

APPLICATION REFERENCE: PL/2022/00757/PPFL**Site Address:** 2 Kingscote Road, Dorridge, Solihull. B93 8RA.

Proposal:	Amendments to residential development of two houses approved by planning permission PL/2019/03130/PPFL.
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:	Call in by Councillor Meeson.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS.
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EXECUTIVE SUMMARY

This planning application seeks consent for amendments to planning consent PL/2019/03130/PPFL. This consent is extant and allows for the demolition of the existing single detached dwelling and erection of two new 5-bedroom detached dwellings on a corner plot in an established residential area. The dwellings are traditional two storey in design with a room in the roof benefitting from roof lights only.

The proposed amendments include:

Plot 1:

- reduce distance to boundary with No.4 Kingscote Road from 1.8m to 0.965m at the narrowest point;
- increase depth by 2.0m;
- reduce width by 0.25m;
- increase height by 0.5m from 8.7m to 9.2m;
- addition of three new windows to ground floor utility room, ground and first floor stairwell; and
- Overall increase in habitable floor area from 198sqm to 223.7sqm.

Plot 2:

- increase height by 0.2m from 7.75m to 7.95m;
- increase length by 2.5m by addition of rear extension and 0.5m front extension;
- maintain similar distances to boundary;

- addition of three new windows to ground floor utility room, ground floor dining room and first floor ensuite on rear elevation;
- Alteration of window to door on rear elevation;
- Increase in depth of utility room by 0.5m and garage by 0.6m; and
- Overall increase in habitable floor area from 174.7sqm to 213.8sqm.

As a result of the increase in the depth of the proposed dwellings, the garden lengths are reduced by approximately 2.0m each.

Whilst the overall design of the proposed dwellings remains unchanged, the amendments are considered to be material changes to the dwellings which require planning consent. The applicant seeks to realign Plot 1 to within a policy compliant distance of one metre to the boundary with No.4 Kingscote Road. This alignment provides a greater distance between Plot 1 and Plot 2, which is more consistent with the characteristic of the streetscene along Kingscote Road.

The proposed amendments have been included to ensure that the dwellings remain well designed and respectful of the amenity of existing and future residents. The amendments ensure that the proposed dwellings are not overbearing on adjacent properties, that no overlooking issues arise and that adequate private amenity space and off-road parking is provided for each unit.

It is considered that the proposed dwellings remain in-keeping with the street scene in terms of scale, siting and design which enhances the existing character of the area. It is therefore considered that the proposed development accords with Policies P5, P14 and P15 of the Solihull Local Plan 2013, Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan as well as SPG New Housing in Context and guidance in the National Planning Policy Framework (NPPF).

BACKGROUND

The application site at 2 Kingscote Road benefits from an extant planning permission, reference PL/2019/03130/PPFL. This application granted consent for the demolition of the existing single dwelling and erection of two new dwellings.

The original application was consented at planning committee on 29th April 2020 however this consent was subsequently quashed by the Court via the Judicial Review process.

The decision to quash the consent was made because the planning committee was incorrectly advised of the separation distance between the proposed new dwelling at Plot 1 and the neighbour at No.4 Kingscote Road.

Following a site visit to ascertain the correct separation distance, the planning application was redetermined by planning committee on 11th November 2020. The applicant amended the site layout of the proposed new dwellings, and repositioned Plot 1 to allow a greater separation distance between Plot 1 and No.4 Kingscote Road. This resulted in the two proposed dwellings being sited more closely. The committee granted planning consent for the demolition of the existing dwelling and the erection of two new dwellings based on the amended site layout.

The applicant has submitted a planning application to amend the development which was approved by planning committee in November 2020. The proposed amendments are considered in detail in the report which follows.

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 the 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 network.

Other Material Considerations

- Ecology;
- Drainage;
- Climate Change; and
- Affordable Housing and CIL contribution

CONSULTATION RESPONSES

Statutory Consultees

The following Statutory Consultee responses have been received:

Dorridge, Knowle and Bentley Heath Forum – no response received.

Non Statutory Consultees

The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No comments.

SMBC Highways – No objection subject to conditions from PL/2019/03130/PPFL being transferred to new consent.

SMBC Ecology – No objection subject to conditions.

PUBLICITY

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

6 responses have been received, including a call-in from Cllr Meeson. All representations are objections to the proposed amendments. This includes a response from the Dorridge and District Residents Association.

All correspondence has been reviewed and the main issues raised are summarised below:

Design and planning policy compliance

- The roofline of Plot 1 does not match Plot 2 nor the street scene.
- The amendments include an increase in height of both properties; they were already too high and overbearing, out of keeping with other properties.
- Over development of the site.
- Rear building lines are breached and the built footprint exceeds the recommended thresholds.
- Non-compliance with Residential Backland SPD.

Amenity

- Rear extensions will result in properties being closer to neighbours on Ernsford Close.
- Increased height will block more light to residents.
- Loss of amenity to those who are adjacent to the application site as the dwellings will be overbearing.

Planning history

- The amendments made following the JR should remain and not be altered.
- The amendments should be considered in totality and not as incremental changes to an existing planning consent.

Other matters

- Queries the lack of written dimensions on the submitted plans.
- Queries whether this will be the final proposal or whether other amendments may be proposed.

RELEVANT PLANNING HISTORY

PL/2019/03130/PPFL - Demolition of existing house and erection of two detached two and a half storey houses – officer recommendation to approve subject to conditions, presented at planning committee on 29th April 2020 – planning permission granted 30th April 2020.

Judicial Review submitted to High Court following grant of planning permission. SMBC accepts incorrect separation distance between the application site and No.4

Kingscote Road was advised to members of the planning committee during the presentation and that members based their decision on this information.

Planning permission PL/2019/03130/PPFL was quashed and the planning application had to be redetermined based on the correct distances.

PL/2019/03130/PPFL – represented at planning committee on 11th November 2020 with some amendments including realignment of Plot 1 – planning permission granted subject to conditions on 12th November 2020.

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 2013), the relevant policies of the National Planning Policy Framework (“NPPF”) 2021, and the National Planning Practice Guidance. There are a number of Supplementary Planning Documents (SPD/G) and Guidance that are relevant to this application including the Planning Guidelines for Housing Development SPD and New Housing in Context SPD.

Further, the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018 – 2033 (NDP) has been formally adopted and is part of the statutory Solihull Local Plan (i.e. the development plan) and a material planning consideration.

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

The NPPF sets out the Government's planning policies for England and is underpinned by a presumption in favour of sustainable development. Although the NPPF aims to boost significantly the supply of housing, great importance is still attached to the design of the built environment. The NPPF makes clear that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraphs 124–132). Decisions should aim to ensure that developments respond to local character and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 70 of the NPPF details where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This latter point is laid out in the local plan detailed below.

The site is located within the rural settlement of Dorridge. Challenge C of the Solihull Local Plan (SLP) acknowledges the challenge of accommodating more development in the rural settlements while conserving the qualities that make them attractive. The SLP sets objectives to meet the challenge including by ensuring high quality design and conserving the qualities of the environment that contribute to character and distinctiveness and ensuring development doesn't adversely impact on residential or other amenities.

Policy P5 of the SLP 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 SLP is consistent with policies set out in the NPPF and full weight can be attributed to this SLP 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 SLP 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 SLP is consistent with policies set out in the NPPF and full weight can be attributed to this SLP Policy. In terms of the accessibility criteria, the table below sets out the relevant distances.

	Policy P7 distance requirement	Local Authority calculation of distance
Bus stop	400m	160m
Rail station	800m	480m
Food store	800m	480m
Primary school	800m	960m
GP surgery	800m	650m

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) "*unless justified by local circumstance*". The Policy does however make clear that residential development for fewer than 3 dwellings within rural settlements will be exempt from such criteria as set out above, which would be the case here. Nevertheless, it is useful to understand the accessibility credentials of the site and in this case the development overall performs well. Importantly, the application site is located within the existing rural settlement of Dorridge and, as such, the application proposal is considered to accord with Policy P7.

For the reason 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) meets the accessibility test in Policy P5 and P7.

- (b) Contribute to meeting borough wide housing needs

Turning to the second test, 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 3.60 years (as of 1st April 2021) and therefore the tilted balance is engaged. This shortfall is considered to be substantial on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be substantial this should be given significant weight.

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

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

Other considerations

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

Against this policy background, local residents have raised concern that the intensified use of this site, which currently sites one dwelling, for this proposed residential development will cause harm to the character and distinctiveness of the local area and harm amenity and privacy to neighbours and highway safety. In

relation to this, the NPPF does exclude urban private residential garden land as previously developed land (Annex 2), and the NPPF also advises that '*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*'. (Para 70). At the local level, the Solihull Local Plan – section 5.5.5 - details the need to focus new market housing on the needs of newly forming households in Dorridge. However, these policies do not preclude the development of urban garden land altogether or for the creation of larger homes to provide suitable residential accommodation for differing family needs, provided it can be demonstrated that there would be no harm to the local area or, if harm is identified, this can be mitigated. Throughout the Borough of Solihull, there are now many examples of built residential developments on urban garden land, providing new residential properties, to help meet an identified need for additional dwellings in rural settlements addressing local housing needs which includes larger family homes as well as more affordable units.

Therefore within this policy context, the principle of this proposed residential development consisting of a replacement dwelling and one additional dwelling on the siting of the existing garden and hardstanding is considered to be policy compliant especially if planning conditions are used to mitigate any identifiable harm to the local area.

This report continues below to identify if there would be any adverse impacts (harm) to the local area when considering impact on character and local distinctiveness, neighbour amenity, sustainability, highways, ecology and drainage.

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

Paragraph 135 of the NPPF states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Policy P15 of the SLP is a wide-ranging design policy that sets out the relevant guidelines by which development proposals will be assessed, including that all development proposals will be expected to achieve good quality, inclusive and sustainable design. This local plan policy is consistent with the NPPF and therefore carries significant weight.

The Knowle, Dorridge and Bentley Heath Neighbourhood Plan (KDBHNP) 2019 design goal is to aim to secure housing and other development of a high quality of design and layout which protects and enhances the character and appearance of the built environment, harmonises with the rural setting of the Area and sits well in the landscape.

Furthermore, Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan (KDBHNP) 2019 states that planning applications for a new development,

including extensions, shall demonstrate that it would be of a high standard of design and preserves or enhances the character and appearance of the Area.

The principle of two detached dwellings to replace one dwelling on this site was established through the grant of planning permission in November 2020. This application seeks to amend the design, siting and scale of these dwellings and it is these matters which are under consideration through the determination of this full planning application. Whilst the objections raised to this application are noted, the principle of whether the site is suitable for the development of two dwellings is not a material planning consideration as the applicant has a fall-back position of the extant consent. It is therefore only the proposed amendments which can be considered.

The proposed amendments include:

Plot 1:

- reduce distance to boundary with No.4 Kingscote Road from 1.8m to 0.965m at the narrowest point;
- increase depth by 2.0m;
- reduce width by 0.25m;
- increase height by 0.5m from 8.7m to 9.2m;
- addition of three new windows to ground floor utility room, ground and first floor stairwell; and
- Overall increase in habitable floor area from 198sqm to 223.7sqm.

Plot 2:

- increase height by 0.2m from 7.75m to 7.95m;
- increase length by 2.5m by addition of rear extension and 0.5m front extension;
- maintain similar distances to boundary;
- addition of three new windows to ground floor utility room, ground floor dining room and first floor ensuite on rear elevation;
- Alteration of window to door on rear elevation;
- Increase in depth of utility room by 0.5m and garage by 0.6m; and
- Overall increase in habitable floor area from 174.7sqm to 213.8sqm.

Kingscote Road benefits from varied residential designs however dwellings are generally two storey with parking and small gardens to the front, and private rear gardens of varying lengths. It is noted that the context for the application site also includes a bungalow at No.3, bungalows and two storey detached dwellings on Ernsford Close to the rear of the application site and large detached dwellings which have undergone modernisation and extension i.e. 82 Grange Road. The application site, occupying a large corner plot, is one of the more generous plots on Kingscote Road and therefore benefits from the extant consent to build two large dwellings.

The New Housing in Context SPD addresses the nuances of corner plots such as the application site. This SPD explains that "... It is also the case that corner sites are very often highly visible, and give the opportunity to create a strong landmark, building up richer urban character for the area as a whole. In these instances, the buildings on a junction are more likely to relate to one another than to their

immediate neighbours. They might also be larger than the other houses, and corner plots are often suited to flats or mixed-use schemes rather than a single house.”

The design of the proposed amendments to the approved dwellings, as detailed above, are in-keeping in with the original consent. The proposal seeks to increase the size of the proposed dwellings by a modest increase in the overall height of the proposed dwellings – 0.5m and 0.2m – and through the addition of single storey rear extensions. The rear of the application site cannot be viewed from any public vantage points therefore the consideration with regard to the streetscene is the overall height increase and realignment of Plot 1.

The realignment of Plot 1 seeks to adjust the location of this dwelling to within just under one metre of the boundary with No.4 Kingscote Road. The boundary with No.4 Kingscote Road is tapered therefore at the narrowest point the measurement provided is 0.965m and the widest is 1.3m. The distance, side elevation to side elevation, between the two properties would be 2.5m. The Planning Guidelines for Housing Development SPD provides the guidance on the boundary separation distance and recommends that one metre distance is left free between the side elevation and the site boundary. Thus the proposal would comply with this guidance.

The distance, side elevation to side elevation, of 2.5m between Plot 1 and No.4 Kingscote Road is considered acceptable in design terms; the gap is consistent with the size of the gap between other dwellings along Kingscote Road. The realignment of Plot 1 would also allow the gap between Plot 1 and Plot 2 to be increased to 1.8m. This is considered to be an improvement as the gap is then consistent and more rhythmic within the street scene.

The proposed height increase of 0.2m for Plot 2 is considered to be negligible – it is not considered that this 20cm increase would have a demonstrable harm to the character and appearance of the street scene. It should be noted that Plot 2 remains lower in height than the existing dwelling on the site despite the proposed increase.

With regard to the 0.5m height increase proposed for Plot 1, the concerns raised by local residents is noted and understood. Whilst the depicted increase drawn onto a photograph taken from a neighbouring property across the street is not to scale and therefore cannot be relied upon, there is undoubtedly a contrast in height between the existing and proposed dwellings.

The comments submitted in relation to the height increase are noted. A representation suggests that the heights of Plot 1 and Plot 2 should be the same however the extant approval allows for Plot 1 to be taller than Plot 2; this was to provide some variation and contrast in the style and design of the approved dwellings.

It is considered that the increase in the height of Plot 1 is acceptable. The height increase of 0.5m would not have a demonstrably harmful impact on the character and appearance of the streetscene and would provide variation and contrast within a visible corner plot. The height increase is therefore considered to comply with Policy P15 of the SLP 2013 and the New Housing in Context SPD.

In conclusion, it is considered that the proposed amendments to the approved dwellings are acceptable and will not have a demonstrably harmful impact on the local character, distinctiveness and streetscape quality. The proposed amendments seek to make efficient use of an existing residential plot within the urban residential area. It is therefore concluded that the proposed amendments comply with the principles of Policy P5 and P15 of the SLP 2013, Policy D1 of the KDBHNP as well as guidance contained within the NPPF and supplementary guidance.

Having regard to the above, significant 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 and enhance the amenity of existing and potential occupiers of houses. Policy P14 of the SLP is consistent with policies set out in the NPPF and again full weight can be attributed to this Local Plan Policy.

The objections from local residents raising concern at the adjusted location of Plot 1, the perceived loss of light and overbearing impact on existing residents and the rear extensions being closer to residents along Ernsford Close are noted. The rear extensions will extend a further 2.0 metres from the rear of the approved elevation. The garden lengths will therefore reduce accordingly. The separation distances still satisfy the guidance established in the Planning Guidelines for Housing Development SPD with a minimum of 11 metre rear gardens. This creates an acceptable separation distance in excess of 22 metres, from the rear elevation of the proposed dwellings to rear elevation of existing dwellings.

The proposed rear extensions reduce the amenity space for each dwelling accordingly however each garden still exceeds 13 metres at the shortest point. At 2.5 storeys, the garden lengths are compliant with the recommendations with the Planning Guidelines for Housing Development SPD. This rather out of date but still relevant SPD states that rear garden lengths should be 11 metres or 5 metres for every storey of the dwelling to which they relate, whichever is the greater. This SPD also stresses that individual layout proposals will be considered on their merit. "The Council will wish to ensure that reasonable standards of privacy and amenity are provided, and that a choice of garden sizes is available. Not everyone wishes to have a "standard" size garden".

The proposed rear extensions are incorporated into the design of the approved dwellings. The increased size of the footprint of both dwellings has been sensitively designed to ensure that there is no breach of the advised 45-degree guide from No.4 Kingscote Road, despite the rear of Plot 1 exceeding past the rear of No.4 Kingscote Road. It is considered that the proposed development will not have a detrimental impact on the amenity of occupiers of this property. Non-habitable windows such as porches are not afforded the same protection through this test as habitable windows.

Several objection comments have raised overlooking concerns. Whilst there are additional windows proposed on both plots 1 and 2, these windows will either be obscurely glazed bathroom/ensuite windows or are to non-habitable rooms i.e.

stairwells. Overlooking opportunities are therefore considered to be no greater than the existing consent presents, and the relationship of the proposed dwellings to existing occupiers is considered to be acceptable.

Plot 2 retains the subservient single storey elements towards the boundary with 72 Grange Road, and overall the height of Plot 2 remains 0.6m lower than the existing dwelling. This will limit any overbearing impact that may be created as well as ensuring the single storey element remains closest to the shared boundary.

On balance, the separation distances, garden depths and resulting design amendments would ensure amenity and privacy levels would not be harmed between properties and maintained without any unacceptable levels of overshadowing and overlooking. On this basis the proposal would accord with Policy P14 of the SLP 2013, New Housing in Context SPG and guidance in the NPPF. Neutral weight should be attributed to this in the decision making process.

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

Policy P8 of the SLP advises inter alia that: 'All development proposals should have regard to transport efficiency and highway safety [and] development will not be permitted which results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any users of the highway or other transport network'.

Policy D1 of the Knowle, Dorridge and Bentley heath Neighbourhood Plan (KDBHNP) 2019 advises that new developments need to provide parking spaces and garages of a size capable of accommodating a modern family car.

The proposed amendment to Plot 2 includes a 0.5m front extension. The approved vehicular access and car parking arrangements are not altered as part of this application. The proposed front extension to Plot 2 will not alter the approved arrangements. The Highway Authority, subject to the conditions previously imposed, are satisfied that the development proposals would not have a severe impact on public highway safety, or on the operation or capacity of the local highway network.

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

Other issues

- Ecology

Policy P10 of the SLP 2013 addresses the natural environment and seeks biodiversity enhancement where feasible. The application has been supported by an updated bat survey given the demolition of the existing dwelling. Evidence of a brown long-eared bat roost was discovered of the roof void of the existing dwelling. Further nocturnal bat surveys were subsequently undertaken, and the Council's ecologist is satisfied with the methodology used and the conclusions reached. The

applicant will need to obtain a licence from Natural England to legally undertake the works.

A planning condition to ensure the submitted mitigation regarding the location of the bat boxes and loft space in the proposed dwellings has been requested by the Council's ecologist.

- Drainage

Whilst the Council's drainage engineer has submitted no new comments on this application for amendments to the approved dwellings, the previously requested planning conditions are still considered to be relevant as the applicant has proposed soakaways. Given that the Borough predominantly has impermeable soils it is reasonable to expect that the soakaway, unless correctly sized, designed and constructed, will not infiltrate effectively and will pose a flood risk as a result.

In the event that soakaways are not suitable to manage surface water for the proposed development, the Council's drainage engineer previously proposed pre-commencement planning conditions for the extant scheme. These conditions are still relevant to this amended proposal and will ensure compliance with Policies P11 and P15 of the SLP 2013.

- Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy.

Officers also note that new dwellings will be constructed to modern Building Regulation standards and will therefore have a far greater thermal efficiency than older dwellings. Whilst not yet reaching net zero, such standards will, by their very nature, help reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions.

Furthermore, it is important to note that amended Building Regulations are to come into effect from 15th June 2022 and become applicable to new builds. This relates to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations. Part S (Infrastructure for the charging of electric vehicles) are also bolstered and become a building regulation requirement. Whilst new measures will not apply to schemes which are already subject to a building notice; full plans application to Building Control; or initial notice to Building control and which commence work for each building before 15 June 2023, it is our understanding that anything subject to such Building Control applications after the 15th June 2022 will need to meet these new regulations as standard. An informative is added to the recommended decision to alert the applicant to this.

- Affordable Housing provision and CIL contribution

The development of 2 dwellings falls below the Government's threshold of when affordable housing is required.

However, the proposal involves the provision of new housing in a rural area and as such the Community Infrastructure Levy (CIL) contribution is required. In this instance the CIL amount generated by the proposal relates to the addition of 309.0 square metres of internal floor space equating to a liability of £56,781.84 (at £183.76 per square metre for residential in a rural area).

- 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.

CONCLUSION

This planning application seeks consent for amendments to planning consent PL/2019/03130/PPFL. This consent is extant and allows for the demolition of the existing single detached dwelling and erection of two new 5-bedroom detached dwellings on a corner plot in an established residential area. The dwellings are traditional two storey in design with a room in the roof benefitting from roof lights only.

The proposed amendments to Plot 1 and Plot 2 are detailed in this report for consideration. On balance, it is concluded that the proposed amendments have been sensitively designed and that minimum separation distances, including those to side boundaries, have been adhered to. This application has demonstrated an acceptable impact upon residential amenity, highway safety and the streetscape quality.

The proposal is considered to be acceptable in all other aspects, subject to appropriate conditions, and is thus considered to comply with Policies P5, P7, P8, P10, P11, P14, P15 and P21 of the SLP 2013, D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and in accordance with the NPPF.

The proposal is therefore recommended for approval subject to 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. CS05 – commencement within 3 years
2. CS00 – compliance with plans
3. CS06 – materials to be submitted
4. CL04 – Hard and soft landscaping
5. CL06 – Implementation of landscaping scheme
6. CL07 – Replacement of tree or hedging lost within 5 years
7. CL10 – Details of boundary treatment

8. The development shall not be occupied until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

In the interests of amenity and road safety in accordance with Policy P8 and P15 of the Solihull Local Plan 2013.

9. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its entirety, as measured from the near edge of the public highway carriageway.

In the interests of convenience and safety of the users of the building in accordance with Policy P8 of the Solihull Local Plan 2013.

10. No gates/barriers/doors shall be erected at the entrances to the site for vehicles.

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

11. 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 the existing building and constructing the development; a turning area within the site for demolition/construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

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

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

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

d) Flood water exceedance routes, both on and off site;

e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

f) Details of water quality controls, where applicable.

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

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

13. No above ground development 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:

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

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

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

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

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

14. Removal of PD Rights – classes A, B, C and E.

Informative

15. EV Charging Points