

APPLICATION REFERENCE: PL/2021/00975/PPOL**Site Address:** Lincoln Road Wharf, Lincoln Road, Olton, Solihull, B27 6NY

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| Proposal: | Outline planning permission for 10 No. 2 bedroom apartments, 5 No. 1 bed apartments, and 2 No. 2 bedroom semi-detached dwellings on land at Lincoln Road Wharf with associated works and 19 No. parking spaces. At this point access, appearance, layout and scale are put forward for consideration. (Landscaping is reserved for future determination). |
| 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/ |

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| Reason for Referral to Planning Committee: | 11 letters of objection received |
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| Recommendation: | APPROVAL SUBJECT TO CONDITIONS |
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EXECUTIVE SUMMARYThe Proposal

The proposal is for 10 two-bedroom and 5 two-bedroom apartments and 2 two-bedroom semi-detached dwellings with associated car parking spaces and access. The scheme provides 100% market housing. The former fuel depot and associated infrastructure has been cleared from the site and the site is currently vacant.

The existing vehicular access off The Avenue / Lincoln Road will provide access to the site and serve the car parking area for the proposed apartments and dwellings. A total of 19 off-street car parking spaces are proposed to serve the development, with two spaces being allocated to each dwelling, and one space being allocated to each apartment. A scheme to prohibit on-street car parking on Roads fronting the extent of the application site is secured by condition. Cycle parking and refuge storage areas will be provided within the site.

Landscaping is reserved for future determination. However, an illustrative Landscape Plan has been submitted in support of the application which shows the proposed landscaping strategy for the site. This includes new tree planting, hedgerows and landscaping throughout the site and a communal garden serving the apartments, and private gardens serving the dwellings.

Summary of Planning Balance

As a result of the housing land supply shortfall in the borough, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- *The Benefits*

The application site is a brownfield windfall site which is well related to local services, sustainable modes of transport and public open spaces. The scheme would make a contribution to addressing the shortfall in housing land supply in the borough, which is a social benefit. Limited positive weight is attributed to the social benefits of the proposed development in the planning balance.

The construction phase of the development will deliver some economic benefits, and future occupants of the dwellings will contribute to the vibrancy of the area, which is also an economic benefit. As directed by paragraph 81 of the Framework, significant positive weight is attributed to the economic benefits of the proposed development in the planning balance.

The site has been cleared and is currently vacant devoid of landscape features. The proposal will bring activity back to a vacant site improving its appearance and that of its immediate surroundings. The proposal also includes new tree planting, hedgerows and landscaping throughout the site which will enhance biodiversity. The proposal will therefore deliver some environmental benefits when compared to the existing situation on site. Limited positive weight is attributed to the environmental benefits of the proposed development in the planning balance.

- *The Adverse Impacts*

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning condition. Accordingly, for the reasons set out in this Report and subject to appropriate conditions, the proposed development would not conflict with the relevant policies within the Local Plan or policies in the Framework when taken as a whole.

Neutral weight is afforded to this matter in the planning balance.

- *Overall Planning Balance and Conclusion*

In conclusion, for the reasons outlined in this Report, the overall planning balance is in favour for the scheme and the proposal would therefore benefit from the presumption in favour of sustainable development.

PROCEDURAL MATTERS

The proposal is for outline planning permission with 'access', 'appearance', 'layout' and 'scale' only to be determined at this stage and 'landscaping' reserved for future consideration.

A Landscape Plan (LW/LNDS/01) has been submitted for illustrative purposes. Whilst not formally part of the scheme, officers have treated the details relating to the matter reserved for future approval submitted with the application as a guide to how site landscaping might be delivered, but not as a matter for formal determination as part of this application.

The proposal has been amended during the lifetime of the application with second floor apartment accommodation changed from '5 two-bedroom apartments' to '5 one-bedroom apartments' with the former bedrooms used as a study / home office.

MAIN ISSUES

The main issues in this application are: -

- Background.
- Whether the proposal would provide an appropriate site for residential development having regard to policies in the development plan and national guidance.
- The effect of the proposal by reason of its scale, massing, layout and design on the character and appearance of the area.
- The effect of the proposal on highway safety and the free flow of the road network.
- Other Material Considerations.
 - Amenity
 - Climate Change
 - Drainage
 - Ecology
 - Economic Benefits
 - Housing
 - Other Matters
- Planning Balance and Conclusion.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Drainage and Lead Local Flood Authority – No objection subject to condition.

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

SMBC Contaminated Land - No objection subject to condition.

SMBC Ecology – No objection subject to condition.

SMBC Highways - No objection subject to condition.

SMBC Landscape - No observations following re-consultation.

SMBC Policy and Spatial Planning – No objection subject to assessment.

SMBC School Place Planning Team - No contributions sought.

SMBC Strategic Land & Property and Housing Strategy Officers - The scheme is unviable and unable to support any s106 contribution towards the off-site provision of affordable housing.

SMBC Urban Design – No objection subject to condition.

Birmingham City Council – No observations.

Canal and River Trust - No objection subject to condition.

Seven Trent Water - No objection.

West Midlands Fire Service - No observations.

PUBLICITY

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

11 letters of objection were received, and one letter of support has been received. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Highways

- Lack of parking provision.
- Highway and pedestrian safety.

- Increased road congestion.
- Emergency vehicles and buses will struggle to navigate the road.
- Increased risk of accidents.

Character and Appearance

- Overdevelopment.
- Out of character with surrounding area.
- The buildings are too high.
- The development would be very obtrusive when viewed from the canal.
- The proposal would conflict with Policy P15 of the Local Plan.

Amenity

- Noise and disruption during construction phase.
- Overlooking of neighbouring properties.
- The proposal will provide poor living conditions for future residents of the development.
- The proposal will not meet the nationally described space standard.
- Anti-social parking will lead to amenity issues for local residents.

Other

- Lack of affordable housing provision.
- Ecological impact.

One letter of support has been received which may be summarised as follows.

- Having objected to the previous application, this is a much better plan, and as long as the parking in the completed development matches with the plan then I think this is a welcome development for the site.

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 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 Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13 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 Framework 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 considers the proposal against the Local Plan, the relevant policies of the Framework 2021, the National Planning Practice Guidance (PPG).

Background

Full planning permission was granted on 23 December 2014 for the erection of 7 No. terraced dwellings and 2 No. semi-detached dwellings and associated car parking under SMBC Ref. PL/2014/02064/FULL (‘the 2014 application’). This permission has expired and is no longer extant.

Full planning permission was granted on 22 November 2019 for the erection of 7 No. terraced dwellings and 2 No. semi-detached dwellings and associated car parking under SMBC Ref. PL/2019/02467/MINFOT (‘the 2019 application’). The LPA has confirmed that the work which has commenced on site has ‘engaged’ the 2019 permission. Consequently, the 2019 permission remains extant and is therefore a material planning consideration which carries significant weight. Details of the 2019 application are shown at **Appendix A**.

Whether the proposal would provide an appropriate site for residential development having regard to policies in the development plan and national guidance

Development Plan

The application site is not allocated for any site-specific development in the Local Plan.

Policy P5 of the Local Plan supports new housing on unidentified sites in accessible

locations where they contribute to meeting borough wide needs and towards enhancing local character and distinctiveness.

In order to find support in Policy P5, developments should; (a) be located in accessible locations; (b) contribute to meeting borough wide housing needs and (c) enhance local character and distinctiveness.

(a) Accessibility

In terms of the first test, Policy P7 of the Local Plan provides accessibility criteria in relation to local circumstances. When looking at housing development, this Policy sets out criteria of walking distances that new development as detailed in the table below.

Importantly, the Council, in granting planning permissions for the 2014 and 2019 applications, concluded that the application site is located in a sustainable location and meets the requirements of Policy P7 of the Local Plan.

| | Policy P7 distance requirement | Local Authority Calculation of distance |
|----------------|--------------------------------|---|
| Bus Stops | 400m | Two bus stops are located adjacent to the application site, with the 32 and A12 bus services operating at the stops, providing hourly services between Shirley and Acocks Green and Solihull Town Centre and Acocks Green respectively. Further afield, a bus stop is provided along Warwick Road (A41) approximately 370m walking distance from the application site, which offers services between Solihull Town Centre and Birmingham City Centre approximately every 10 minutes. |
| Rail Station | 800m | Acocks Green Railway Station (930m) and Olton Railway Station (1000m) |
| Food Store | 800m | Tesco Express (350m) and Aldi (400m) |
| Primary School | 800m | Olton Primary School (1250m) |

| | | |
|------------|------|------------------------------|
| GP Surgery | 800m | Victoria Road Surgery (900m) |
|------------|------|------------------------------|

It is recognised that the development falls outside the ideal distances that Policy P7 aspires to, but this deficit is considered negligible. Importantly, the application site is located within the existing mature suburbs of Olton and on the boundary with Acocks Green Ward of Birmingham, and there is no material difference in walking times to facilities from this application site when compared to neighbouring homes and, as such, the application proposal accords with Policy P7.

For the reasons set out above, Policy P7 is met, and the principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) meets the accessibility test in Policy P5.

(b) Contribute to meeting borough wide housing needs

Turning to the second test, paragraph 11 of the Framework indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5-year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance (that are listed in foot note 6 of the Framework) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 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. Housing is discussed in more detail later in this Report.

(c) Enhancing local character and distinctiveness

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

An assessment of the effect of the proposed development by reason of its scale, massing, layout and design 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 Policy 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.

National Policies

Paragraph 7 of the Framework confirms the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 defines the three objectives of sustainable development as economic, social and environmental.

Paragraph 9 states decisions should play an active role in guiding development towards sustainable solutions. The proposal seeks to redevelop a brownfield windfall site in a sustainable location for new homes, so in this regard it would meet these objectives.

Paragraph 60 of the Framework confirms the Government's objective of significantly boosting the supply of homes. Paragraph 39 c) also promotes the benefits of using suitable windfall sites within existing settlements for homes. As the proposal would deliver housing growth within an existing settlement it would comply.

Paragraph 124 of the Framework advises that planning decisions should support development that makes efficient use of land. Paragraph 124 a) also advises this should take into account an identified need for different types of housing, while paragraph 124 e) highlights the importance of securing well-designed, attractive and healthy places. The proposal seeks to maximise the developable area of the site to address an identified housing need in a manner which enhances the character and appearance of the area, so in this regard it would meet these aims.

- *Summary*

The application site is in an accessible location and will contribute to meeting borough wide housing need. An assessment of the effect of the proposal by reason of its scale, massing, layout and design on the character and appearance of the area is set out in the next section of this Report. Officers have concluded that the proposal would meet the relevant criteria as set out in Policy P5 of the Local Plan.

For the reasons given, the principle of the redevelopment of this brownfield windfall site for residential use (Class C3 of the Use Classes Order (1987) (as amended)) and associated works is supported by both local and national planning policy.

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

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

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands.

- *Layout, Scale and Massing*

In terms of layout, vehicular and pedestrian access to the site will be via an existing access off The Avenue / Lincoln Road and the site would be split by an internal road that would provide access to parking areas, dwellings, and apartments. To the south of the internal road will be the semi-detached dwellings, and to the north will be the apartments. A communal garden for use by residents of the apartments is located to the rear of the apartments while dwellings have their own private amenity space. The layout ensures that the dwellings and apartment building front The Avenue / Lincoln Road, thereby addressing the street and providing active frontages and natural surveillance.

In terms of scale and massing, the table below provides a summary of the quantum of development approved under the 2019 application and associated building heights.

| Building | Eaves Height | Ridge Height | Footprint | Residential Units |
|---|---------------------|---------------------|------------------|--------------------------|
| 7 No. 4 bedroom terraced dwellings | Ca. 5.65 m | Ca. 8.94 | Ca. 326 sq m | 7 |
| 2 No. 2 bedroom semi-detached dwellings | Ca. 4.64 m | Ca. 6.65 m | Ca. 88 sq m | 2 |

The table below provides a summary of the quantum of development sought by the current application and associated building heights.

| Building | Eaves Height | Ridge Height | Footprint | Residential Units |
|---|------------------------|------------------------|-------------------------|--------------------------|
| 10 No. 2 bedroom and 5 No. 1 bed apartments | Ca. 5.85 m (+0.20cm) | Ca. 10.28 m (+1.34) | Ca. 354 sq m (+28 sq m) | 15 |
| 2 No. 2 bedroom semi-detached dwellings | Ca. 4.64 m (No change) | Ca. 6.65 m (No change) | Ca. 88 sq m (No change) | 2 |

There are changes in ground levels between the application site and The Avenue / Lincoln Road, and therefore a condition requiring details of existing and proposed ground levels is recommended (Condition 18).

- *Appearance*

In terms of appearance, the site is currently vacant and consequently has a forlorn appearance and there is no vitality or activity arising from the site. This is exacerbated by the fact that the site has been secured by fencing and gates.

Dwellings on The Avenue to the north and west of the application site consist of terrace housing constructed of red brick with brick detailing at eaves level. First floor fenestration includes brick detailing and stone sills, whilst ground floor fenestration consists of bay windows with pitched roofs. Roofs prominently consist of grey roof tiles with many dwellings retaining brick-built chimneys. The apartment building has been designed to appear as a terrace building, thereby responding to and respecting the appearance of dwellings in the street scene. The building is constructed of red brick and includes brick detailing at eaves level. First floor fenestration includes brick detailing and stone sills, whilst ground floor fenestration includes bay windows with pitched roofs. The roof of the building is light grey tiles and five brick built chimneys are proposed.

Dwellings on Lincoln Road to the immediate south-west of the application site consist of a small row of terrace houses (6 dwellings) which are rendered white with grey roof tiles and brick-built chimneys. There is also a pair of modern semi-detached dwellings constructed of red brick. The proposed semi-detached dwellings are constructed of red brick at ground floor level with white render at first floor level. First floor fenestration includes brick detailing and stone sills, whilst ground floor fenestration includes bay windows with pitched roofs. The roof of the building is light grey tiles, and a brick-built chimney is proposed. Proposed building materials are secured by means of a condition (Condition 5).

- *Landscaping*

As detailed earlier in this Report, the proposal is for outline planning permission with 'access', 'appearance', 'layout' and 'scale' only to be determined at this stage and 'landscaping' reserved for future consideration. However, a Landscape Plan has been submitted for illustrative purposes.

The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of a site and an area is an important part of any proposal. The former fuel depot and associated infrastructure has been cleared from the site and the site is currently vacant. There are therefore no notable landscape features on the site. While landscape is reserved for future consideration, the illustrative Landscape Plan demonstrates that the proposed layout allows space for landscaping including trees and hedgerows within the site. A communal landscaped garden for use by residents of the apartment is provided to the rear of the apartments which includes tree planting and benches. The layout also provides space for landscaping to the front and side of the apartment building fronting the Avenue / Lincoln Road with a ca. 0.5m brick-built wall with ca. 0.9m pillars to the front of the site behind which will be a hedgerow. Space for a bin store and cycle parking is also provided. Details of bin storage, cycle parking and boundary treatments can be secured by means of condition (Conditions 15, 16 and 17).

Full landscape details and replacement tree planting for any trees which are planted and subsequently lost within a period of 5 years is secured by means of condition (Conditions 10 and 11).

- *Summary*

The site is located within an accessible location where the principle of development is supported. The proposal would not detract from the character and appearance of the area, rather the development would be a respectful addition which enhances its surroundings. The proposed buildings would not be out of place within the area, rather they would provide a welcome addition to this site, improving its appearance and that of its immediate surroundings.

The proposal therefore accords with Policies P10, P14 and P15 of the Local Plan and guidance in the Framework. Positive weight is attributed to this matter in the planning balance.

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

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

Paragraph 111 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- *Background*

As detailed earlier in this Report, there is an extant planning permission to redevelop the site for housing which is a material planning consideration that carries significant weight. The table below provides a comparison between the 2019 application and the current application.

| | The Scheme | Total Bedrooms | Parking Provision | Parking Allocations | Visitor Parking |
|--------------------------------|--|-----------------------|------------------------------|---|------------------------|
| The 2019 application | 7 No. 4 bedroom terraced dwellings and 2 No. 2 bedroom semi-detached dwellings | 32 | 13 off-street parking spaces | No details of allocation provided | None |
| The current application | 10 No. 2 bedroom and 5 No. 1 bed apartments, and 2 No. 2 bedroom semi-detached dwellings | 29 | 19 off-street parking spaces | 2 spaces allocated to each dwelling 1 space allocated to | None |

| | | | | | |
|--|--|--|--|-------------------|--|
| | | | | each apartment | |
|--|--|--|--|-------------------|--|

- *Access*

The proposal includes the slight relocation of the existing vehicular access off The Avenue / Lincoln Road to the west, which will be utilised to serve the car parking area for the proposed apartments and dwellings. Drawing Number LW/STP/02 (Site Plan) indicates that the proposed vehicular access will measure 4m in width however, the Highway Authority will require a modest increase in the width of the vehicular access by 50cm to allow two vehicles to pass each other within the vehicular access. This can be secured by means of a condition (Condition 8).

- *Car Parking*

The Framework Travel Plan (FTP) prepared by Index Assets and Consulting on behalf of the applicant includes a review of registered vehicles within the B27 postcode area. Paragraph 3.2 of the FTP indicates that during the third quarter of 2020, 10,577 licensed vehicles were registered in the B27 postcode area. There are a total of 12,482 residences in the B27 postcode area, which would equate to an average of 0.85 vehicles per household. The Highway Authority has also reviewed Census 2011 data for car availability for apartments in the Solihull area. The Census 2011 data indicates that approximately 46% of apartments do not have access to a vehicle, approximately 44% of apartments have access to one vehicle, and only approximately 10% of apartments have access to two or more vehicles. Based on the evidence provided, the level of car parking proposed is considered to be acceptable. A condition requiring parking areas to be provided prior to any dwelling / apartment being occupied is recommended (Condition 7).

- *Traffic Impact*

Having due regard to the extant planning permission, and subject to conditions preventing on-street parking on the Roads fronting the extent of the development site (Condition 9), minor modifications to the access to allow two vehicles to pass each other within the vehicular access (Condition 8), parking areas to be provided prior to any dwelling / apartments being occupied (Condition 7) and a Construction Method Statement (Condition 6); it is unlikely that vehicle movements associated with the additional residential units will generate a significant increase in vehicle trips compared to the extant permission to have a severe impact on public highway safety, or on the operation of the local highway network.

- *Summary*

The Highway Authority has reviewed the documents submitted and is satisfied that the proposal is suitably designed in terms of its access arrangements, composition and layout and the quantum of development proposed would not have an adverse effect on highway safety or the free flow of the road network.

The proposal therefore accords with Policies P7 and P8 of the Local Plan and guidance in the Framework. Neutral weight is attributed to this matter in the planning balance.

Other Material Considerations

Amenity

Policy P14 of the Local Plan 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 new homes.

- *Living conditions – existing neighbours*

Numbers 280 to 300 The Avenue are located to the west of the application site and a minimum separation distance of ca. 17.5 m is retained between the main front elevations of these dwellings and the main body of the proposed apartments.

Numbers 70 Lincoln Road is located adjacent to the south-east boundary of the application site and a separation of ca. 2m is retained between the main flank elevation of this dwelling and the main flank elevation of the proposed semi-detached dwellings. The semi-detached dwellings project past the rear elevation of number 70, but the rear projection is set ca. 1m further off the boundary. To prevent further development along the boundary with this neighbour, a condition is recommended removing permitted development rights for the dwelling adjacent to this neighbour (Condition 19).

For the reasons given, the scheme provides appropriate separation distances between existing dwellings surrounding the application site and the new apartments and dwellings, thereby ensuring the scheme does not appear overbearing, result in any undue overlooking, or cause any material harm to the amenities of local residents.

- *Living conditions – future occupants of the development*

In terms of the amenity of future occupants of the development, the submitted plans show how the quantum of development proposed can be accommodated on site to provide an appropriate level of amenity space for future residents.

With respect to the semi-detached dwellings, these dwellings are identical to that approved under the 2019 application. Given the commercial use(s) to the south-east of these dwellings, a condition is recommended to ensure appropriate sound insulation to windows, doors and other openings to bedrooms and living rooms is provided (Condition 21).

Private gardens are a minimum of ca. 52 sq. m. in size. While the configuration of these gardens is somewhat contrived, given they back onto the canal and this area is likely to remain open and undeveloped for the foreseeable future, officers consider

the gardens will provide sufficient amenity space for future occupiers of the dwellings.

- *Internal Floor Space*

The 10 two-bedroomed units have an internal floor area of ca. 61 to 66 sq m and windows and / or doors provide natural light to all habitable rooms. The 5 one-bedroomed units have an internal floor area of ca. 56 to 63 sq m and roof lights provide natural light to all habitable rooms. Officers consider the apartments provide sufficient amenity space and natural light for future occupiers.

- *Amenity Space*

No private amenity space is provided for the 10 two-bedroom and 5 one-bedroom apartments. However, a small communal garden area is provided to the rear of the site. Moreover, the apartments will be located a short walk from Grand Union Canal, Westley Vale Millennium Green, and Barn Lane Recreation Ground, which will allow future residents easy access to areas of public open space.

- *Summary*

Drawing matters together, based on the submitted plans and documentation, and subject to conditions, officers are satisfied that the quantum of development proposed can be accommodated on the site in a manner which ensures the amenities of existing residents living around the perimeter of the site, and future residents of the development, is protected.

The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework. Neutral weight is attributed to this matter 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 Local Plan 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 declaration.

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 and biodiversity and landscape enhancement is achieved. 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 came into effect from 15 June 2022 and are 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 15 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.

Drainage

Policy P11 of the Local Plan explains that all new developments shall incorporate sustainable drainage systems unless it is shown to be impractical to do so. Paragraph 167 of the Framework advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The former fuel depot and associated infrastructure has been cleared from the site and the site is currently vacant. The application has been supported by a Sustainable Urban Drainage Strategy. The Drainage and Lead Local Flood Authority's Drainage Engineers have reviewed the documentation and are satisfied that the proposal would not give rise to flood risk or drainage issues that cannot be reasonably mitigated by condition (Condition 12). Consequently, the proposed development would not have a detrimental effect in terms of flood risk.

The proposal therefore accords with Policy P11 of the Local Plan and guidance in the Framework. Neutral weight is attributed to this matter in the planning balance.

Ecology

Policies P10 and P15 of the Local Plan require that proposals conserve and enhance biodiversity and promote green infrastructure.

Paragraphs 179 and 180 of the Framework also seek to promote and enhance biodiversity.

In terms of protected species, an Ecological Appraisal (EA) has been submitted in support of the application. The EA concludes that no protected species are present on the site and no further specific surveys are required. However, a condition is

recommended requiring lighting details to be submitted in order to minimise impacts on emerging and foraging bats (Condition 14).

With regard to biodiversity, while landscape is reserved for future consideration, the Council's Ecologist is satisfied that a net biodiversity gain can be achieved on-site and no off-site compensation is required. This is secured by means of a condition (Condition 1).

The proposal therefore accords with Policies P10 and P15 of the Local Plan and guidance in the Framework. Positive weight is attributed to this matter in the planning balance.

Economic Benefits

The proposal would support a number of jobs during the construction phase of the scheme. Whilst it is difficult to quantify the number of jobs created, the proposal would support a significant number of trades that would be involved in the construction process. This matter would be of benefit to the local economy. Further, future occupiers of the dwellings would increase local spend in the area at local shops and other services. In summary, there would be economic benefits during construction and from the expenditure of future residents through their occupation of the new dwellings. Thus, as directed by paragraph 81 of the Framework, significant weight is attributed to the economic benefits of the scheme in the planning balance.

Housing

- *Affordable Housing*

Paragraph 64 of the Framework advises that, in most cases, the provision of affordable housing should only be sought for major residential developments (i.e., 10 or more homes or the site has an area of 0.5 hectares or more).

Policy P4 a) of the Local Plan advises that contributions will be expected to be made in the form of 40% affordable dwelling units on each development site but will take into account a number of factors. These factors include at point iii 'the economics of provision, including particular costs that may threaten the viability of the site'.

The application has been accompanied by a Financial Viability Statement (FVA). The FVA concludes that the scheme is unable to contribute towards affordable housing or meet any other planning contributions. The proposal will however provide a Community Infrastructure Levy (CIL) payment to the Council, details of which are set out later in this Report.

SMBC Strategic Land & Property and Housing Strategy Officers have carried out a review of the FVA and concur with the FVA conclusion that the scheme cannot support any s106 contributions for affordable housing or meet any other planning contributions. The exception test in Policy P4 a) iii is therefore met. The proposal therefore accords with Policy P4 a) of the Local Plan and guidance in the Framework.

- *Housing Mix*

The application site is located in Olton where the Council's Meeting Housing Needs Supplementary Planning Document (the SPD) advises the Council will seek 40% of new housing developments to be 1 or 2 bedroom market dwellings. The proposed development is to provide 10 two-bedroom and 5 one-bedroom apartments and 2 two-bedroom semi-detached dwellings, and thus meets the requirements of the SPD.

Neutral weight is attributed to these matters in the planning balance.

Other Matters

- *Contaminated Land*

As set out earlier in this Report, the former fuel depot and associated infrastructure has been cleared from the site and the site is currently vacant. Accordingly, the application has been accompanied by several Contaminated Land Reports. The Council's Contaminated Land Officer has reviewed the Reports and raised no objection subject to condition (Condition 20).

- *Community Infrastructure Levy*

The proposal is liable for CIL. The chargeable development takes account of the net additional gross internal floorspace of the development subject to deductions for demolitions multiplied by the current chargeable rate for the Olton area which is £98.25 per sq m. The site has been cleared so there are no 'existing' buildings to be deducted. The chargeable development is therefore 1150 sq m which is based on the GIA of the proposed development. This equates to a CIL payment of £112,987.

- *Education Provision*

There is no requirement for a primary education contribution, as this is covered by CIL, and there is already capacity within secondary schools to accommodate the pupil yield from the scheme. The School Place Planning Team have advised that given the quantum and mix of the proposed development, they are not seeking a contribution towards specialist education needs provision.

- *Impact on Grand Union Canal*

The application site is located adjacent to the Grand Union Canal. The Canal and River Trust have reviewed the application and raise no objection subject to a condition to protect the Grand Union Canal during the construction phase (Condition 13).

- *Other*

Concerns have been raised regarding disruption during the construction phase, whilst regrettable, any such disturbance will be temporary and relatively short lived.

In addition, a condition is recommended which requires a Construction Management Plan to be submitted to the local planning authority for approval (Condition 6).

Concerns have also been raised regarding the potential of antisocial behaviour as a result of the development. The Local Planning Authority has no evidence to suggest that this would be the case.

Neutral weight is attributed to these matters in the planning balance.

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, which 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 approve permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

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

Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise.

The Framework is an important material consideration. It advises that housing applications should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date Development Plan (as in Solihull) means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. This is often referred to as the 'tilted balance'.

The outcome of this application therefore depends on:

- Whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and
- Whether the overall planning balance would be in favour or against the scheme.

- *The Benefits*

The application site is a brownfield windfall site which is well related to local services, sustainable modes of transport and public open spaces. The scheme would make a contribution to addressing the shortfall in housing land supply in the borough, which is a social benefit. Limited positive weight is attributed to the social benefits of the proposed development in the planning balance.

The construction phase of the development will deliver some economic benefits, and future occupants of the dwellings will contribute to the vibrancy of the area, which is also an economic benefit. As directed by paragraph 81 of the Framework, significant positive weight is attributed to the economic benefits of the proposed development in the planning balance.

The site has been cleared and is currently vacant and devoid of landscape features. The proposal will bring activity back to a vacant site improving its appearance and that of its immediate surroundings. The proposal also includes new tree planting, hedgerows and landscaping throughout the site which will enhance biodiversity. The proposal will therefore deliver some environmental benefits when compared to the existing situation on site. Limited positive weight is attributed to the environmental benefits of the proposed development in the planning balance.

- *The Adverse Impacts*

Where adverse impacts have been identified, officers are satisfied that these impacts can be mitigated by means of planning condition. Accordingly, for the reasons set out in this Report and subject to appropriate conditions, the proposed development would not conflict with the relevant policies within the Local Plan or policies in the Framework taken as a whole.

Neutral weight is attributed to this matter in the planning balance.

- *Overall Planning Balance and Conclusion*

In conclusion, for the reasons outlined in this Report, the overall planning balance is in favour for the scheme and the proposal would therefore benefit from the presumption in favour of sustainable development.

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

RECOMMENDATION

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

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. Details of the 'landscaping' (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

The development shall be carried out in accordance with the approved details.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990. Submission of reserved matters within 3 years

2. Application for approval of the reserved matter shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. CS05 - Approved plans

5. CC06 - Materials to be submitted

6. The development shall not commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction; and
- Contact details for the appointed site agent that can be contacted in the event of any problems arising during construction activities.

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

7. No dwelling shall be occupied until the parking area has been provided in accordance with the approved plans. Thereafter, the car parking shall be made

available for the exclusive use of the development site and shall not be allocated to individual properties for the lifetime of the development.

Reason: To ensure satisfactory provision of on-site car parking in accordance and amenity in accordance with Policy P8 and P14 of Solihull Local Plan 2013.

8. Notwithstanding the approved details as set out in Condition 4 of this permission, the development shall not commence until details of the vehicular and pedestrian access off The Avenue / Lincoln Road have been submitted to and approved in writing by the Local Planning Authority. The details shall include the slight relocation of the existing vehicular access off The Avenue / Lincoln Road to the south-east, which will be utilised to serve the car parking area for the proposed apartments and dwellings. Drawing Number LW/STP/02 (Site Plan) indicates that the proposed vehicular access will measure 4m wide however, the Highway Authority will require the vehicular access to measure at least 4.5m wide, to allow two vehicles to pass each other within the vehicular access. The vehicular access shall be implemented in accordance with the details approved under this condition.

9. The development shall not commence until a scheme to prohibit on-street car parking on the Road(s) fronting the extent of the development site as shown on Drawing Number LW/STP/02 (Site Plan) is submitted to and agreed in writing by the Local Planning Authority. Prior to any dwelling being occupied the scheme shall be implemented in accordance with the agreed details.

10. The site shall be landscaped strictly in accordance with the details approved pursuant to Condition 1 details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 of the Solihull Local Plan 2013.

11. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of the visual amenities of the locality in accordance with Policies P10, P14 and P15 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 Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:

a) Site layout plan, incorporating SuDS drainage design that makes good use of the site space and demonstrates compliance with SMBC Policy P11 and DEFRA's Non-

statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm, existing and proposed levels, any integration with landscaping, earthworks or other features.

b) Surface Water Drainage Design including:

- o Confirmation of discharge rates and volumes (both pre and post development), up to the 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'),
- o Confirmation of proposed discharge location.
- o Demonstration that the final design provides appropriate treatment for water leaving the site

c) Surface Water Drainage maintenance strategy

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

e) 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).

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy P11 of Solihull Local Plan 2013

13. The development hereby permitted shall be carried out in accordance with the following plans and documentation:

Culvert Protection Measures

- o Method statement - Culvert protection - Foundation Works
- o MBS/0122/167 Version 1 'Tactile Inspection of Canal Wall...', dated 1 February 2022
- o MBS-0122-167-02 'Canal Wall Survey - Visit 1 CH0m - CH45m', dated 19.01.2022
- o MBS-0122-167-01 'Culvert Levels, Site Plan and Section Drawing', dated 14.02.2022
- o Drawing LW/CULV/01a 'Foundation - Ground Beam - Culvert - CRT Culvert Section', dated Feb 2022
- o Fillmaster-Datasheet-Dec-20193
- o RAMS - Culvert Crown repair, dated 21/06/2022

Canal Protection Measures

- o Drawing MBS-0122-167 02 'Canal Wall Survey - Visit 1 CH0m - CH45m', dated 19.01.2022
- o MBS-0122-167-01 'Culvert Levels, Site Plan and Section Drawing', dated 14.02.2022
- o GB261/005c '2No. Semi-detached house strip foundation - trench and footing depth', dated 19/04/2022
- o Trenchfill Foundation Calcs for Foundations Semi detached, dated 10/06/2021
- o Retaining Wall Analysis, dated 08/06/2022

- o LW/ES/01a 'Embankment Section - 2Nos Semis', dated April 2021
- o GB/261/21 Rev A 'Structural Calculations...', dated 15/03/22
- o MN-047-21-LIN-FB 'Foundation brief report', dated 20 April 2022
- o Structural Report GB/261/21 Rev A (dated 15th March 2022)
- o RAMS - Dwarf retaining wall beside 2nos semis, dated 21/06/2022
- o RAMS - RC Concrete Ground Beams to bridge over Culvert running through foundation of 2nos semis, o dated 21/06/2022
- o Method Statement - Culvert Protection - Foundation Works
- o Method Statement for construction of: 300mm dia CFA Piles for Index A C Limited, dated 30 March 2022

Reason: To maintain the integrity of the canal in accordance with Policy P11 of Solihull Local Plan 2013.

14. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the boundary of the site with the canal and to be kept to a minimum at night across the whole site in order to minimise impacts on emerging and foraging bats.

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

15. CN19 - Outdoor refuse storage facilities

16. CD04 - Cycle provision

17. CL10 - Details of boundary treatment to be provided

18. CW09 - Existing & prop levels (contours, FFL)

19. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class A - E shall be carried out to the dwelling adjacent to number 70 Lincoln Road.

To protect the residential amenity of number 70 Lincoln Road in accordance with Policies P14 of Solihull Local Plan 2013.

20. CN20 (Full Tiered Contaminated Land Conditions)

21. The 2No. 2 bedroom semi-detached dwellings hereby approved shall not be occupied until a scheme detailing sound insulation to windows, doors and other openings which serve bedrooms and living rooms, and which achieves the internal noise levels as recommended by BS 8233:2014, has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenity of the occupiers of the new dwellings in accordance with Policy P14 of the Solihull Local Plan.

Informative Notes

1. Noise During Construction
2. Burning or Refuse on Demolition and Construction Sites
3. Dust Control on Demolition and Construction Sites
4. Severn Trent Water
5. Nesting Bird Advisory Note
6. Community Infrastructure Levy
7. Vehicle access crossings (dropped kerbs)
8. Street Naming and Numbering
9. Climate Change Informative

Appendix A

Full planning permission was granted on 22 November 2019 for the erection of 7 No. terraced dwellings and 2 No. semi-detached dwellings and associated car parking under SMBC Ref. PL/2019/02467/MINFOT ('the 2019 application').

A selection of approved plans is shown below, and full details can be found by using the above planning application reference number at:

<https://publicaccess.solihull.gov.uk/online-applications/>

Site Plan



7 No. terraced dwellings

NOTES

PARTY WALLS NOT 1865
The dimensions and elevations in this drawing are shown as the property concerned, require liable is considered under the above mentioned legislation. It is the responsibility of the owner of the property, to take all necessary steps to comply with the above act, if necessary.

BUILDING CONTRACTORS NOTES
The details shown in this drawing are to be verified by the successful building contractor, by a site visit PRIOR TO WORK COMMENCING ON SITE.
The structural layout is to be agreed with the house owner prior to work commencing.
The correct fixing layout is to be agreed with the house owner prior to work commencing.

ALL GOODS, MATERIALS, SERVICES AND LABOUR PROVIDED, ARE TO BE ADEQUATE FOR THE JOB INTENDED.

The designs and details on this drawing are copyright and must not be reproduced without the permission of the designer.

PROPOSED FRONT AND REAR ELEVATION (7 NO DWELLINGS)

Lincoln Wharf
Redevelopment of Land at 176
Avenue, North Road, Acocks Green

| Date | Revision |
|------------|----------------|
| 16/06/2013 | 01 |
| 08/08/2013 | Drawing number |
| 16/06/2013 | PQQ-104 |

2 No. semi-detached dwellings

APPROACH ELEVATION

REAR ELEVATION

Roof to external face
Buff Stone Cl
Rain water gutter and system in black PVC colour
Dashed Wallback red Soldier header course
Dashed Wallback red

1:20
1:50
1:100

ALL DIMENSIONS TO BE READ AND NOT SOLID
AND DIMENSIONS TO BE MARKED TO MATCH

PROPOSED RESIDENTIAL DEVELOPMENT @ Lincoln Wharf,
Lincoln Road North, Acocks Green, Birmingham. B27 6NY

| NO. | DATE | BY | CHKD | APPD |
|-----|------------|-----|------|------|
| 1 | 16/06/2013 | ... | ... | ... |
| 2 | 08/08/2013 | ... | ... | ... |
| 3 | 16/06/2013 | ... | ... | ... |

2 NOS SEMI-DETACHED - ELEVATION

