

APPLICATION REFERENCE: PL/2022/01342/MINFDW**Site Address:** 83 Blue Lake Road Dorridge Solihull B93 8BH

Proposal:	Demolition of existing dormer bungalow. Erection of 2 No. detached dwellings.
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:	The proposal has given rise to substantial weight of public concern and in the opinion of the Head of Development Management should be referred to Planning Committee.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This application seeks full planning permission for the demolition of an existing residential property and replacement with 2no. five bedroom detached houses with associated parking and landscaping.

This is a resubmission of a previously refused scheme. This amended scheme has altered the size and design of both the two detached houses so that the overall footprints/size/mass have been reduced. Additional planting on the application site is proposed on the boundary that fronts Clyde Road in addition to the planting that is on council own land on the other side of the boundary.

The principle of this residential development is policy compliant, creating 2no. detached residential units on a site currently in residential use (class C3) in an established accessible residential area, and would help to meet an identified need for residential housing within the Borough. The principle of development is acceptable and in compliance with Policy P5 of the Solihull local Plan. The report will demonstrate that the amended design and layout of this proposal respects and enhances the local character of the area and the proposal therefore accords with Policy P15 of the Solihull Local Plan and overcomes the previous reason for refusal.

In terms of 'other material considerations' pertinent to the determination of this application, which primarily rest with drainage and landscaping, subject to conditions, officers consider that the proposed development is acceptable in all other aspects.

The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework. The development therefore benefits from the presumption in favour of sustainable development and the planning balance is firmly in favour of this proposal.

MAIN ISSUES

The main issues in this application are the effects of the development:

- Whether the proposal provides an appropriate use in accordance with relevant planning policy;
- The effect of the proposal development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area;
- The effect of the proposal on the amenities of the occupiers of the neighbouring properties;
- The effect of the proposal on highways safety and the free flow of the road network;
- The effect of the proposal on existing landscape features; and
- Impact of the development on drainage.
- Other material considerations
 - Ecology
 - CIL contributions
 - Climate Change;
 - Public sector equality duty; and
 - Human rights

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Local Flood Authority & Drainage – No objection

Knowle, Dorridge and Bentley Heath Forum - No comments received.

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

SMBC Ecology – No objection

SMBC Highways - No objection subject to conditions

SMBC Landscape – No objection subject to conditions

RELEVANT PLANNING HISTORY

- PL/2021/03073/PPFL - Demolition of existing dormer bungalow. Erection of 2 No. detached dwellings. The application was refused on 26th May 2022 on the following ground:

1. The proposed development of the site by two replacement dwellings fails to conserve and enhance local character by reason of the excessive scale and massing of these large dwellings. The corner position of the application site at its junction to Clyde Road further exacerbates this harmful impact where the span of Plot 2 and its flank wall appears excessive and is harmful to its streetscene. The proposal is therefore contrary to Policy 15 (i) of the Solihull Local Plan.

PUBLICITY

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

7 objection letters were received, and 4 letters of support were received.

All objection correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third-party correspondence received):

Principle of development/character of the area

- Out of character with the area and streetscape
- Unacceptable impact in terms of scale/size/massing/design and appearance
- Site is too small to accommodate two buildings of this size/intensity of development

Amenity

- Issues concerning privacy/overlooking
- Over dominance
- Loss of light/overshadowing

Drainage

- Flooding concerns over increased built form

Landscape

- Loss of trees

Other issues

- Parking provision/highway safety

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.

Whether the proposal provides an appropriate 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 seeks 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 126-136). Decisions should aim to ensure that developments respond to local character and area visually attractive as a result of good architecture and appropriate landscaping.

The site is located within the mature sustainable residential area of Dorridge. Challenge C of the Solihull Local Plan (SLP) acknowledges the challenge of accommodating more development in the mature suburbs and 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 (which envisages mature suburbs retaining their leafy suburban character) 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

Policy P7 of the SLP gives accessibility criteria in relation to local circumstances and helps to test requirements of Policy P5 which requires windfall development to be sited in accessible locations. These policies are consistent with the NPPF and thus carry significant weight. The site lies within an accessible location within approximately 1 mile of Dorridge Village Centre which has frequent bus and train services and all local services. Therefore, the principle of the redevelopment of this site for residential purposes is supported in this accessible location and carries neutral weight in the planning balance and did not form part of the previous reason for refusal. Policy P7 is considered in detail later in the report

- (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.

Policy P5 of the Solihull Local Plan (SLP) supports new housing on unidentified sites in accessible locations where they contribute towards meeting identified housing needs and towards enhancing local character and distinctiveness. The proposal seeks to demolish an existing residential house and replace this with 2 no. new buildings of a design in keeping with the context and streetscene, thus enhancing local character and distinctiveness. Issues of character and design are considered in greater depth later on in this report.

- (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.

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.

The effect of the proposal development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area

The NPPF is underpinned by a presumption in favour of sustainable development. Although it aims to boost significantly the supply of housing, great importance is attached to the design of the built environment. It advises 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.

Policy P15 of the Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances the local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment. Further, developments will be expected to contribute to or create a sense of place.

Policy D1: Character and Appearance in respect of the Neighbourhood Plan advises 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 policies set out above are entirely consistent with the Framework and Local Plan

and carry significant weight in consideration of the appeal.

The Council's Housing in Context SPD notes that each street has particular characteristics and rather than one single generic character, there are a number of key characteristics which have been identified as being the most essential elements contributing to the character or local distinctiveness of a street or residential area. These may include, plot width, plot format, plot access, building format.

It is noted that the new development would be higher density than the single dwelling that currently occupies the plot. However, it is considered that the size of the plot is large enough to accommodate two detached dwellings. In terms of design, the dwellings on Blue Lake Road features a variety of design types including detached and bungalow style dwellings. These dwellings have a variety of design styles including hipped roofs, gable ends and front projecting gables. It is considered that two detached dwellings with front projecting gables, bay windows, and timber detailing would not appear out of place in the street scene.

The site is currently occupied by an exceptionally large span of a detached bungalow style dwelling, which occupies a corner plot at the junction to Clyde Road. In terms of footprint, the two proposed dwellings will occupy a footprint marginally larger than that of the existing dwelling. The spacing between the two dwellings and the distance to the boundaries is consistent with other separation distances found on Blue Lake Road and therefore they rhythm and grain of development at Blue Lake Road is respected. The proposed building line will sit marginally forward of the existing bungalow and no closer to the boundary with Clyde Road. There is a point with the existing bungalow where the side elevation almost meets the boundary with Clyde Road. This will not be the case with the proposed scheme.

It is considered that the amended dwellings have been carefully designed to incorporate design elements of the dwellings found on Blue Lake Road and the surrounding area such as pitched roofs, front projecting gables, bay window details, chimneys, and similar materials. In terms of height, it is difficult to compare the proposed dwellings with the existing dwelling. The proposed scheme will result in two dwellings that are clearly larger in scale and mass than the existing bungalow. The height of the proposed buildings however will be consistent with other dwellings found on Blue Lake Road.

Blue Lake Road is characterised by large two and three-storey dwellings. The proposed ridge heights will be marginally lower (93mm) than that of the adjoining neighbour at no.81. This, therefore, would not result in over dominant buildings by virtue of their height. Therefore, it is considered that the new detached dwellings would result in a cohesive design within the immediate area. The increase in scale and mass is not considered to be disproportionate or cause harm to the existing streetscene.

In terms of the impact on the character of Clyde Road, it is considered that there will be sufficient screening in the form of existing landscaping which consists of a mature treed boundary supplemented by other vegetation on the highway side, i.e. Clyde Road side of the existing boundary fence. This was considered insufficient when the previous application (PL/2021/03073/PPFL) was refused at committee. To address

this, the applicant has moved the side of plot 2 further away from the boundary with Clyde Road and is proposing additional planting on the application site side of the boundary with Clyde Road. This planting, in addition to the existing planting on the highway side of the boundary will fully screen the side of plot 2 throughout the summer months and provide limited filtered views during the winter months. The trees on the highways side of the boundary are Council owned and maintained and the root protection areas will not be affected by the proposal, nor will the root protection areas of trees on the application site side of the boundary. The Council's Landscape Architects have reviewed this issue and raise no objection confirming that this resubmission of a previously refused scheme (2021/03073) now provides an improved situation for the hedge and trees on the boundary of Clyde Road. There is an increase in distance between the proposed building and the hedge/trees which will allow growth without too much pressure for them to be removed/reduced.

Careful consideration has also been given to the design of the flank wall of plot 2 which faces toward Clyde Road. The design incorporates chimney features and bay window details to the flank wall and in doing so brings interest and articulation to dwelling and its streetscene. These features have added value to the proposal which is now considered to enhance both the character of the dwelling and its streetscene.

This application is a resubmission of a similar scheme (PL/2021/03073/PPFL) that was recently refused at committee. To give the committee an indication of the difference in size, scale, and mass between the refused scheme and the proposal, I have set out below the difference in the dimensions of the refused scheme and this application.

	PL/2021/03073/PPFL (previously refused scheme)	Current Proposal
Ridge Height: Plot 1 Plot 2	9.281 metres 9.281 – 9.431 metres	8.847 metres 8.847 metres
Maximum Width: Plot 1 Plot 2	12.590 metres 14.275 metres	12.140 metres 13.622 metres
Maximum Depth: Plot 1 Plot 2	24.403 metres 22.039 metres	22.603 metres 20.239 metres
Spacing between plots 1 & 2	1.8 metres	2.1 metres
Distance between flank elevation of plot 2 and boundary with Clyde Road	<u>Single storey element:</u> 2.354m at its closest point 2.806m at its widest point <u>Two storey element:</u> 2.009m at its closest point.	<u>Single storey element:</u> 3.197m at its closest point 3.647m at its widest point. <u>Two storey element:</u> 3.198m at its closest point

	2.181m at its widest point	3.257m at its widest point
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From the above, it is clear that there has been a significant reduction in the size and massing of the dwellings over the previous application. Overall, whilst the scheme would be larger than the existing bungalow, it is a reduction from the previously refused scheme. The total footprint of the scheme has been reduced by 11.3% from the previous scheme, making a reduction in footprint from 496m² to 440m². The footprint of the existing bungalow is approx. 360m²

Given the above, it is considered that the overall scale, character, and appearance of the new dwellings are acceptable. The site layout and plot format would make efficient use of the land and produce a design response which would respect the surroundings, responding to the built character of the locality and local distinctiveness of the area. The replacement of the existing expansive bungalow by two well designed dwellings is considered to provide enhancement to Blue Lake Road and its immediate streetscene. The proposal therefore overcomes the previous reason for refusal. The proposal therefore fully complies with guidance in Policy P15 and Policy P5 of the SLP and D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan. Positive weight should therefore be attached to this material consideration.

The effect of the proposal on the amenities of the occupiers of the 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 differences, in terms of impact on neighbouring amenity, between the existing dwelling and the proposed dwellings are size/scale and mass. As mentioned above this is not considered to have any undue impact on the character and appearance of the area but in order to comply with Policy P14 of the SLP, this increase in size, scale and mass must not unduly impact neighbouring amenity.

When looking at the projections past the rear elevations of neighbouring properties it is important to note that the footprint of the buildings have been designed to ensure that there would be no breach of the 45-degree line at ground or first floor levels. Furthermore, it should be noted that the 45-degree line is one tool used as a guide when assessing impact of development on adjoining neighbours. As a result of this, the minimal breaches, and having regard to the path of the sun throughout the day it is not considered that the new building would have a detrimental impact on the neighbouring amenities in terms of overbearing impact or loss of light through overshadowing.

Turning to the issue of overlooking, windows have been predominantly focussed on the front and rear elevations and to avoid overlooking to neighbouring properties and private amenity space. Where side facing windows are proposed these serve en-

suite bathrooms or are secondary windows and can be reasonably conditions to be obscurely glazed. Furthermore, a condition can be used to ensure that no additional windows are added to side elevations without prior consent.

To the rear of the site is no.14 Clyde Road. The distance between the first-floor windows on the rear of the proposed scheme and the side of elevation of no.14 Clyde Road is approx. 30m. This is consistent with the Council's guidance of 21m between rear facing windows. At ground floor level there will be a separation distance of approx. 25m. Given that these rear windows will be facing the side elevation of no.14 Clyde Road, where principal windows to habitable rooms are not focused, any harm in terms of overlooking or loss of light is considered to be acceptable.

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

In summary, it is considered that the proposed building is appropriately proportioned and sited so as not to have an adverse effect on the living condition of the occupants of nearby dwellings / apartments 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 highways safety and the free flow of the road network.

Policy P7 of the SLP, inter alia, 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 expects development to meet certain accessibility criteria (as shown in the table above) "unless justified by local circumstance". It is recognised that the development falls outside the ideal distances that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within the existing rural settlement of Dorridge and enjoys a location which is close to the Village Centre. There is no material difference in walking times to facilities from this application site when compared to neighbouring homes at this application site and its surrounds. For this reason, the spirit of Policy P7 is met and as such the application proposal is considered in accordance with Policy P7. Neutral weight should be added to the planning balance.

Policy P8 (Managing Demand for Travel and Reducing Congestion) of the Local Plan states 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 current development proposal includes the erection of 2no. five bedroom detached houses, with off-street parking provided to the frontages. The development proposals would not generate a significant increase in vehicular trips so as to have a severe impact on the operation or capacity of the local highway network. At least 2 off-street car parking spaces are proposed to each of the dwellings which is considered sufficient at a ratio of 2 spaces per unit.

The Council's Highway Engineer has undertaken a thorough and robust assessment of the development proposals. Based on this assessment, the Council's Highway Engineer has no objections to the proposed development subject to the imposition of conditions. Therefore, the development is considered to be in accordance with Policy P7 and Policy P8 of the SLP (2013) neutral weight should be attributed to this in the decision-making process.

Other material considerations

- Landscape

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

In respect of trees on and around the development site: There will be minimal loss of trees as a result of the proposal and any loss of trees or planting can be mitigated via condition. The applicant has submitted a Tree Survey that has been reviewed by the Council's Landscape Architect. The Landscape Architect has raised no objection subject to condition. Furthermore, this resubmission has resulted in plot 2 being moved away from the RPA of the trees on the boundary with Clyde Road in order to protect their health.

Further the landscape setting is further enhanced by the additional planting.

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

- Drainage

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

Given the past flooding on Clyde Road, drainage was of particular concern in the determination of this application. In terms of hardstanding, the footprint of the proposed scheme is not dissimilar to that of the existing dwelling, increasing by approx. 80m². Furthermore, the proposed driveways will be made of porous

material. This is not the case with the existing driveway. The Council's Drainage Engineers have considered the proposal and the submitted Drainage Strategy and have raised no objection. A condition will be imposed that the drainage strategy must be implemented, maintained and managed in accordance with the submitted details. The proposal is therefore compliant with Policy P11 of the SLP and neutral weight should therefore be attached to this material consideration.

- Ecology

Policy P10 of the SLP seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight. The Council's Ecologist has reviewed the application and raised no objection. The proposal is therefore compliant with Policy P10 of the SLP and neutral weight should therefore be attached to this material consideration.

- Economic benefits.

The proposal would support a number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify that number jobs created, the proposal would support a significant number of trades that would be involved in the construction process. This matter would be of significant benefit to the local economy. Further, the future occupiers of the dwellings would increase local spend in the area at local shops and other services. In summary, there would economic benefits during construction and from the expenditure of future residents through their occupation of the new dwellings. Thus, having regard to the guidance in the Framework significant weight to the economic benefits should be attributed to the matter in the planning balance.

- Climate Change (For applications seeking new housing)

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. Matters of sustainable urban drainage are secured, a net gain in biodiversity is achieved and landscaping is maximised, limiting tree loss

and requiring landscape mitigation and landscape schemes more generally. 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.

- CIL contributions

The proposal would be liable for the CIL charge if planning permission is granted.

- 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

The principle of this residential development is policy compliant. Creating 2no. detached residential units on a site currently in residential use (Class C3) in an established accessible residential area would help to meet an identified need for residential units within the Borough. The principle of the development is acceptable and in compliance with Policy P5 of the Solihull Local Plan. The design and layout enhance's the character of the area and the proposal therefore fully accords with Policy P15 of the Solihull Local Plan and Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan

In terms of 'other material considerations' pertinent to the determination of this application, subject to conditions, officers have concluded that the proposed development is acceptable in all other aspects.

There would also be economic benefits during construction and from the expenditure of future residents through their occupation of the new dwellings. Thus, having regard to the guidance in the Framework significant weight to the economic benefits should also be attributed to the matter in the planning balance.

No adverse impacts have been identified which would significantly and demonstrably outweigh the significant benefits outlined above.

The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The development therefore benefits from the presumption in favour of sustainable development and the planning balance is firmly in favour for this proposal.

Therefore, for the reasons given above, and taking account of all other considerations, the application should be approved.

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 with 3 years
3. CS06 – materials to be submitted
4. CD11 – no additional side facing windows
5. CD15 – windows to side elevations aboveground floor to be obscurely glazed
6. CL04 – Hard and Soft Landscaping details to be submitted
7. CL06 – Implementation of landscaping scheme
8. CL10 – Boundary treatment details to be submitted

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:

- 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 ensure that the development has appropriate drainage details in accordance with Policy P11 of the Solihull Local Plan.

10. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

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

11. Detailed Arboricultural Method Statement based on approved plans: Prior to commencement an Arboricultural Method Statement shall be submitted to ensure that all site operations will be carried out with minimal risk of adverse impact upon trees that are to be retained. The arboricultural method statement should also include a list of contact

details for the relevant parties. This scheme will be appropriate to the scale and duration of the works and may include details of:

- a. removal of existing structures and hard surfacing;
- b. installation of temporary ground protection
- c. excavations and the requirement for specialized trenchless techniques
- d. installation of new hard surfacing – materials, design constraints and implications for levels;"

- e. specialist foundations – installation techniques and effect on finished floor levels and overall height;
- f. retaining structures to facilitate changes in ground levels;
- g. preparatory works for new landscaping;
- h. auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

To safeguard the landscape features on the site in accordance with Policy P10 of the Solihull Local Plan.