) and neutral weight should be attributed to this in the decision making process.

### Other Material Considerations

- Landscape

The Council's Landscape Officer has provided no comment.

The existing site comprises of a church building located within a maintained grounds of cut grass lawn areas and carpark hardstanding and the proposed redevelopment would not involve the loss of any trees.

On this basis the proposed development would accord with Policies P10 and P14 of the SLP and neutral weight should be attached to this in the decision making process.

- Ecology

The Council's Ecology Officer has no objection subject to conditions and details evidence of protected species was found within the site. There are a couple of features in the building that could be used by bats and nesting birds and as a precaution, it was recommended that a tool box talk is given to workers and the features are inspected by an ecologist prior to any works taking place. This can be secured by condition.

Due to suitable habitat and hedgehog records in the area it is recommend that a hedgehog note is attached to any approval granted.

To ensure continued provision of bird nesting and bat roosting habitat, it is recommended that a scheme for bat and bird boxes incorporated into the new buildings is produced and can be secured by condition. Via planning condition it is also recommended that native species hedgerow and shrub planting is included within the scheme to ensure a net gain of biodiversity

On this basis the Council's Ecology Officers raise no objection to the proposal subject to conditions and Notes and accordingly the proposal would accord with policy P10 of the SLP 2013. Neutral weight is therefore be attached to this in the decision making process.

- Drainage

The Council's Drainage Engineers have raised no objection to the proposals subject to conditions as listed in the recommendation below.

On this basis the proposal would be compliant with Policy P11 of the Solihull Local Plan 2013 and neutral weight should be attributed to this in the balancing exercise.

Affordable Housing

In terms of affordable housing, the proposal would create 7 four bedroomed dwellings 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 £57,047.04 based on the contribution rate for new residential dwellings in a 'mature suburbs' 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 request for approval, 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 for approval is considered a proportionate response to the submitted request 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 – compliance with plans
2. CS05 – commencement within 3 years
3. CS06 – materials to be submitted
4. CD11 – No additional windows or openings in plots
5. CL04 – Hard and soft landscaping (to include the construction of the double brick wall built 2.5 metres high and with low level defensible planting in front)
6. CL06 – Implementation of landscaping scheme
7. CL07 – Replacement of trees or hedging lost within 5 years
8. 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, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.  
Surface Water Drainage Design including:  
Confirmation of the lifetime of the development  
Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'),

Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;

Confirmation of discharge rates and volumes (both pre and post development)

Confirmation of proposed discharge location.

Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.

Engineering details for all surface water drainage features

Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;

Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site

Surface Water Drainage adoption and maintenance strategy

On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding

Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

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

9. No above-ground work shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

on-going inspections relating to performance and asset condition assessments  
operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

Means of access for maintenance and easements where applicable.

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

10. The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive

works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England is consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

Reason: To ensure that protected species are not harmed by the development.

- The development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of timings, specifications for bat and bird boxes, native, fruit-bearing or nectar-bearing tree and shrub species planting and access gaps for hedgehogs in any new fences.

Reason: In accordance with NPPF, ODPM Circular 2005/06

NOTE: In view of the nearby hedgehog record and suitable habitat, care should be taken when clearing the ground prior to development. If any hedgehogs are found, these should be moved carefully to a suitable adjacent habitat. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act

11. The development shall not be occupied until the vehicular accesses have been laid out in general accordance with Drawing Number 01080-03-04 Rev. D and constructed to the standard specification of the Local Highway Authority

In the interests of highway safety and amenity in accordance with Policy P8 of the Solihull Local Plan 2013. Note: This condition require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Section 278 Agreement. Applications should be made to the Highway Infrastructure

12. The development shall not be occupied until the existing speed hump on Faulkner Road has been extended and laid out in general accordance with Drawing Number 01080-03-04 Rev. D and constructed to the standard specification of the Local Highway Authority In the interests of highway safety and amenity in accordance with Policy P8 of the Solihull Local Plan 2013. Note: This condition require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Section 278 Agreement. Applications should be made to the Highway Infrastructure

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

14. CD15 – obscure glaze side facing windows

15. CW09 Finished levels

Notes:

Noise During Construction

Street name and numbering note

CIL Note