

APPLICATION REFERENCE: PL/2022/01345/PPFL

Site Address: Enterprise House, Meadow Drive, Hampton In Arden, Solihull. B92 0BD

Proposal:	First floor extension to part of building to provide 2 No. 1 bed apartments.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	Called in by Councillor Bob Sleigh.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS.
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EXECUTIVE SUMMARY

This full planning application seeks consent for the erection of a first-floor extension to the existing ground floor and the rear of a former office building to create two apartments. The office building has recently gained planning approval through the prior notification process for a change of use from office to residential. This application (PL/2022/01382/PNCURE) could not be presented at Planning Committee because timescales would not allow (i.e. if the application was not determined within 56 days, the applicant obtains planning consent as default).

This report will demonstrate that the proposal would be in an established accessible residential area and would help to meet an identified need for additional 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) 2013. The design respects and enhances the local distinctiveness of the area and is respectful of neighbour amenity. The proposal therefore accords with Policies P5, P7, P8, P14 and P15 of the SLP, and policies HOU1, HOU2 and objective 4 of the Hampton in Arden Neighbourhood Plan (HIANP).

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

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

CONSULTATION RESPONSES

Statutory consultees

Hampton in Arden Parish Council – no comments received.

Non Statutory Consultees

The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No comments.

SMBC Highways – 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.

7 responses have been received, including a call-in from Cllr Sleight. Five objections have been received, and one additional neutral comment.

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

Amenity

- Overlooking concerns to neighbouring properties
- Loss of light to neighbours
- Increased noise from intensified use of site

Highway safety

- Existing parking issues in the area will be exacerbated
- Parking overspill to local roads
- Concerns re increased use of Fentham Road which has no pavements

- Removal of unauthorised pedestrian access through site will increase risks to vulnerable users.

Other matters

- Clarification from owner of Unit 4 re potential future use.
- Queries statement that applicant has liaised with neighbours prior to submission and that all are in support of the development.

RELEVANT PLANNING HISTORY

PL/2019/00986/PNCURE - Prior notification for a change of use from office use (Class B1(a)) to dwelling houses (Class C3) – prior approval granted 25th July 2019.

PL/2022/01382/PNCURE - Prior notification for a change of use of buildings 1, 2 and 3 from offices (Use Class E) to 10 apartments – prior approval granted 17th August 2022.

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.

Further, the Hampton in Arden Neighbourhood Plan 2017 – 2028 (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.

The site is located within the rural settlement of Hampton in Arden. 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. Policy P7 confirms that is not applicable to residential development proposals for fewer than 3 dwellings in urban areas west of the M42 and within rural settlements. The site is located within the rural settlement of Hampton in Arden and proposes two apartments. The prior approval (PL/2022/01382/PNCURE) already have permission and thus are not material to the consideration. The accessibility test set out is therefore not material or relevant to consideration of this matter as Policy P7 excludes this requirement.

Notwithstanding the above, the site is in an accessible location located adjacent to local retail facilities and primary school with a doctor's surgery and bus stop within acceptable walking distances of the site. Thus, the site is in an accessible location and would comply with Policy P7.

- (b) Contribute to meeting borough wide housing needs

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 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 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) has already been established through the prior notification procedure and the proposal 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.

- 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.

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, 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.

Objective 4 and Policies HOU1 and HOU2 of the Hampton In Arden Neighbourhood Plan (HIANP) are applicable to this application;

- Objective 4: Ensure the provision of affordable family homes, affordable homes for single people and retirement homes and bungalows for the growing elderly should a need be identified through a careful, controlled and balanced development of housing on approved sites which meet the needs of the local community.
- Policy HOU1 – New Housing Developments: Where suitable sites are identified residential development will be supported where it comprises one or a combination of the following types:
 - 1/ Affordable housing for residential or shares ownership some of which may be for those with local connection in accordance with the Solihull MBC Housing Allocation Scheme and to meet the needs of first-time buyers and small families (as defined in Meeting Housing Needs SPD)
 - 2/ Smaller properties suitable for those seeking to downsize and
 - 3/ Properties suitable for the elderly, located close to key facilities and designed to current national recommendations.
- Policy HOU2 – Design: All new developments will have regard to the Hampton-in-Arden Village Design Statement and where appropriate, the Conservation Area Appraisal. New Development in the Parish should:
 - 1/ Be within the Inset Area noting that any Rural Exemption Sites will be outside the Inset Area.
 - 2/ Respect for the existing settlement pattern and retain the character of the village including maintenance and extension of footpath links.

- 3/ Maintain overall balance and provision for all sections of the community with appropriate density of land use.
- 4/ Protect and enhance existing open space and greens within the village.
- 5/ Ensure that new development achieves the highest possible standards of environmental performance through sustainable design construction including Secure by design.
- 6/ Retain or enhance the streetscene and avoid development to the rear of existing properties which adversely affect them.

The proposal seeks consent for the erection of a first-floor extension to accommodate two additional one-bed apartments. The extension would be sited on top of the existing single storey element of the existing building, and the footprint would replicate that of the existing. The first-floor extension would not exceed the footprint of the existing building.

The proposed design of the proposed extension is in-keeping with the original host building. The extension to be main building, above Unit 3, will be a flat roof to reflect the appearance of the existing building, and fenestration detailing in terms of style, size and location to replicate that of the host building. The rear first floor extension will have a pitched roof to reflect the other rear elements of the existing building.

In design terms, the proposed extensions are considered to be acceptable and would assimilate with the overall character of the development granted prior approval consent (PL/2022/01382/PNCURE) for 10 apartments. A sense of place would be maintained in this residential area and the overall character and local distinctiveness of Hampton-in Arden would be enhanced. The proposals seek to make efficient use of this building and its curtilage while allowing for a good quality design by introducing a cohesive extension that is considered to be compliant with the objectives and detailed requirements of Policies P5 and P15 of the SLP 2013, policies HOU1, HOU2 and objective 4 of the HIANP and guidance contained in the NPPF.

Neutral 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 regarding an increase in noise, overlooking into gardens and rear elevations of neighbouring properties and loss of light are noted and understood. No windows are proposed on the side elevations of the first-floor extension to Unit 3 of Enterprise House. Windows are proposed to the front and rear elevations only. This reduces overlooking opportunities to rear gardens along Fentham Close, which is located to the east of the application site. The single storey element, Unit 4, remains between the application site and Fentham Close which reduces the creation of an overbearing impact and minimises any loss of light to these rear gardens.

The rear elevation faces No.52 Fentham Road, which has a long rear garden that extends the full length of the southern boundary with Enterprise House. The existing building has a mix of single and two-storey elements, with the existing two-storey element located closer to the dwelling of No.52 in the western part of the application site. It is therefore concluded that the proposed extensions at first floor will have no greater impact on the residential amenity of this property given the existing relationship between the application site and No.52.

It is concluded that the proposed development is appropriately proportioned and sited on the existing single storey footprint to ensure that no adverse impacts on the living conditions of adjacent residential properties occurs. In this regard, the development would accord with Policy P14 of the SLP 2013 and neutral weight should be attributed to this in the planning balance.

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'.

The existing car parking layout with 22 car parking spaces would remain. The Council's Highway Engineer has reviewed the proposals and has raised no objection subject to the inclusion of a condition seeking a Construction Management Plan and a Car Park Management Plan.

The Council's Highway Engineer notes that a Transport Statement (TS) has been submitted in support of this application and the recently approved prior notification application (PL/2022/01382/PNCURE). This TS outlines the existing conditions, development proposals and the transport planning implications of the development.

The TS demonstrates that the site is situated in an accessible location, with nearby public transport stops and amenities within acceptable walking distances.

The TS identifies the net impact of the proposals by comparing the trips generated by the extant use compared with the proposed use. It is considered that the proposals are not likely to result 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, and so accord with Policy P8 of the SLP 2013. Noting that 10 of the apartments are approved under prior approval, the proposals are not likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

The layout of the car park shown in the Proposed Site Plan (Drawing 085-010-A) shows a narrow circulation area by the parking in the north-west of the site. The Highway Engineer has requested that this is addressed to ensure that all parking spaces on site are useable. The TS notes that the proposals would require 18 spaces (16 for the residential elements, and 2 for the remaining office use in Unit 4)

so with the existing 22 spaces there is scope for a revised car parking layout which can be secured through planning condition (see condition 5).

On the basis of the above, the proposed development would be compliant with the requirements of Policies P7 and P8 of the SLP 2013 and neutral weight should be attributed to this in the planning balance.

Other issues

- Drainage

The Local Lead Flood Authority have reviewed the proposals and provided no comment. The application forms state that the existing drainage provision via main sewer will be utilised for this development and this is considered to comply with Policy P11 of the SLP 2013. Neutral weight should be attributed to this in the planning balance.

- 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. Further, it should also be noted that the prior approval procedures do not require affordable housing provision to be provided on such sites.

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 83.21 square metres of internal floor space equating to a liability of £15,290.67 (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 full planning application seeks consent for the erection of a first-floor extension to the existing ground floor and the rear of a former office building to create two apartments. The office building has recently gained planning approval through the

prior notification process (PL/2022/01382/PNCURE) for a change of use from office to residential. This application was not presented to Planning Committee because timescales would not allow (i.e. if the application was not determined within 56 days, the applicant obtains planning consent as default).

The proposed extension has been sensitively designed to respect the existing footprint of Enterprise House as the host building. Overlooking opportunities are minimised by the location of windows on the front and rear elevations only. The loss of light and overbearing impact is reduced by the set back from shared boundaries and the retention of Unit 4 as a single storey element.

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, P11, P14, P15 and P21 of the SLP 2013, policies HOU1, HOU2 and objective 4 of the Hampton in Arden Neighbourhood Plan (HIANP) and in accordance with the NPPF.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal.

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. CS07

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

5. Car-parking spaces shall be provided before the development hereby approved is first occupied, in accordance with details of number, siting and layout which shall

have first been submitted to and agreed in writing by the local planning authority, and thereafter shall be retained for parking purposes at all times in accordance with that scheme.

In the interests of satisfactory and efficient parking in accordance with policy P8 of the Solihull Local Plan 2013.