

**APPLICATION REFERENCE: PL/2016/02759/PPFL****Site Address:** Land Adjacent To Mount Farm Tanworth Lane, Chewisck Green.

<b>Proposal:</b>	Erection of 54 dwellings following the granting of outline permission 2014/1163/S (PL/2014/01985/OLM) for 220 dwellings for land at Tanworth Lane, Cheswick Green, Solihull.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="http://publicaccess.solihull.gov.uk">http://publicaccess.solihull.gov.uk</a>

<b>Reason for Referral to Planning Committee:</b>	<b>A planning agreement/obligation under Section 106 of the Town and Country Planning Act 1990 relates to this application.</b>
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<b>Recommendation:</b>	<b>Approval subject to conditions and the completion of a Unilateral Undertaking/S106 Agreement.</b>
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**EXECUTIVE SUMMARY**

The proposal seeks to provide an additional 54 dwellings from that defined by the outline permission (i.e. 220 to 274) on an allocated housing site. The principle of development is therefore acceptable and in compliance with Policy P5 of the Solihull Local Plan 2013.

It is important to note that the increase in the number of dwellings on the site (Phases 2 & 2A) will not result in:-

- An increase in the size of the site;
- An increase in the development footprint; or
- The loss of any open space or landscaping on the site.

This has been achieved by a reduction in the provision of 4 and 5 bed houses and these plots will instead be used to deliver much needed 2 and 3-bed houses. The delivery of smaller house types much needed in the Borough carries significant weight.

The design and layout has been amended to improve the internal housing layout and its relationship to its surroundings, as well as improving the appearance of the site entrance from Coppice Walk having regard to the local distinctiveness of the area and carries positive weight in the planning balance.

Other material considerations such as neighbour amenity, landscape, ecology, drainage and highways are neutral in the planning balance.

The proposal is considered to be acceptable, subject to conditions and completion of a S106 Agreement relating to affordable housing, secondary school education and requiring the development to be implemented concurrently with the Phase 2 reserved matters application (PA Ref. PL/2016/02762/PPRM).

## **KEY PLANNING ISSUES**

The following key planning issues are material to the determination of this application:

- Community involvement;
- Principle of Development /5 Year Housing Land Supply;
- Design and layout (including housing mix);
- Neighbour amenity;
- Landscape;
- Ecology;
- Drainage;
- Highway safety and accessibility;
- Developer Contributions and Infrastructure Provision;
- Other matters; and
- Conclusion and planning balancing.

## **CONSULTATION RESPONSES**

**Statutory Consultees** The following Statutory Consultee responses have been received:

Environment Agency – No objection

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

SMBC Drainage – No objection subject to conditions

SMBC Ecology - No objection subject to conditions

SMBC Education- No objection subject to S106 contribution

SMBC Highways - No objection subject to conditions

SMBC Landscape - No objection subject to conditions

SMBC Housing Strategy – No objection subject to conditions

SMBC Urban Design - No objection subject to conditions

Centro - No observations

Cheswick Green Parish Council - The Parish Council is concerned about the extra number of dwellings proposed for this site (*set out in publicity section of this report*); but is prepared to accept that the extra 54 are proposed to be built on the same area of land and that there is a demand for smaller properties.

Seven Trent Water – No objection.

West Midlands Police – No objection subject to conditions

Warwickshire Museum (Archaeology) - No observations

## **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 11 re-confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 196 of the NPPF confirms that the planning system is plan –led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2012, the National Planning Practice Guidance.

The weight to be attached to policies of the Solihull Local Plan (SLP) 2013 will be set out in the report.

### Solihull Local Plan 2013

The Solihull Local Plan is the adopted Development Plan and needs to be read as a whole with appropriate regard had to all relevant policies with weight given to their consistency with the NPPF.

The application site is identified as being within the Green Belt as defined by the Plan.

### Solihull Local Plan Review November 2016

The draft Solihull Local Plan review was approved at Full Cabinet on 10th November to enable consultation to take place between Monday 5<sup>th</sup> December 2016 until Monday 30<sup>th</sup> January 2017.

The application site is not identified for housing within the Review and continues to be designated as Green Belt. Thus it can be seen that there has been no material policy change in the Review to designate a site for an alternative purpose.

Paragraph 216 of the NPPF gives details in terms of what weight should be attached to relevant policies in emerging plans. Given the current status of the Local Plan Review only being at consultation stage, no weight should be attributed to the Local Plan Review given its current stage of preparation.

### Community Involvement

The Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. The Council's adopted Statement of Community Involvement suggests examples of pre-application community involvement. For large scale housing applications, it suggests considering holding public exhibitions/drop in sessions, public meetings and providing a newsletter to keep people up to date with the progress of the scheme.

Having regard to this, the applicant has advised that they undertook a variety of approaches to raise awareness of the proposal in the local area. These included: -

- A leaflet was designed which set out information about the site and explained the rationale behind the consultation. Circa 2,750 were delivered to homes and businesses in the surrounding area. The leaflet included a proposed site layout and set out details of the accompanying website;
- A website containing further information to that outlined in the leaflet went live on 3rd October 2016; and
- A meeting was held with Cheswick Green Parish Council on 19<sup>th</sup> September 2016 where a presentation Layout for Phase 2 and Phase 2a was discussed along with the proposed approach to consultation with the local community.

In terms of the procedures carried out, the applicant has complied with advice set out in the Framework and carried out a consultation exercise in accordance with the Council's adopted Statement of Community Involvement.

### Publicity

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

Four letters of representation have 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 issues

- This proposal will put extra pressure on local roads, which are already struggling to cope - especially at peak times.
- Lack of parking provision will result in parking on roads and public areas.

#### Housing issues

- The affordable units appear to be 'clustered' in certain areas of the site.

#### Local Service issues

- Increased pressure on local services.

#### Character and Appearance issues

- Overdevelopment of the site.
- The flats are not in keeping with the existing settlement.

#### Neighbour Amenity issues

- The flats could result in neighbouring properties being overlooked.

#### Landscape issues

- Solihull's countryside is getting swallowed up into Birmingham's Urban Sprawl.

#### Flood risk and drainage

- The flood alleviation measures associated with the original planning applications should be completed before any further development occurs.

#### Other issues

- Concerns planning conditions attached to the original planning applications have not being adhered to.
- Increase in pollution.
- The Parish Council would appreciate and request that any CIL/s106 money raised should be used within the Parish and not elsewhere in the Borough.

## Non Planning Issues

- Increase in householder insurance premiums if flood risk continues.

## **APPRAISAL**

### Principle of Development

The National Planning Policy Framework (henceforth referred to as ‘the Framework’) sets out the Government’s planning policies for England and how these are expected to be applied. It has at its heart the presumption in favour of sustainable development and this is articulated in paragraph 7, which states: ‘There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy’.

This is further articulated in paragraph 14, which states that such a presumption should be seen as a ‘golden thread running through both plan-making and decision- taking.

For decision-making this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted’.

Paragraph 17 of the Framework sets out a range of core planning principles which, inter alia, state that planning should 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'. The same paragraph continues, stating that planning should also 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'. Paragraph 47 of the Framework sets out to significantly boost the supply of housing, giving five directives to local planning authorities, which include using their evidence base to assess the full objectively assessed need of the market and affordable housing in the market area, identify and update annually a supply of specific deliverable sites sufficient to provide a five year supply of housing land, identify broad locations for growth going forward from 6-10 years and where possible from 11-15 years, illustrate expected market delivery and set their own approach to housing density.

Paragraph 49 makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that the 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

Currently, the local planning authority cannot demonstrate a five-year supply of deliverable sites, as evidenced by the Lowbrook Farm and Tidbury Green Farm Appeal Decisions (APP/Q4625/13/2192128 dated 8<sup>th</sup> March 2016 and APP/Q4625/A/14/2220892 dated 5<sup>th</sup> November 2015).

As a result paragraph 49 of the Framework is engaged meaning that the Borough's development plan policies, upon which a decision is normally based, are deemed not to be up to date. Where policies are deemed to be out-of-date then paragraph 14 of the NPPF is applied for decision making – this indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the Framework indicate development should be restricted.

There are no specific policies within the NPPF (or Solihull Local Plan 2013) or planning condition attached to the original outline planning permission which restricts the number of residential units to be provided on the allocated housing site the subject of the application. Moreover, even if there were such a policy, this policy, as a policy which affects the supply of housing; would not be considered up-to-date given the local planning authority cannot demonstrate a five-year supply of deliverable sites.

The principle of the redevelopment of an allocated housing site to provide an additional 54 dwellings (including 40% affordable housing) to meet the Borough's housing land is therefore supported in this sustainable location, and should be given

significant weight in the planning balance; particularly given the lack of a demonstrable a five-year supply of deliverable sites.

Subject to compliance with detailed design and layout criteria (which is dealt with later on in this report), the proposal is considered to comply with Solihull Local Plan (2013) Policy P5 relating to the provision of land for residential purposes on allocated sites in accessible locations.

### Design and Layout (including housing mix)

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

#### - *Design and layout*

The proposed layout plan indicates that the development will utilise the existing access arrangements established by the outline permission, the first from Tanworth Lane to the west and the second from Coppice Walk to the south of the site. These points are connected by a Main Street, which provides the principal road through the development. Key areas of existing landscaping, namely the field boundary trees and hedgerows will continue to be retained and help inform important areas of open space to the west of the site. Perimeter block development is derived taking account of these key characteristics and in doing so help provide a permeable and legible settlement that has active street frontages that helps create a safe and attractive environment.

A Design and Access Statement has been submitted in support of the application. This document gives a clear justification to the development where a concept plan has been devised that takes account of site opportunities and constraints. These studies have combined to ensure an effective layout of development is devised.

Landmark buildings are identified at key junctions. These, along with focal points within the public realm and a clear hierarchy of primary, secondary routes together with shared surfaces throughout the development helps ensure that the proposals provide legibility and permeability to the scheme. The applicant points out those landmark buildings need not necessarily be made prominent through an increased height, rather they can be identified through use of variations in materials, colour, frontage treatment or architectural style.

The site layout plan demonstrates the variety and hierarchy in street spaces will be achieved. Main Street passing through the centre of the site and linking the two main vehicular accesses off Tanworth Lane and Coppice Walk is given supremacy through the use of planting verges, pedestrian footways and landscaped areas that



are consistently defined on each side of the street. Traffic calming measures such as raised tables with rumble strips will encourage slower motorist speeds and will alert motorists to a change in environment. This produces a successfully defined and enclosed street that has stature and clear legibility through the site.

Secondary streets are accessed from the Main Street and act as intermediate streets giving access to quieter private drives. These streets also provide a shared surface for pedestrians and also employ traffic calming measures to encourage slower motorist speeds and will alert motorists to a change in environment. Trees are located strategically to help motorists navigate the space whilst softening the use of hard paving materials. Such tree planting, together with a narrowing of road width helps provide an ambiguous space that forces the motorist to reduce their speed, creating a safer environment for pedestrians to use.

In term of design, the scheme consists of mixture of house types including detached houses, semi-detached houses, terraced houses, maisonettes, and two and half storey flats with living accommodation in the roof space. Design leads have been taken from Phase 1 and 2, such as built form principles, height, materials, set backs, landscape treatments, architectural detailing, colour and use of materials. The design philosophy adopted ensures Phase 2A will assimilate seamlessly into the wider development, thereby appearing as a natural continuation to Phase 1 and 2.

Moreover, the proposed development is considered a successful piece of urban design. The site integrates well with Phase 1 and 2 and the village of Cheswick Green. The design and layout is permeable and good use of landmark buildings and road hierarchy ensures the development remains legible. The existing landscape structure is supported and integrated into the public realm as well as providing the opportunity for landscape enhancement through new street trees, areas of public open space.

#### - *Housing mix*

This application is concerned with increasing the number of dwellings to be provided in the second phase of development (Phase 2 & 2A) through changing the housing mix. The provision of more 2 and 3 bed properties will assist in widening opportunities for home ownership on the site and will help deliver an inclusive and mixed community. The decrease in larger homes and the increase in 2 and 3 bed dwellings also matches local housing demand and need as specified by the Council in their Meeting Housing Need SPD.

With respect to housing mix, the break-down of the housing mix is proposed as follows:

Open market dwellings consisting a mix of 2x4 bedroom detached houses, 10x3 bedroom detached and semi-detached houses, 20x2 bedroom terraced and semi-detached houses.

An element of affordable housing will be provided within the development and will include social rented and shared ownership housing, 22 of the proposed 54

dwellings are affordable, consisting 3x3 bedroom houses, 11x2 bedroom houses and 8x1 bedroom maisonettes.

The 22 affordable houses are then broken down further to the 15 social rented homes and 10 shared ownership dwellings.

The Framework (para 50) is clear that local planning authorities should plan for a wide choice of homes, widen opportunities for home ownership and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Solihull's Meeting Housing Needs Policy P4 (c) of the Solihull Local Plan 2013 and the Meeting Housing Needs SPD set out the Councils approach, and advises in locations where there is the greatest mismatch between the local housing demand of newly forming households within the housing market area and housing supply, the Council will seek 50% of all new market dwellings to be 1 or 2 bedrooms in size in these locations. This applies to Cheswick Green. The proposal is therefore compliant with this approach in that 50% of the dwellings are 2 bedroom or less. SMBC Housing Officers have considered the application and have raised no objection.

The design, site layout and housing mix is considered to produce an acceptable design response to the site and its surroundings, responding acceptably to the built character of the locality, and thus complies with guidance in Solihull Local Plan Policies P4(c) and P15, which should be given positive weight in in the planning balance.

#### Neighbours' Amenity

Policy P14 of the Solihull 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 proposed dwellings. The policy again is consistent with the NPPF and thus carries significant weight.

The application site shares a boundary with Phase 2 to the north and east and Phase 1 to the south and west. The site shares a boundary with areas of open space to the south-west and west.

In terms of impacts on the amenities of the current / future occupiers of Phase 1 and 2, a suitable landscape buffer is retained between the built form of Phase 2A and residential properties in Phase 1 to ensure the development will not be unduly overbearing or results in an unacceptable degree of overlooking. The design and layout of Phase 2A has been carefully considered to ensure that, in addition to appearing as natural continuation of Phase 1 and 2, suitable separation distances are retained between residential properties to ensure the development will not be unduly overbearing or results in an unacceptable degree of overlooking.

In terms of amenity of future residents, the proposed layout plan demonstrates that where rear gardens face rear gardens separation distances between houses are a minimum of 19 metres, so avoiding unacceptable overlooking. Rear gardens range in size from between 9 and 20 metres in depth. Given the areas of open space and

play areas that are easily accessible to all, it is considered that private gardens are sufficient in size.

Having regard to the above, it is considered the proposal would accord with Policy P14 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the planning balance.

### Landscape

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. The policy is consistent with the NPPF and thus carries significant weight.

The application has been accompanied by a Landscape and Visual Appraisal Addendum.

The Design and Access Statement and Landscape and Visual Addendum sets out how landscape design is a key component for creating a successful development at Cheswick Green. The green spaces are an integral part of the place and create a strong landscape structure across the site. The green infrastructure was a major driving factor in the creation of new routes and spaces within the outline masterplan and the landscape helps to further define the public and private space whilst adding colour, water and seasonal interest to the residential environment. The detailed layouts of the proposed development build upon the Masterplan's strategy, retaining the landscape corridors and fronting out onto these key spaces.

SMBC Landscape Architects have considered the plans and documentation submitted in support of the application and raised no objection on the basis that the increase in the number of dwellings on site above that defined by the outline permission will not result in an increase in the size of the site, the development footprint or the loss of any open space or landscaping on the site. Consequently, the scheme will not conflict with the Landscape and Ecological Management Plan (LEMP) for the whole site as defined by the outline permission.

Furthermore, it is considered the quantum of open space and onsite and offsite play areas secured by the outline permission and S106 Agreement is sufficient to adequately serve the occupants of the proposed development.

Having regard to the above, it is considered the proposal would accord with Policies P10, P11 & P20 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the planning balance.

### Ecology

Policy P10 of the Solihull Local Plan seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight.

The application has been accompanied by an Ecological Addendum.

The Planning Statement and Ecological Addendum sets out how the proposal development will not significantly affect any ecological designations, habitats of nature conservation interest or any protected species.

SMBC Ecologists have considered the plans and documentation submitted in support of the application and concluded that as the increase in the number of dwellings on the site above that defined by the outline permission will not result in an increase in the size of the site, the development footprint or the loss of any open space or landscaping on the site; the proposal will not conflict with the Landscape and Ecological Management Plan (LEMP) for the whole site as defined by the outline permission.

Having regard to the above, it is considered the proposal would accord with Policies P10 & P11 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the planning balance.

#### Flooding / Drainage

Policy P11 of the Solihull Local Plan 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.

As part of the application proposal, a Flood Risk Assessment Addendum has been submitted, which was also amended by the applicant during the application stage to take account of comments made by SMBC Drainage Engineers as Local Lead Flooding Authority.

The Flood Risk Assessment Addendum concludes that there will be no increase in the impermeable area accounted for by the outline planning permission therefore the attenuation requirements calculated for the outline permission remain applicable. This proposal does not alter the attenuation requirements of the development. In addition, the original FRA details how there is the potential for attenuation works to improve the current flood issues experienced by some properties close to the site.

SMBC Drainage Engineers and the Environment Agency have considered the plans and documentation submitted in supported of the application and have raised no objection to the development on the basis that there will be no increase in the impermeable area accounted for by the outline planning permission, and thus, the proposed development will not conflict with drainage strategy for the whole site as defined by the outline permission.

Having regard to the above, it is considered the proposal would accord with Policies P11 and P15 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the planning balance.

## Highway Safety and Accessibility

Policy P7 of the Solihull Local Plan advises that all new development should be focused in the most accessible locations and seeks to enhance existing accessibility levels and promote ease of access. The policy again is consistent with the NPPF and thus carries significant weight.

Policy P8 of the Solihull Local Plan advises that all development proposals should have regard to transport efficiency and highway safety.

### - *Highway Safety*

The application has been accompanied by a Transport Assessment Addendum and Travel Plan.

These documents set out how the proposed development is well located to offer different transport choices and accords with all relevant standards of the Highway Authority. Policies P7 and P8 seek to ensure accessibility in a sustainable manner (P7), promote green travel (P7), promote walking and cycling (P7), manage travel demands (P8) and ensure parking is in accordance with appropriate standards (P8).

In addition, the Design and Access Statement sets out how the proposed development has been design to ensure the majority of allocated parking is provided on-plot and is generally located to the side of dwellings within an individual parking bay and/ or garage set just back from the building line to allow ease of access to dwellings. The relevant parking standards for new developments are contained within the Council's adopted SPD on Vehicle Parking Standards, which states that an average of 2 spaces should be provided per dwelling. As shown on the masterplan, the car parking spaces will be provided in accordance with this guidance.

SMBC Highway Engineers have considered the plans and documentation submitted in support of the application and concluded that, having regard to the character of the development and surrounding area, sufficient off-road parking provision is provided in accordance with advice is the Council's adopted SPD on Vehicle Parking Standards. It is acknowledged that, from time to time, there may be habitual on-street parking, as is the case in most residential areas; however, it is not considered this will materially obstruct visibility or driveways to a point which would cause material safety issues.

In respect of the impact of the additional dwellings on the surrounding road network, there is no evidence to suggest that additional vehicle movements generated by the development would lead to a demonstrable safety issue on surrounding roads.

### - *Accessibility*

Issues of accessibility were discussed at outline stage with the Committee Report concluding *"the site is not considered to be in an accessible location as defined by Policy P7 of the Solihull Local Plan. However, subject to the S106 contributions and*

*works to improve pedestrian connections to bus stops at Tanworth Lane, as detailed above, it is considered that the accessibility issues can be acceptably mitigated”.*

The aforementioned contributions have been secured and works to improve pedestrian connections to bus stops at Tanworth Lane has commenced. The proposed development is a natural continuation of Phase 1 & 2 and, as such, it is reasonable to conclude that future occupiers will utilise the improved pedestrian connections to bus stops on Tanworth Lane secured by the outline permission. Consequently, it is considered the proposed development is compliant with Policy P7.

SMBC Highway Engineers have considered the application and have raised no objection.

Having regard to the above, it is considered the proposal would accord with Policies P7 and P8 of the Solihull Local Plan and advice in the NPPF. This carries neutral weight in the planning balance.

#### Developer Contributions and Infrastructure Provision

Paragraph 204 of the Framework confirms that planning obligations should only be sought where they meet the following tests: -

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Policy P21 of the Solihull Local Plan accords with and re-affirms the test set out in the Framework.

Policy P4 of the Solihull Local Plan and the Council’s Meeting Housing Needs SPD requires a contribution to affordable housing. The delivery of such is normally expected in the form of 40% dwelling units to be provided on the development site, however, in exceptional circumstances, a financial sum contribution towards provision elsewhere throughout the Borough that would not otherwise be provided could be acceptable.

The outline planning application was approved subject a S106 Agreement relating to:-

- The provision of 40% of the units for affordable housing.
- A contribution towards secondary school education.
- A contribution towards primary school education.
- A contribution towards improving the facilities at the Doctors surgery in Cheswick Green.
- A contribution for maintenance of open space, way marking, natural play, street furniture and contributions towards off site play.
- A contribution to enhance and incentivise bus use; off site highway works to (i) provide footway access to bus stops on Tanworth Lane (ii) reduce the likelihood of additional risk accidents at the crossroad junction of Creynolds Lane/Vicarage Road/Watery Lane/Ilshaw Heath Road.

- A contribution towards maintenance of on-site Swales and pond(s).

The application has been submitted with an Affordable Housing Statement, which indicates that the development is to provide 40% (22 units) on site affordable housing provision. SMBC Housing Officer raises no objection to the proposal subject to a Section 106 Agreement which confirms delivery in principle. On this basis the proposal is considered to be in compliance with Policy P4 of the Solihull Local Plan and Meeting Housing Needs SPD.

SMBC School Place Planning (education) has raised no objection subject to a Section 106 Agreement to secure a contribution of £187, 597 to fund additional secondary school places.

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 12th April 2016. The launch date of CIL was 4th July 2016 and the proposal would be liable for the charge if planning permission is granted. This would amount to a levy of £ 418,350 based on the contribution rate for new residential dwellings in a 'rural area' location (£150 sq.m.).

This carries neutral weight in the planning balance.

#### Other matters

Concerns have been raised regarding the potential impact of the development on householder insurance premiums; however, while these concerns are acknowledged and respected, they fall outside the sphere of the planning system and, as such, are not material planning considerations.

In respect of concerns raised regarding breaches of planning control with respect to Phase 1, the development site has been monitored by SMBC Enforcement Team who, at the time of writing, are satisfied that the proposal is progressing in accordance with the approved planning applications and not applicable to the consideration of this application..

Concerns have been raised that the development would increase pollution; however, there is no quantifiable evidence to suggest that this would be the case.

#### Conclusion and planning balancing

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.

No specific policies in the Framework (or Solihull Local Plan) have been identified that would indicate that the scheme should be prevented.

The outcome of this application therefore depends on:

- Whether the scheme would be sustainable;
- 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.

As the Framework indicates that the planning system should perform an economic, social and environmental role in fostering 'sustainable' development, the planning balance can be considered in those terms. In terms of whether the scheme would be sustainable and the weight to be attached to each element in the overall planning balance, it is considered the scheme provides:-

- Limited benefit to the economic role of sustainable development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services;
- Moderate benefit to the social role of sustainable development through the provision of market and affordable housing which is accessible to local services;
- Moderate benefit to the environmental role of sustainable development as the design and layout produces an acceptable design response to the site and its surroundings, responding acceptably to the built character of the locality.

No adverse impacts have been identified, and thus, it follows that the proposal would benefit from the presumption in favour of sustainable development and that the planning balance must be firmly in favour for this proposal.

The proposal is therefore recommended for approval subject to the completion of a Unilateral Undertaking/S106 Agreement (for contributions to affordable housing, secondary school education and requiring the development to be implemented concurrently with the Phase 2 reserved matters application) plus appropriate conditions.

## **RECOMMENDATION**

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

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

1. Approved Plans (CS00)
2. Commencement – 3 Years (CS05)
3. Site Levels
4. Landscape Scheme (CL04)
5. Barriers around trees to be retained (CL03)
6. Landscape Implementation (CL06)
7. Replacement of trees or hedging lost (CL07)
8. Construction Environmental Management Plan
9. Landscape Ecology Management Plan
10. Surface Water Drainage Scheme
11. Finished Floor Levels



12. Drainage (foul drainage)
13. Construction Method Statement
14. Travel Plan
15. Highways (service road access)
16. Highways (footpath link is to Coppice Walk)
17. Highways (dwelling access)
18. Materials – Walls and Roof (CS06)
19. External Lighting
20. Public Realm Materials

#### Informative

REO2 – Justification for Approval

NOTE 1: Noise During Construction

NOTE 2: Burning of Refuse on Demolition and Construction Sites

NOTE 3: Dust Control on Demolition and Construction Sites