

PLANNING COMMITTEE

**WEDNESDAY 5 JANUARY 2022 at 6pm.
COUNCIL CHAMBER – CIVIC SUITE**

ARRANGEMENTS FOR PUBLIC ACCESS TO MEETINGS

During the current Covid 19 pandemic restrictions Planning Committee meetings are taking place in the Civic Suite but with very limited space available for Covid safe public access.

PLEASE NOTE that any member of the press and public may watch the live proceedings at this meeting on the Council's YouTube site.

To view live paste this link into your browser:

<https://www.youtube.com/channel/UC7DDSVoAlgTnwgp0Ku8iFLQ>

Members of the press and public may tweet, blog etc. during the live broadcast, as they would be able to during a regular Committee meeting in the Council Offices.

It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this meeting will be the Councillors concerned and the officers advising the Committee.

Public Speaking on Planning Applications

Any members of the public who are registered and wish to make representations to the committee following the publication of an agenda can do so by joining the meeting remotely and instructions on how to do this will be provided to those who register to speak. Registered speakers will also be required to provide a written statement which will be read out at the relevant time in the meeting in the event that the speaker fails to join the meeting. Submissions must not exceed the permitted 3 minutes speaking time when read out.

In the event of more than one applicant, supporter or objector wishing to address the Committee, a spokesperson should be nominated who will submit representations on behalf of all registered speakers.

Ward Members may address the Committee by joining the meeting and also submitting a written statement which will be read out in the meeting if the member fails to join the remote meeting. Submissions must not exceed 4 minutes speaking time when read out. Submissions must be emailed to planning@solihull.gov.uk by 12 noon on the day immediately preceding the Committee meeting.

Disclosing Pecuniary Interests - What Must You Do?

(a) You must complete a declaration of your disclosable pecuniary interests, including those of your spouse/civil partner (or someone with whom you are living as such) and send it to the Monitoring Officer within 28 days of your election or appointment to the Council.

(b) When you attend a meeting of the Council, Cabinet, Scrutiny Board, Committee, Sub-Committee or Joint Committee etc, and a matter arises in which you have a disclosable pecuniary interest, unless you have been granted a dispensation, **you must:**

- Declare the interest if you have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

(c) If you are the Leader or a Cabinet Portfolio Holder you may not exercise any of your delegated powers as a single member in relation to a matter in which you have a disclosable pecuniary interest or take any other step except to give written notice of any unregistered interest to the Monitoring Officer within 28 days of your becoming aware of the interest, or arrange for another person or body to deal with the matter.

Disclosable Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by you or your partner.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within 12 months of your declaration of interests in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.
Contracts	Any contract between you or your partner (or a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council and which gives you or your partner a right to occupy the land or receive income.
Licences	Any licence held by you or your partner (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is the Council; and (b) the tenant is a body in which you or your partner has a beneficial interest i.e. a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest.
Securities	Any beneficial interest held by you or your partner in securities of a body where— (a) that body (to your knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class. “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

SOLIHULL METROPOLITAN
BOROUGH COUNCIL

To: Councillors M Allen, J Butler,
S Caudwell, Y Clements, D Cole,
S Davis (Vice-Chairman), M Gough,
R Grinsell (Chairman) and J Ryan

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Date 22 December 2021

PLANNING COMMITTEE

WEDNESDAY 5 JANUARY 2022

AGENDA

Mayor/Chairman of the meeting to announce:

'May I remind everyone present that this meeting will be broadcast live via the internet and the record will be archived for future viewing.'

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
To receive declarations of Members disclosable pecuniary interests and conflicts of interest.
3. **REQUESTS OF MEMBERS TO ADDRESS THE MEETING**
4. **QUESTIONS AND DEPUTATIONS**
5. **PLANNING COMMITTEE FOREWORD**
6. **MINUTES** (Pages 7 - 10)
7. **SOLIHULL LOCAL PLAN POLICIES** (Pages 11 - 12)
8. **PL/2021/01000/MINFOT - 2 STATION APPROACH** (Pages 13 - 48)
9. **PLANS - STATION APPROACH** (Pages 49 - 56)
10. **PL/2021/01198/CLEUD - GREEN FARM LADY LANE** (Pages 57 - 62)

11. **PLANS - GREEN FARM** (Pages 63 - 66)
12. **PL/2021/02465/PPFL - 176 TANWORTH LANE** (Pages 67 - 86)
13. **PLANS - TANWORTH LANE** (Pages 87 - 90)
14. **APPEAL DECISIONS** (Pages 91 - 92)
15. **DELEGATED DECISIONS** (Pages 93 - 104)

PLANNING COMMITTEE - 8 December 2021

MINUTES

Present: Councillors: M Allen, J Butler, S Caudwell, Y Clements, D Cole, S Davis (Vice-Chairman), M Gough and R Grinsell (Chairman)

1. APOLOGIES FOR ABSENCE

Councillor Ryan tendered his apologies.

2. DECLARATIONS OF INTEREST

There were no declarations from Members of disclosable pecuniary interests or conflicts of interest.

3. REQUESTS OF MEMBERS TO ADDRESS THE MEETING

Councillor Joe Tildesley requested to speak on application 2021/00905 – The Oliver Bird Hall; Councillor Laura McCarthy on application 2021/01191 – Valley Church centre; and Councillor Angela Sandison on application 2021/01652 – 5 New Road.

4. QUESTIONS AND DEPUTATIONS

No questions or deputations received.

5. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 10 November 2021, were confirmed as a true record.

6. PL/2021/00905/PPFL - THE OLIVER BIRD HALL

Refused as per the recommendation.

Councillor Stuart Davis was not in attendance for this application.

Mr David Patterson and Councillor Joe Tildesley spoke against the application whilst Mr Steve Cox spoke in support.

7. PL2021/01191/PPFL - VALLEY CHURCH CENTRE

Conditional approval, as per the recommendation, with an amended condition and the completion of a Section 106 Agreement.

Amended Condition

(14) Before the development hereby approved is first occupied full details of the elevational details to the proposed bin store together with a management plan for keeping it clean, tidy and free of odour shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

Mr Terry Kenny and Councillor Laura McCarthy spoke against the application whilst Ms Gail Collins spoke in support.

PLANNING COMMITTEE - 8 December 2021

8. **PL/2021/01652/MINFHO - 5 NEW ROAD**

Conditional approval, as per the recommendation, together with an amended and additional condition.

Amended Condition

(5) The flat roof balcony must not be used as a sun area.

Additional Condition

(6) Prior to commencement of development an Arboricultural Method Statement, shall be submitted to and approved in writing by the Local Planning Authority, to ensure that all site operations, including any necessary tree work pruning works will be carried out with minimal risk of adverse impact upon trees that are to be retained. The arboricultural method statement should also include a list of contact details for the relevant parties. This scheme will be appropriate to the scale and duration of the works and may include details of:-

- a) removal of existing structures and hard surfacing;
- b) installation of temporary ground protection;
- c) excavations and the requirement for specialised trenchless techniques;
- d) installation of new hard standing – materials, design constraints and implications for levels;
- e) specialist foundations – installation techniques and effect on finished floor levels and overall height;
- f) preparatory works for new landscaping; and
- g) auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

The development shall not be carried out other than in accordance with the details so agreed.

To safeguard existing trees and vegetation during development works I accordance with Policy P10, P14 and P15 of the Solihull Local Plan 2013.

A statement of objection was read out on behalf of Mr Alex Job and Councillor Angela Sandison spoke opposing the application.

9. **PL/2021/01845/MINFHO - 2 WINDLEAVES ROAD**

Conditional approval, as per the recommendation, with an amended condition to read:-

Amended Condition

(3) Materials to be submitted for approval.

Councillor Stuart Davis was unable to visit the site and refrained from contributing to the debate or vote. Councillor Michael Gough abstained from the voting.

10. **PL/2021/01983/COU - 56 LODDE LANE**

Conditional approval as per the recommendation.

Mrs Louise McCabe spoke opposing the application.

PLANNING COMMITTEE - 8 December 2021

11. **PL/2021/02365/MINFHO 47 HAZELHURST ROAD**

Conditional approval as per the recommendation.

A statement opposing the application was read out on behalf of Mrs Chauhan-James and Mr James.

12. **APPEAL DECISIONS**

Members noted the appeal decisions in respect of: 49 Station Road, Knowle; 124 Elmdon Lane, Marston Green; 52 Woodlea Drive, Solihull; and 18 Markham Crescent , Solihull.

13. **DELEGATED DECISIONS**

The delegated decisions for the period 10-30 November 2021, were noted.

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SOLIHULL LOCAL PLAN – SHAPING A SUSTAINABLE FUTURE DECEMBER 2013

PLANNING POLICIES

SUSTAINABLE ECONOMIC GROWTH

- P1 – Support Economic Success
- P2 - Maintain Strong, Competitive Town Centres
- P3 – Provision of Land for General Business & Premises

PROVIDING HOMES FOR ALL

- P4 – Meeting Housing Needs
- P5 – Provision of Land for Housing
- P6 – Provision of Sites for Gypsies and Travellers

IMPROVING ACCESSIBILITY AND ENCOURAGING SUSTAINABLE TRAVEL

- P7 – Accessibility and Ease of Access
- P8 – Managing Demand for Travel and Reducing Congestion

PROTECTING AND ENHANCING OUR ENVIRONMENT

- P9 – Climate Change
- P10 – Natural Environment
- P11 – Water Management
- P12 – Resource Management
- P13 – Minerals
- P14 – Amenity

PROMOTING QUALITY OF PLACE

- P15 – Securing Design Quality
- P16 – Conservation of Heritage Assets & Local Distinctiveness
- P17 – Countryside and Green Belt

SUPPORTING LOCAL COMMUNITIES

- P18 – Health and Well Being
- P19 – Range and Quality of Local Services
- P20 – Provision for Open Space, Children’s Play, Sport, Recreation and Leisure

DELIVERY AND MONITORING

- P21 – Developer Contributions and Infrastructure Provision

The above policies may be read in full using the following web link:

<http://www.solihull.gov.uk/Resident/Planning/appealsenforcement/planmaking/ldf/localplan>

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APPLICATION REFERENCE: PL/2021/01000/MINFOT

Site Address: Skogen, 2 Station Approach Dorridge Solihull B93 8JF

Proposal:	Construction of timber framed single storey extensions plus first floor extension, cladding of structure, forming of new timber fencing to boundary, alterations to fenestration, erection of railings, change of use to drinking establishment with extended food provision (Sui Generis). Partly retrospective.
Web link to Plans:	<p>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</p> <p>https://publicaccess.solihull.gov.uk/online-applications/</p>

Reason for Referral to Planning Committee:	THE PROPOSAL HAS GIVEN RISE TO SUBSTANTIAL WEIGHT OF PUBLIC CONCERN AND IN THE OPINION OF THE HEAD OF DEVELOPMENT MANAGEMENT SHOULD BE REFERRED TO PLANNING COMMITTEE.
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Recommendation:	APPROVAL subject to conditions
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EXECUTIVE SUMMARY

The proposed development, which is a re-submission of planning refusal and dismissed appeal of PL/2018/02828/PPFL, is a full application for the change of use of the premises to a mixed use (Sui Generis) comprising drinking establishment and hot food provision, together with extensions and alterations to the building and boundary treatment. The development is in part retrospective. The main differences between this proposal and the scheme refused/dismitted are as follows:

- Lowering of the boundary fence and removal of alternate fence posts along Station Approach and turning of alternate fence posts adjacent to Station Road where there is a drop between the terrace and the footpath;
- Change of colour of the window frames from teal to black;
- Additional fixed landscaping and the planting of second new tree to the frontage;
- Removal of Perspex light up panels at first floor;
- Additional fenestration on Station Approach elevation;
- Increase in eaves overhang.
- Increase in opening hours.

As with the previous scheme the proposed development would cause some harm to the setting of the adjacent conservation area. In the terms of the National Planning Policy Framework (the Framework) this would be 'less than substantial harm' as per the previous application. Notwithstanding, harm within this category is a qualitative judgement and should be considered on a sliding scale. The magnitude of the harm in this case would be less than that previously found given the proposed improvements. In accordance with the Framework therefore the public benefits required to outweigh that harm should also be less.

The 'less than substantial harm' is to be balanced in the planning consideration against public benefits delivered by the proposal, namely bringing a previously vacant property back into use, the securing of a viable use that would be appropriate to a local centre and providing a facility that would contribute towards sustaining the continuing success of the centre. The cumulative improvement brought about by the amendments to the building as well as the social and economic benefits of the scheme are now sufficient to outweigh the identified harm to the setting and the significance of the designated heritage asset (Station Approach Dorridge Conservation Area) bearing in mind the statutory duties where the NPPF states that great weight should be given to the conservation of designated heritage assets.

The application is therefore recommended for approval.

MAIN ISSUES

The main issues in this application are: -

- Planning history of the site and the appeal decision
- Planning Principle of development
- Planning Impact upon the setting of the Conservation Area
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties; and
- Landscaping
- Highway issues
- Other Material Considerations
 - Drainage
 - Public Sector Equality Duty; and
 - Human Rights

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Local Flood Authority – Further information requested

Network Rail – No objection

Knowle, Dorridge and Bentley Heath Forum – Object

The KDBH Neighbourhood Forum has carefully considered this application and the relevant planning history, and specifically the Planning Inspector's report pertaining to this development Appeal Ref: APP/Q4625/C/19/3223403.

The Planning Inspector independently assessed all relevant matters and views in reaching her conclusions on the enforcement appeal (issued 2nd October 2020). The findings on ground a) of the appeal, particularly regarding the character and appearance of the development and harm to the Station Approach Conservation Area, were clear. The Forum is not aware of any material change in the planning circumstances since that decision was made.

The applicant has been given an opportunity to submit a scheme that addresses the Inspector's primary concerns. It is regrettable that this application has minimal regard to those findings and falls well short of a reasonable compromise. It is concluded that this application does not accord with the development plan, including policies VC2, E2, D1 and D2 of the Knowle Dorridge and Bentley Heath Neighbourhood Plan, for the reasons expressed by the Inspector in relation to her assessment of character and appearance in ground a) of the appeal.

We note the timescale for compliance with the enforcement notice was 2 April 2021. This matter therefore urgently requires a satisfactory resolution. In the event that the application is recommended for approval, we request that it is determined by the Planning Committee. In the meantime, if the application is subject to amendment we would wish to be notified.

- Comments in response to the re-notification on 10th December 2021.

These are, as described, minor changes and we have nothing further to add to our previous response, noting in particular our comments in the final paragraph regarding next steps

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

SMBC Heritage Officer – No objection subject to conditions

SMBC Highways – No objection.

SMBC Landscape – No objection (with the exception of the proposed Himalyan Birch tree) and subject to conditions

SMBC Public Protection – No objection subject to conditions.

West Midlands Police – No comments received.

PUBLICITY

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

85 responses were received to the original notification of which 5 were in objection, which included objections by the Knowle Society and Dorridge and District Residents Association and 80 were in support.

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

Objections

- Latest Application fails to address the issues relating to the first floor of the building.
- Planning Inspectorate Appeal Decision requires the first floor of the building to be removed.
- The scale and bulk of the first floor with its illegal roof addition is still unchanged.
- The building now standing is considerable larger than that originally approved for planning application PL/2017/00988/COU. The resultant appearance due to increase in height and the continued use of the timbered cladding of that approved for the ground floor to the first floor does not reflect well against the Victorian buildings on the opposite side in Station Approach.
- It is important that the principles of local planning regulations are upheld and, for the protection of all residents, any breach of planning permission or failure to comply with an Enforcement Order must be taken seriously. Failure to do so will encourage developers to believe they can exceed permission with impunity, while weakening homeowners defence against inappropriate alterations to neighbouring properties.
- The visual impact and harm upon the character and appearance to the Conservation Areas is significant.
- First floor flat roof addition creates an over-dominant and incongruous impact to the Victorian buildings' opposite.
- The increase in height allows the appearance of the buildings becoming more noticeable and does not 'blend in' with the background to this site, the railway land and buildings, make this development completely, incongruous, within its surroundings.
- The addition of a large window to Station Approach makes no difference to the scale and only adds to further lack of privacy for residents that live directly opposite, worse than the original scheme.
- The window frames are still an awful colour and don't sit well with the timber cladding. The original window scheme should be reinstated.
- The original scheme never supplied or finalized the landscaping details, Skogen just ripped out all the shrubbery and trees before that stage was reached.

- Timber fencing has been reduced in height but the planting of a supposedly 1600mm high but only 600mm wide?? "hedge" inside the fence will in no way soften the harshness of the enclosed feel. You won't see it through the closely boarded fencing.
- The suggestion in the proposal that even this hedge cannot be applied to Station Approach because of a ramp is also not true. The ramp was never agreed in the original scheme and therefore should be removed to allow for further soft landscaping OUTSIDE of the fencing.
- KDBH Policy D2 takes precedent over the Solihull Council Local Plan and such terms must be upheld. The 'bullet' points 4,5,6 and 7 must be reflected in giving consideration to this new Application.
- The Design & Access Statement has failed to address the Council's assessment for the development nor addressing the opinion, given, by the Planning Inspector.

Response to re-notification on 10th December 2021

The Knowle Society have objected for the following reasons:

- The Society, in welcoming further progress in the attempt to finalise the planning decision, unfortunately the major item of concern, namely the removal of the non-approved first floor extension, remains. The Planning Inspectorate Appeal Decision of 2nd October 2020 Paragraph 69 incorporates the words 'Remove from the premises the first floor extension above the building'.....
- Our approach in supporting and the reasons for agreeing to the Inspectorate's comment were confirmed in the Knowle Society's e-mail of the 26th April 2021.
- The Knowle Society continues to request the first floor extension is removed.

Support:

- Skogen is now very much an integral part of Dorridge life.
- Pleased to see effort being made to secure the revised planning consent to this valuable addition to Dorridge village.
- Fantastic to see the former HSBE bank eyesore and subsequent failed conversion attempt redeveloped to provide this much needed amenity bringing employment and a social venue to the village.
- Previous building was an eyesore
- Support proposed alterations which are sympathetic in style and design and massing and has no detrimental impact to the feel of the village or nearby conservation area.
- Building is much more in keeping with Dorridge than Sainsbury's shopping centre.
- Recent works to the site have greatly improved the look of the area.
- Skogen have taken account of concerns raised in relation to previous planning application and have modified plans to minimise/eliminate any adverse effect on the conservation area.

- Do not think the building is too tall with railway behind it and the tall buildings on the other side of the road it is perfectly in proportion.
- There are numerous examples of architecture where additions to old buildings are very modern in their appearance, very deliberately so, to act as a contrast and also to segregate one style of architecture and one period of history from another – Skogen achieves this aim sympathetically.
- Continued ability to have a second covered floor is vital to the survival of this dynamic young business which has already made a significant contribution to the life of Dorridge.
- Lots of business have suffered during the pandemic, especially the hospitality industry, by keeping the roof will not only give opportunity for more people to spend their money, but crucially it will retain, and create, jobs.
- The benefit of having this business and these business owners in the community are innumerable.
- Should be encouraging businesses to the area not trying to destroy them.
- Dorridge has a small but vibrant commercial area and this development gives an element of variation to the mix.
- The only other property available for casual drinking is the outside area of the Forest Hotel which is rapidly becoming a fairly "high-end" eating establishment. There is nowhere nearby that provides a casual cafe/bar environment for younger adults. The proposed development will alleviate this gap in local facilities.
- Even in the short time since the current development opened there has been a noticeable increase in other supporting businesses

Non planning matters:-

- Concern has been raised by supporters for the lack of consultation made by KDBH forum to the local populous. Therefore, in the supporters view comments made by the forum are not representative of the wider community.

RELEVANT PLANNING HISTORY

PL/2017/00988/COU - Construction of timber framed single storey extensions, cladding of structure and forming of new timber fencing to front entrance/boundary and around flat roof, use of roof as roof terrace with construction of access stairwell, alterations to fenestration, erection of railings and change of use to mix A3/A4. Approved 19.07.2017.

PL/2018/02828/PPFL - Change of use to A3/A4 and construction of timber framed single storey extensions plus first floor extension, cladding of structure and forming of new timber fencing to boundary, alterations to fenestration (Resubmission of planning approval PL/2017/00988/COU). Refused 07.12.2018. Appeal dismissed 02.10.2020 appeal ref: APP/Q4625/C/19/3223403.

Reason for refusal:

1. The proposed development, by reason of its scale, design, materials and external appearance, results in material harm to the character and

appearance of the street scene in what is a prominent position within the heart of Dorridge village centre at the junction of Station Approach and Grange Road. Alterations to a previously approved scheme create a building of greater scale and massing which will also cause a greater degree of 'less than substantial' harm to the significance of an adjoining designated heritage asset, namely the Station Approach Dorridge Conservation Area, and fail to preserve its character and appearance. This harm is not outweighed by the collective public benefits produced by the development. The proposal would therefore conflict with Policies P15 and P16 of the Solihull Local Plan 2013 and the requirements of the National Planning Policy Framework.

Due to the development being unlawful and the application being retrospective an enforcement notice was served. The applicant subsequently appealed the enforcement notice and the planning inspector dismissed the appeal in October 2020 giving the appellant 6 months to complete the works in accordance with the 2017 approved application. Appeal Ref: APP/Q4625/C/19/3223403.

Some key points from the inspectors report are as follows:

- Para 32: I find that the size of the extension and its width across the span of original building renders it an overtly prominent addition. It is particularly bulky and the use of light timber cladding and contrasting vibrantly coloured window frames add to the prominence of this extension. It adds an overbearing third storey onto the building when viewed from Grange Road and its relationship to the railway bridge is awkward.
- Para 33: I acknowledge that the approved scheme also includes a first floor element, the extension on site is much greater in size and is far more prominent. The glass balustrade enclosing the open first floor terrace does not overcome this. Neither would the addition of trailing landscaping. This first floor extension is, therefore, an unwelcome addition to the host building.
- Para 34: Whilst not within the Station Approach Dorridge Conservation Area (SADCA) boundary, the building has become an incongruent element within its setting and is an undesirable contrast when compared to those properties within the conservation area, as well as those along Grange Road.
- Para 35: Added to this, the loss of so much of the landscaping on the site is unfortunate, and its replacement with hard paved terraces does not result in an attractive element of the current scheme. I acknowledge, however, that additional landscaping could soften the appearance of these outside areas and could be required by condition. Notwithstanding this, the terraces have been enclosed with fencing, which I consider to be an unwelcome element of the current scheme, particularly because of its height. It interrupts views across the site and is in stark contrast to the otherwise open aspect of the surrounding area.
- Para 38: With particular regard to my findings in respect of the first floor extension and timber terrace enclosure, the development subject of the enforcement notice is detrimental to the appearance of the building and unsympathetic to the character of the surrounding area. For the reasons given above, the development subject of the

notice causes harm to both the character and appearance of the SADCA heritage asset and the wider area in this location.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2021, the National Planning Practice Guidance

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2021, the National Planning Practice Guidance.

Principle of development

Policy P19 of the Solihull Local Plan (2013) identifies Dorridge as one of a number of local centres within the Borough. P19 states that local centres need to be developed and sustained in a way which ensures their continued sustainability and economic success. The scale and nature of new development should reflect the centres role and function in serving local needs, the opportunity to reduce the need to travel or the need to sustain the economic viability and vitality of the centre.

Planning permission has already been granted for the change of use to café/restaurant and drinking establishment (formerly A3/A4 use class) together with extensions and cladding which at the time of the original application in 2017 were considered to provide a facility for local residents that would complement the range of existing entertainment/leisure facilities that are currently on offer within the local centre of Dorridge. The mixed use, instead of just restaurant café, was considered to have the potential to enhance the range of facilities on offer within the local centre and also encourage visits to the centre, which was considered to contribute to the economic success of the local centre as a whole.

At the appeal the Inspector did not question the principle of the development and as such the main consideration, therefore is whether the development following the proposed revisions (part retrospective) would be acceptable when compared to the dismissed appeal scheme, with the 2017 being the fall-back position.

Impact upon the setting of the conservation area

Neighbourhood Plan Policy VC2 requires new development shall seek to conserve and enhance the conservation areas and their heritage assets. Building design, signage, advertising and street furniture shall be in keeping with the character of the area. Policy VC3 expects designated heritage assets including conservation areas be protected, conserved and enhanced in accordance with national and local planning guidance and policies.

Policy P16 of the Solihull Local Plan (2013) expects developments to preserve or enhance heritage assets as appropriate to their significance. Similarly, the NPPF at paragraph 189 requires that heritage assets be conserved in a manner appropriate to their significance.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The NPPF notes

that adverse impacts upon heritage assets can arise from impacts upon settings, and not just direct impacts.

The application site is located adjacent to but not within Station Approach Dorridge Conservation Area. The boundary of the conservation area lies on the opposite side of Station Approach to the east, and to the south around the railway station building. The nearby heritage assets also include the single storey shops with Art Deco inspired glazed façade tiles on the opposite side of Station Road.

NPPF paragraph 195 requires that LPA's should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset as is the case in this instance. This paragraph should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206 of the NPPF states that 'local planning authorities should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The significance of Station Approach Dorridge Conservation Area as a Designated Heritage Asset (DHA) lies within its distinct, striking and attractive group of early 20th century properties of the Forest Hotel (c.1878), 1 to 23 Station Approach (1901-1902) and the station building (1878). These exhibit a consistent standard of design and details, including the use of red brick, plain tiles, applied timber details, coved canopies above shopfronts and dressed stone cills and stringcourse at the station building. The relationship of the buildings to the railway station and the evidence that they provide of the growth around the important transport node typical of the later 19th and early 20th century remains absolutely evident. The position of the group on the locally high point and the slope up from Station Road increase their positive impact on local character and distinctiveness.

The original building on the application site was a post war structure of a simplistic form, with no architectural or historic interest and offering no positive contribution to the setting of the conservation area (DHA). Its form has now been altered by the work undertaken. The garden areas that lie broadly to the north and south of the site make a positive contribution to the setting of the conservation area, as do the mature trees alongside Station Approach although this has been diluted somewhat by the removal of plants and trees. It is acknowledged that whilst the original bank building on the site had significantly less visual impact than the as built scheme, it was certainly not a positive building in itself.

The Conservation Area Appraisal logically identifies the approach from Station Road into Station Approach as an 'Important Approach', and by virtue of that as an important view. Whilst the historic buildings to the north, opposite the application site, are the key visual appeal of this approach with the station building as the backdrop, the prominent application site and building are part of the enclosure of the view to the south for viewers, and thus have a significant impact upon the appreciation of the conservation area.

At the appeal the Inspector found that the size of the extension and its width across the span of original building rendered it an overtly prominent addition. *"It is particularly bulky and the use of light timber cladding and contrasting vibrantly coloured window frames add to the prominence of this extension. It adds an overbearing third storey onto the building when viewed from Grange Road and its relationship to the railway bridge is awkward."* Paragraph 33 and 34 of the Inspectors decision concluded that the first floor extension was an unwelcome addition to the host building with the building having become an incongruent element within its setting and an undesirable contrast when compared to the properties within the adjacent conservation area.

When considering any application that affects a conservation area the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The approved 2017 scheme was considered to preserve the character and appearance of Station Approach Conservation Area. The 'as built' proposals were felt to cause less than substantial harm to it and failed this test. The public benefits of the scheme, including bringing the building back into use, economic benefit, creation of a number of jobs for local people level of support, clearly a valuable community use, were not considered to be so great to outweigh the level of harm identified. A conclusion with which the appeal Inspector agreed.

The current revised proposals seek to further alter the 'as built' scheme to reduce the impacts of the building and preserve the character and appearance of the conservation area. The alterations and their impact are explained below.

- Building envelope

In terms of the building envelope the solid timber wall facing the Conservation Area along Station Approach combined with high fencing were considered to interrupt views across a previously open corner, reducing some views into and out from the Conservation Area. Tall narrow clear backlit panels were approved in this wall, but not fitted. The concern about massing in this elevation was shared by the Inspector

at appeal. The applicant proposes modifications to try to increase visual permeability through both the building and site.

The proposed additional windows in the Station Approach side of the building together with a new window to the front elevation close to Station Approach will increase visual permeability and reduce the building's apparent solidity and mass. The new first floor side window to Station Approach will increase visual permeability at a prominent point, helping this aim. However, officers do not agree that it will give the suggested view through the first floor from Station Approach despite large areas of glazing on three sides, as in the roof the angle of view will mean that the solid building envelope or internal fixtures and fittings will usually interrupt views. Nevertheless, the windows will pay some regard to the character of shopfronts of the adjacent Conservation Area. The reassurance that the view through from Station Road will be to the bar as a potentially lively view, so that it suits the conservation area and the business too, is encouraging. A high screen wall or corridor would be unappealing in the view. These new glazed openings are welcomed subject to details including frame colour being black to match the remainder.

The applicants also propose to allow the timber cladding to weather to silver grey to reduce its visual contrast with Station Approach and its wider context. The larch boarding is said to be as approved, but the clear protective treatment has given the timber a slightly different hue and slowed down weathering apart from at the lower ends of boards where the end grain is wetted by the splashback of rainwater from the pavement. The muted weathered grey will be achieved in time.

It is also proposed to finish the vibrant coloured window frames to a more traditional satin black. This is considered to sit more comfortably alongside the larch cladding and give a less vibrant appearance that is suitably distinctive seen against or alongside the Station Approach parade. The recent repainting of some first floor frames confirms that this harmonizes with the current colour of the timber, and with the finish that will develop over time as the coating becomes paler through weathering and UV light effects. As a result the building, and particularly the first floor extension, blends in much better against the back drop of trees.

The proposed aluminium capping detail to the roof soffit and fascia is to have an increased overhang to 100mm in order to keep rainwater drips away from the timber cladding. The depth and colour of the capping will be unchanged and it is agreed that this should not have a negative impact.

- Boundary Enclosure

In terms of boundary enclosure the larch fencing is proposed to be lowered to 1.1m from 1.5m as built (retrospective), which is the same height as the railings approved in 2017.. However, in addition, the boundary fencing is now to include greater permeability through the removal or twisting of alternate posts by 90 degrees so affording greater visibility into the site. The fencing would be further altered by removing alternate posts on the Station Approach boundary which would allow some filtered light and views (alternate posts cannot be removed on the Station Road elevation due to the drop between the terrace and adjacent footpath) This would also reduce the bulk of the overall timber structure on the site and greatly improve

visibility to the active terrace and would help reveal planting on terraced areas which would help to greatly soften the appearance of the overall building.

- Landscaping

The proposed scheme would retain paving to the terrace and a three-year old silver birch tree. The planting of a second tree is welcomed in visual terms, as are new planting beds on the terrace. A full landscaping scheme has been provided during the lifetime of the application. The planting proposed would be visible above the lowered 1.1m fencing which would reintroduce soft landscaping onto the corner. As this proposed planting is offered in part to improve the appearance of the building next to the conservation area the assurance that the plants proposed can survive with reasonable care and maintenance in the planters or spaces that they are given is useful. This is covered in more detail in the main Landscape section of the report.

- Conclusion

Overall the 'as built' structure is more than a roof added to the approved first floor, with taller walls beneath that roof, glazed walls, and timber cladding enclosing the enlarged floor area. The roof is quite extensive and higher than any enclosing fence previously approved. The bulk and massing is helpfully shown for comparison on the drawings, and is significantly more than that of the approved scheme in this context where varied surrounding levels alter the perception of massing from different viewpoints.

The approved scheme included a 1.5m to 1.8m high timber fence to all sides at first floor. Together with the smaller first floor building this would have given a more limited increase in bulk and massing at first floor where there had only been a single storey building. The glass screen to the front part of the building is retained. This is preferable in terms of impacts upon heritage assets to a fence at this point and height above ground. However, the volume of building at first floor in excess of that approved means that even with this change the upper floor has more impact upon the experience of the conservation area than the approved scheme would have.

The proposed alterations to the 'as built' scheme seek to reduce both the mass of the building as a whole and the height and solidity of the fencing, and therefore to increase visual permeability across the site and through the building. The first floor structure is currently an enclosed floor area of significant width seen in the context of the conservation area, and from parts of this designated area.

The KDBH Forum considers the revisions to have had "minimal regard" to the Inspectors findings and fall well short of a reasonable compromise and as such the Forum do not consider that this application accords with the development plan, including policies VC2, E2, D1 and D2 of the Knowle Dorridge and Bentley Heath Neighbourhood Plan, for the same reasons expressed by the Inspector in relation to her assessment of character and appearance in ground a) of the appeal.

It is acknowledged that the changes would mean that the building appears modified to try to better fit its context, and does not adequately reflect the uniform design and built integrity of the historic shop parade opposite. However, the further alterations

made or proposed would succeed to some degree in reducing its impact on adjacent heritage assets. It should also be borne in mind that whilst each change appears relatively minor, the cumulative effect of all the changes, once complete, will have a bigger overall impact.

In terms of KDBH neighbourhood plan, policy states designated heritage assets including listed buildings, conservation areas and archaeological features must be protected, conserved and enhanced in accordance with national and local planning guidance and policies.

With paragraph 199 of the NPPF in mind, it is considered that the amount of first floor structure means that the building would still produce a low degree of 'less than substantial harm' to the significance of the adjacent conservation area. The 2017 approved scheme was also judged to cause a low degree of harm, but the extent of that harm was considered to be outweighed by the public benefits produced.

As required by NPPF paragraph 202, as 'less than substantial' harm to the significance of the designated heritage asset has been identified, any public benefits of the proposal would need to be weighed against the harm. As identified at the time of the original application, the public benefits are perceived to be bringing a vacant property back into use, the securing of a viable use that would be appropriate to a local centre and providing a facility that would contribute towards sustaining the continuing success of the centre together with the creation of approximately 15 full time equivalent jobs.

The public benefit test must therefore be applied to this revised scheme. The following bullet points summarise key changes as well as setting out the context within which the proposal must be considered against planning policy in overall terms. It is noteworthy that some points below have already been reported, whilst others appear in subsequent sections of this report:-

1. Door frames and window surrounds are to be changed from bright teal, to satin black.
2. Stained timber cladding is showing evidence of weathering, and over time with continued exposure to wind, rain and sunshine the timber cladding will continue to dumb down until it finally weathers to grey.
3. Aluminium capping is introduced to the roof soffit and fascia with an increased overhang of 100mm. This change will help increase shadowing and therefore articulation to the building, which in turn will provide a slight reduction in perceived scale.
4. Boundary fencing has been reduced back to the 2017 approval of 1.1m (from the first constructed 1.5m as assessed on appeal) with a further change proposed which is to remove every other post and then to rotate every other post by 90 degrees, the combined effect will enhance permeability and will better reveal landscaping within the terraced areas.
5. A full landscaping scheme has been submitted which bolsters existing landscaping on site.
6. An additional window is proposed on the flank elevation to Station Approach which will both aid permeability of the building but will also help introduce

passive surveillance and activity to the pedestrian route to the nearby train station.

7. The combined impacts of points 1-5 above will reduce the visual mass of the building.
8. The building has operated for a number of months now and demonstrates that the economic benefits achieved are secured, whereby the business provides for 6 full time and 30 part time jobs, being equivalent to 15 FTE.
9. The unobtrusive but unremarkable post war bank is now replaced by a building in active use.
10. The proposed opening hours of 10:00am until Midnight Monday to Saturday and 10am to 11pm Sundays and bank holidays will increase vitality and viability to Dorridge centre, especially assisting its existing night time economy.
11. The proposal extends the food offer of Dorridge.

For the above reasons, the magnitude of harm in this case would be less than that previously found in the 2018 refusal and subsequent appeal (ref: PL/2018/02828/PPFL) and only slightly greater than that of the approved scheme (ref: PL/2017/00988/COU) . In accordance with the Framework therefore the public benefits required to outweigh that harm should also be greater. It is considered that the public benefit test has been met with cumulative impacts of incremental improvements combining to outweigh harm to the character and visual appearance of the Station Approach Dorridge Conservation area. The proposal would meet the provisions within Neighbourhood Plan Policy VC2 Conservation Areas & VC3 Heritage Assets, Policy P16 Conservation of Heritage Assets and Local Distinctiveness of the Local Plan and the NPPF 2021.

Significant weight is given to this in the planning balance.

The effect of the proposal on the living conditions of the occupiers of neighbouring properties

Solihull Local Plan Policy P14 seeks to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses prohibiting development that would be significantly harmful because of smell, noise or atmospheric pollution.

The application site is located opposite a parade of commercial premises, some with residential units above and short distance from the Forest Hotel. Due to the local centre location and close proximity to the railway station and bus stop there is regular pedestrian and vehicular activity beyond (but close to) the boundaries of the site. There is an established night time economy at this local centre as evidenced by the uses of some units opposite the application site and further afield (but still within the local centre).

At the time of the 2018 application the changes to the approved scheme were considered to be acceptable in terms of impact on residential amenities subject to a condition restricting opening hours of the premises. At the appeal of the 2018 application the Inspector, at paragraph 51 of the decision, agreed with the Council in that it would be possible to control a mixed café and drinking establishment use of

the site in order to achieve compliance with policy P14. Unfortunately details approved by a discharge of condition that was referenced (PL/2017/02352/DIS) were not provided to the Inspector and as such the Inspector was not satisfied that the development would comply with Policy P14. The Inspector noted that those details could have been requested however it was not sought as it would not have overcome the overall conclusions on the ground (a) appeal and the deemed planning permission.

The discharge of condition application (PL/2017/02352/DIS) included 3 conditions relating to the control of noise, a scheme for refuse storage and details of mechanical extraction. The applicants submitted a Noise Statement, refuse to be stored within the secure yard behind the bar area and kitchen extraction was to be of a domestic scale with a wall mounted charcoal filter extraction with no air conditioning or commercial scale extract ducting proposed. SMBC Public Protection Officer was satisfied with the submissions that the conditions were discharged and SMBC Public Protection have advised that no complaints have been received about the premises

Whilst the hours of operation slightly exceed previous approvals (by 1 hour, from 23.00 to midnight for Mondays to Thursdays) it is felt that if issues had arisen previously, and caused complaint to SMBC, that such a request for further extension would be problematic. However, Public Protection are not aware that there have been any such complaints or enquiries suggesting loss of amenity issues from either a Friday or Saturday 23:00 -00:00 use, or from the use of the terraces. Furthermore the site is within the heart of the village where there are other late night premises including The Forest Hotel and hot food takeaways.

Since the appeal, however, additional windows are proposed on the Station Approach elevation including at first floor. These have been introduced to help alleviate the bulk and mass of the building by reducing the amount of timber cladding and providing views through the building. Third party representations have raised concerns that these windows will further impact on residential privacy of the occupiers of residential apartments above the commercial properties on Station Approach, opposite the site. Given the separation distances between the first floor window and the properties opposite which are circa 18m and the first floor elevation being at an angle facing away more than towards the road as it heads north, as well as the road in between, it is not considered to be any more harmful than the impact from the first floor terrace which were considered acceptable.

SMBC Public Protection have reviewed the application and, subject to conditions, are satisfied that the proposed use along with revisions to the as-built scheme and opening hours could be carried out without causing additional harm to residential amenities in accordance with Policy P14 of the Solihull Local Plan and NPPF.

This is given neutral weight in the planning balance.

Landscape

Policy P10 of Solihull Local Plan 2013 seeks to protect and enhance landscape features and Policy P15 seeks to safeguard important trees.

The small area of landscaped garden at the junction of Station Approach and Grange Road has been previously cleared. It was noted at the time of the previous application that the trees and plants were not scheduled for removal and the garden was attractive, however, none of the trees in this area were subject to TPO's. This area of land has always been within the application red line and site clearance prior to commencement of development is out of the Council's control.

However, paragraph 35 of the Inspector's decision stated *"Added to this, the loss of so much of the landscaping on the site is unfortunate, and its replacement with hard paved terraces does not result in an attractive element of the current scheme. I acknowledge, however, that additional landscaping could soften the appearance of these outside areas and could be required by condition. Notwithstanding this, the terraces have been enclosed with fencing, which I consider to be an unwelcome element of the current scheme, particularly because of its height. It interrupts views across the site and is in stark contrast to the otherwise open aspect of the surrounding area."*

Whilst railings to the boundaries would have been preferred, the reduction in height of the fencing, which has already taken place, has made the site much more open and less intrusive within the village centre. The additional revisions proposed will also increase visibility through the boundary treatment and add articulation where the alternate fence posts will be turned 90 degrees. These changes ensure that there is now an active frontage created by the terrace which would be visible from outside the site. This would no longer be in stark contrast to the surrounding area. Furthermore, the reduction in fence height and other alterations will increase visibility through the boundary treatment so that the additional soft planting will also be visible from outside of the application site.

A Landscaping scheme has been submitted during the lifetime of the application together with details of the size and depth of the planters within the terrace, which would be finished in timber to tie in with the boundary fencing. SMBC Landscape Officers are content with the soft landscaping proposed however concerns are raised regarding the second Birch tree, a Himalayan Birch, which due to the adult size of the specimen has brought into question the lack of tree pit detail and the volume of soil provided vs soil required for the tree to reach full maturity and thus its long term survival.

In response to these concerns the applicants advise that the tree will be planted directly into the freely-draining unconstrained soil that lies below the entire lower level terrace, rather than in a pot. SMBC Landscape Officers note that due to the structural stability of the terrace to accommodate its use by people and planters etc. there will have been some degree of compaction of the subsurface. The applicants advise that this is identical to the planting method and surface treatment that was used for the existing Silver Birch tree which does appear to be well established and growing well. With this in mind, together with a condition to require replanting within 5 years if the tree dies or becomes damaged etc, on balance Officers are of the opinion that the additional landscaping to the refused scheme and the soft landscaping further proposed is considered sufficient to overcome the harm previously identified.

This carries moderate weight in the planning balance.

- Highway issues

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.

Policy P8 of the Solihull Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

SMBC Highway Authority notes planning application PL/2017/00988/COU was previously submitted at the application site for the construction of timber framed single storey extensions, cladding of structure and forming of new timber fencing to front entrance/boundary and around flat roof, use of roof as roof terrace with construction of access stairwell, alterations to fenestration, erection of railings and change of use to mix A3/A4 (Café or restaurant / Pub or drinking establishment). The Highway Authority raised no objections to the previous application, which was subsequently approved by Solihull MBC on the 19th July 2017.

The Council's Highway Authority considers that it is unlikely that the proposals will generate a significant increase in vehicle trips compared to the existing uses to have a severe impact on public highway safety, or on the operation and capacity of the local highway network. The Highway Authority notes that on-street parking restrictions in the form of double-yellow lines are in place within the immediate vicinity of the application site to prohibit on-street car parking from occurring. Parking is permitted on the opposite side of Station Road to the application site, which is limited to 1 hour with no return within 1 hour, Monday to Saturday between the hours of 08:00 and 18:00. Buses and trains serve this location throughout the day.

Taking into account the above there would be no sustainable reasons which would warrant the application being refused on highway grounds; the application site is in a sustainable location well served by public transport and there are adequate public parking facilities within a short distance of the site and as such the proposal is considered to fully comply with SLP Policy P8.

This is afforded neutral weight in the planning balance.

Other Material Considerations

In terms of Drainage and the additional information requested, this was not a concern at the time of the previous applications and neither was it dismissed on this ground at appeal and as such it is not considered reasonable to request this information

Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

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

CONCLUSION

The proposal for the change of use of 2 Station Approach to a mixed use café/drinking establishment, including alterations and extensions is a re-submission of an earlier scheme seeking to regularise an as-built development that was refused and subsequently dismissed on appeal. The current application proposes amendments in order to overcome the reasons for refusal and the Inspector's decision.

The principle of the development is considered wholly acceptable and the use would compliment the existing local centre. The development is also considered acceptable in terms of residential amenity and highway safety.

The application site, which sits on a prominent corner in the Dorridge local centre, is located adjacent to but not within Station Approach Dorridge Conservation Area. The boundary of the conservation area lies on the opposite side of Station Approach to the east, and to the south around the railway station building. The National planning Policy Framework at paragraph 199 requires that "... great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

In this case, public benefits were identified in the Inspector's decision and were included within both the previous and current submissions. The public benefits are

perceived to be bringing a vacant property back into use, the securing of a viable use that would be appropriate to a local centre and providing a facility that would contribute towards sustaining the continuing success of the centre together with the creation of approximately 15 full time equivalent jobs.

The revised proposals to the 'as built' (refused) scheme would still include larger building with different external areas and fencing to the approved scheme which would still cause a low degree of less than substantial harm, but at a lower level than with the current impact of the 'as built' (refused) scheme. The degree of harm will be a little more than that of the approved scheme, and will be balanced against public benefits again. Some of these benefits have been proven to occur by the recent operation of the business supported by the level of local representation made in support of the proposals. The revised planting would also help to soften the views of the building if realistic subject to comments from SMBC Landscape Architects on their longevity. The reduction in fencing height has opened the site up and reduced its impact on this prominent corner.

The combined weight of the public benefits identified would likely be moderate. The magnitude of the harm in this case would be less than that previously found and only slightly greater than that of the approved scheme. In accordance with the Framework therefore the public benefits required to outweigh that harm should also be greater. The proposal, therefore, would meet the provisions within Neighbourhood Plan Policy VC2 Conservation Areas & VC3 Heritage Assets, Policy P16 Conservation of Heritage Assets and Local Distinctiveness of the Local Plan and the NPPF 2021.

RECOMMENDATION

The application is recommended for **APPROVAL** subject to the following conditions:

1 – CS00 – Plan Numbers

2 – Proposed revisions shown on drawings 5497/13F; 5497/15E shall be implemented within 4 months from the date of this permission, unless otherwise agreed in writing.

To ensure the impact of the development on the designated heritage assets and amenity is acceptable in accordance with Policies P14, P15 and P16 of Solihull Local Plan 2013.

3 - All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing number 5497/17B and within by the end of the current planting season (31st March 2022). 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. If within a period of 5 years from the date of planting of any tree or hedge, or that tree or hedge any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree or hedge 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.

To minimise the effect and enhance the character of the development in accordance with Policy P10 and P14 of the Solihull Local Plan 2013.

4 - Within 4 months from the date of this planning decision, a scheme shall be agreed in writing with the LPA, and implemented, which specifies the provisions to be made for the control of noise, including structure borne noise and vibration, noise from music and noise from customers in external areas (including the roof terrace), emanating from the site. Once written approval has been issued, the noise control measures must be implemented before the use commences, maintained and used in accordance with the agreed scheme thereafter.

To protect the neighbourhood from any increase in ambient noise levels in accordance with Policy P14 of the Solihull Local Plan (2013).

5 - Within 4 months from the date of this planning decision any air conditioning, electrical or mechanical ventilation, or kitchen extract ventilation scheme must be installed and thereafter used and maintained in accordance with a scheme to be submitted and approved in writing by the LPA. Note: The scheme should specify in detail the provisions made to control noise and odour.

To protect the neighbourhood from dust, fumes, odour or noise emissions in accordance with policy P14 of the Solihull Local Plan 2013.

6 - The use hereby permitted shall operate only between the hours of 10:00 and midnight Monday to Saturday and between the hours of 10:00 and 23:00 on Sundays and Bank Holidays. No roof terrace, internal or external areas shall be occupied by any customers beyond these times specified, and steps shall be put in place to ensure all external areas are cleared of customers as required.

To minimise the effect of the proposal on the neighbourhood in the interests of the character of the site and amenities of the area in accordance with Policy P14.

Informatives

Network Rail



Appeal Decision

Site visit made on 10 July 2020

by **J Moss BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2020

Appeal Ref: APP/Q4625/C/19/3223403

Land at 2 Station Approach, Dorridge, Solihull, B93 8JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr John Martin of Skogen Limited against an enforcement notice issued by Solihull Metropolitan Borough Council.
 - The enforcement notice was issued on 28 January 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission;
 - i) The unauthorised development of the erection of a timber framed single storey extension plus first floor extension, cladding of structure, forming of new timber fencing to boundary, alterations to fenestration, erection of railings, installation of extractor vent (as shown on the enclosed refused plan number 5497/06 F, as refused by application reference PL/2018/02828/PPFL) and
 - ii) The material change of use of the premises from an A3 Café use to a mixed use including A3 Café and A4 drinking establishment.
 - The requirements of the notice are:
 - EITHER;
 - a) Cease the use of the premises as a mixed A3 and A4 use, and return to the lawful use of the premises within use class A3 (restaurants and cafes) of the Use Classes Order 1987 (as amended):
 - AND
 - b) Demolish: the timber framed single storey extension, first floor extension, cladding of structure, new timber fencing to boundary, alterations to fenestration, railings and installation of extractor vent, and return the premises to its condition prior to the breach commencing and remove all the demolished materials and rubble from the premises arising in compliance with this requirement.
 - OR
 - c) Make alterations to the premises so as to bring the premises into physical conformity with the approved planning scheme with planning reference number PL/2017/00988/COU as shown on the two approved drawing numbers 5497/01J and 5497/03A attached to this notice.
 - The period for compliance with the requirements is one month for requirement a) and 6 months for requirements b) and c) from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (g) of the Town and Country Planning Act 1990 as amended.
-

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Procedural Matters

1. The appeal is made by Mr John Martin of Skogen Limited. He has provided a statement to say that he is the father of the owner of Skogen Limited, Mr Scott Buchanan Martin. Mr Scott Martin is stated as being the applicant on the

decision notices relating to the two most recent planning applications for the site, referred to below. Mr John Martin indicates that Skogen are the occupiers of the premises. I noted during my site visit that Skogen was the name advertised for the premises. On this basis I have regarded the appellant as Skogen Limited, as referred to on the front cover of the appellant's statement of case and hearing statement, and I am satisfied that this company was the recipient of the notice and entitled to make the appeal, being 'the owner or any occupier' in the list of persons served with a copy of the notice.

2. With regard to the planning history relevant to this appeal, planning permission was granted in 2011 for the 'change of use from A2 to A3 (from bank to café bar)'. The appellant has included a copy of this decision notice in appendix 1 of its hearing statement. Whilst the appellant as referred to this as application reference PL/2011/00171/CU, the reference given on the decision notice is 2011/598.
3. After the appellant secured an interest in the site in 2017, an application was made and a conditional permission granted (Council reference PL/2017/00988/COU) on 19 July 2017 for extensions and alterations to the premises, as well as the 'change of use to mix A3/A4'. A subsequent planning application (Council reference PL/2018/02828/PPFL) sought permission for alternative alterations and extensions to the premises, as well as a 'change of use to A3/A4'. This application was refused on 7 December 2018. The plans submitted with the 2017 and 2018 applications are referred to in the enforcement notice. I have had regard to the above planning history in reaching my decision in this case.
4. On a separate matter, in the appellant's hearing statement reference is made to the lack of an officer report in respect of the planning application reference PL/2018/0282/PPFL. Whilst this is noted, the appeal before me is not in respect of the refusal of that application. The appellant has attached to its statement (appendix 10) two officer reports in which reasons for the issue of the enforcement notice that is the subject of this appeal are explored. Whilst I acknowledge that the reasons given in the report are limited, they reflect those given in the enforcement notice. Accordingly, whether or not the appellant had access to an officer report relating to the PL2018/0282/PPFL planning application is not relevant to the validity of the enforcement notice in question.
5. Since the issue of the enforcement notice and the subsequent appeal, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) have amended The Town and Country Planning (Use Classes) Order 1987 as amended (the Order). One of the changes introduced by the Regulations is to remove the former A4 use class 'Drinking establishments' so that drinking establishments no longer fall within any use class identified in the Order. The changes came into effect on 1 September 2020. The views of the parties were sought on the amendment to the Order and the implications for this appeal. As well as the amendments to the Order, I have also had regard to the comments received.
6. Finally, under the appellant's ground (c) appeal it is suggested that the matters alleged in the notice do not constitute a breach of planning control as the use of the premises for a mixed café and drinking establishment has the benefit of the permission granted by the approval of the 2011/598 planning application. Whilst my conclusion in respect of the ground (c) appeal is that the 2011

permission did not grant consent for the mixed café and drinking establishment use, I must nevertheless address the appellant's assertion that the premises was previously operated as 'a bar (i.e. a drinking establishment)'. I have, therefore, considered this matter under a ground (d) appeal¹, i.e. that at the date the notice was issued no enforcement action could be taken against the breach. My consideration of this ground of appeal is, however, only confined to the matter of the material change of use as there is no suggestion that the operational development is immune from enforcement action.

The Notice

7. The notice alleges both a material change of use and operational development in breach of planning control. With regard to the operational development, the notice is directed at works to extend and alter the premises. A list of 'unauthorised development' is provided in paragraph 3 (i) and this is repeated at paragraph 5 (b) with a requirement to 'demolish' those items listed. Having regard to these paragraphs of the notice, I am not satisfied that these clearly describe the operational development to which the notice relates and what the recipient of the Notice must do to comply with it. Whilst I acknowledge that paragraph 3 (i) refers to plan number 5497/06 F (which forms part of the refused 2018 scheme) to illustrate the unauthorised works alleged to have been undertaken, I am not certain that this provides any meaningful assistance. For example, the plan does not assist in locating the cladding referred to in paragraph 3 (i) and the requirement at paragraph 5 (b) to 'demolish...alterations to fenestration' could be regarded as confusing.
8. My concerns as set out above are not shared by the appellant. Indeed, having considered the appellant's evidence, I am satisfied that it is aware of what is the subject of the notice and what it should do to comply with it. The appellant made both the 2017 and 2018 planning applications and confirms that it undertook the recent works to the site. Accordingly, I am satisfied that the appellant can recall the condition of the site prior to the alleged unauthorised works taking place and understands what works have been undertaken without the benefit of planning permission. I am satisfied that I can correct the Notice to overcome the issues I have identified without causing injustice to any party.
9. In addition to the above, requirement 5 (c) of the notice is provided as an alternative to requirement (a) and (b). It requires the works necessary to bring the development into accordance with the scheme permitted by the approval of the PL/2017/00988/COU planning application. It is clear that the intention of this requirement is also to bring the development within the control of the conditions of that planning permission. As such, and for the avoidance of any doubt, I will vary the notice so as to specify this.
10. Part 3 (ii) of the notice describes the mixed use as 'including' a café and drinking establishment use. This suggests that there may be other uses forming part of the mixed use. However, neither party has referred to any other uses taking place on the site. As such, I will vary part 3 (ii) of the notice to remove the word 'including'. This part of the Notice also refers to use classes within the Order, without making reference to the Order itself. I will add reference to the Order for the avoidance of doubt.

¹ Under section 174(2)(d) of the Town and Country Planning Act 1990 as amended

11. Use class A4 is referred to in Part 3 (ii) of the notice. As noted above, the Order has been amended so as to remove use class A4 (drinking establishments). I will, therefore, vary the notice to remove reference to use class A4.
12. Finally, requirement 5 (a) of the Notice will also be varied so as to refer to the full description of the mixed use and the full title of the Order. The requirement to return the premises to 'the lawful use...within use class A3 (restaurants and cafes)' will also be removed as it is not necessary to require the use of the premises to return to a particular use.
13. I am satisfied that no injustice will be caused by any of the corrections or variations specified above.

Ground (c)

14. To succeed on ground (c), the appellant must demonstrate that, on the balance of probability, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is on the appellant. The appellant's ground (c) appeal is directed at the alleged material change of use referred to in the enforcement notice and not the operational development. As such, I have not considered the operational development referred to in the notice under the ground (c) appeal.
15. In the appellant's statement of case it is suggested that the mixed café and drinking establishment use (falling within use class A3 and A4 respectively of the Order) had the benefit of the planning permission granted by the approval of the PL/2017/00988/COU planning application. However, the appellant's position on the ground (c) appeal changed in its hearing statement. There the appellant accepts that the 2017 planning permission has not been implemented. Accordingly, I have not considered this element of the appellant's case under ground (c) further.
16. Instead, the appellant now suggests that the current mixed café and drinking establishment use has the benefit of the permission granted by the approval of the 2011/598 planning application. The appellant asserts that, at the time the 2011 permission was granted (11 August 2011), the Order had not been amended to reduce the scope of class A3 from 'food and drink' to 'restaurants and cafés', and introduce use class A4 'drinking establishments'. This is not, however, correct. These amendments to the Order came into force on 21 April 2005 by virtue of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. As such, at the time the 2011 permission was granted, use class A3 (as specified in the description of the proposal) only related to a 'use for the sale of food and drink for consumption on the premises' and not to the drinking establishment use.
17. Whilst I acknowledge that the description of the development approved by the 2011 permission included the word 'bar', it does not follow that permission was granted for a drinking establishment use alongside the café use. The proposal is not described in the 2011 decision notice as a mixed use as a café **and** bar or, indeed, as a mixed A3 and A4 use. Furthermore, it is of note that reference is made in the description of the proposal to use class A3, and not to use class A4, which at the time squarely related to a drinking establishment use.

18. For the above reasons I find that, on the balance of probability, the 2011 permission did not grant consent for a mixed use as a café and drinking establishment. That the approved layout for the premises shows a 'counter' and a separate 'kitchen'² does not alter my findings in this regard. It is commonplace for restaurants and cafés to have a serving counter separate to the kitchen in the premises.
19. On the basis of the evidence before me, I conclude that on the balance of probability the material change of use specified in the notice constitutes a breach of planning control since there is no planning permission for it. As a consequence of this the appeal on ground (c) fails.

Ground (d)

20. An appeal on this ground is that, at the date on which the notice was issued, no enforcement action could be taken in respect of any breach of planning control that may be constituted by those matters. As noted above, my consideration of this ground (d) appeal is confined to the matter of the material change of use of the premises to a mixed use as a café and drinking establishment. In order to succeed on this ground, the appellant must show that the use had been continuous for a period of ten years beginning with the date of the breach³. The test in this regard is the balance of probability and again the burden of proof is on the appellant.
21. The appellant's evidence suggests that the 2011 permission for a 'change of use from A2 to A3 (from bank to café bar)' was implemented in late 2011 and that, prior to this, the premises had been used as a bank. It is suggested that the premises became vacant in approximately 2015. It is the appellant's case that from 2011 the premises operated as a drinking establishment.
22. If the premises was used as a drinking establishment, as suggested by the appellant, or as a mixed use comprising a café and drinking establishment, there is no suggestion that such a use existed prior to late 2011. The enforcement notice was issued in January 2019. As such, the mixed use of the premises as alleged in the enforcement notice had not, on the balance of probability, begun more than 10 years prior to its issue. It therefore follows that the Council could take enforcement action in respect of the breach of planning control (i.e. the alleged mixed use) when it did. For this reason, the appeal on ground (d) fails.

Ground (a) and the deemed application for planning permission

Main Issues

23. The appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated three substantive reasons for issuing the enforcement notice.
24. The third of these reasons is that, without the necessary planning conditions, the development would cause material harm to amenity. The Council have not, however, expanded on this in its appeal statement by identifying the particular harm to amenity that it suggests is caused. The section of the Council's appeal

² As shown on the drawings in appendix 1 of the appellant's hearing statement.

³ In accordance with section 171B of the Town and Country Planning Act 1990 as amended.

statement that refers to 'impact on residential amenity' is an extract of the officer report prepared in respect of the PL/2018/02828/PPFL planning application, which considers the material change of use in the context of the planning application, but does not assist in identifying the harm that results from the uncontrolled material change of use.

25. In view of the above, I have had to interpret the Council's third reason for issuing the enforcement notice. In doing so I note that the Council's appeal statement identifies residential units above the parade of shops on Station Approach, which I noted on my site visit. It also suggests there is regular pedestrian and vehicle activity close to the boundaries of the site that result from the nearby railway station, which is in close proximity to the rear of the site. Furthermore, in the section of the notice that identifies harm to amenity, the Council suggest the development is contrary to Policy P14 (Amenity) of the Solihull Local Plan December 2013 (SLP), which refers to harm that results from smell, noise or atmospheric pollution.
26. Having regard to the above, and noting the two other reasons the Council have given for issuing the enforcement notice, the main issues I have identified in this case are as follows:
 - The effect of the development on the character and appearance of the surrounding area, and whether or not the development preserves or enhances the character or appearance of the Station Approach, Dorridge, Conservation Area (SADCA) heritage asset (including consideration of benefits arising from the development⁴); and
 - The effect of the development on residential amenity and the amenity of the area as a whole.

Reasons

Character and Appearance:

27. The appeal site is within a high street location and comprises a triangular shaped plot at the junction of Grange Road and Station Approach. It is occupied by a building that has been extended and altered as described in the corrected and varied enforcement notice. There are hard surfaced terraces to the front of the building and there is a small coppice of trees to the rear, on the adjoining land.
28. The site is outside of but adjacent to the boundary of the SADCA, which consists of the row of properties and public house opposite the appeal site, on Station Approach, and the railway station to the rear of the site. The properties within the SADCA form a distinctive and fairly well preserved collection of early 20th century buildings. The features of these buildings are striking, not least due to the uniformity in their design and use of materials. The wide pavements and fairly open road layout also contribute to their significance. These buildings also provide a particularly attractive and positive addition to the wider high street area.
29. In addition to the above and within the immediate vicinity of the appeal site is a short row of commercial properties on the opposite side of Grange Road.

⁴ As required by paragraph 196 of the National Planning Policy Framework.

- Although not within the conservation area, this short row of single storey retail units add to the pleasantness of this area.
30. As the principle elevations of the properties along Station Approach and Grange Road, described above, face towards the appeal site and the junction on which it sits, the site is squarely within the immediate setting of these properties. Indeed, the site is particularly prominent within this setting and sits within an important approach to the conservation area as identified in the SADCA Appraisal.
 31. Judging from the photographs provided of the building and the appeal site prior to the works subject of the enforcement notice taking place, it is my view that the appeal site would not have made a positive contribution to the surrounding area and the setting of the adjoining heritage asset. The building was plain and utilitarian in its design, and its appearance would have jarred with the striking design and detailing of the properties within the SADCA. Notwithstanding this, I can see that the single storey building had a compact footprint and that there was less hard surfacing than is on site today. Having regard to the photographs provided, the building and the site would have been subservient in its character when compared to the surrounding built development, particularly that on Station Approach. Accordingly, I am of the view that the impact the appeal building would have had within its setting would have been limited due to its small size and low level design.
 32. I note that the Council's principal concerns with regard to the development subject of the enforcement notice are in respect of the addition of the first floor extension. With regard to this element of the development, I find that the size of the extension and its width across the span of original building renders it an overtly prominent addition. It is particularly bulky and the use of light timber cladding and contrasting vibrantly coloured window frames add to the prominence of this extension. It adds an overbearing third storey onto the building when viewed from Grange Road and its relationship to the railway bridge is awkward.
 33. Whilst I acknowledge that the approved scheme also includes a first floor element, the extension on site is much greater in size and is far more prominent. The glass balustrade enclosing the open first floor terrace does not overcome this. Neither would the addition of trailing landscaping. This first floor extension is, therefore, an unwelcome addition to the host building.
 34. When considered within the context of the appeal site, the extension results in a building that is no longer subservient to the surrounding built development, particularly when viewed along with the two terrace rows either side of the appeal site (i.e. along Station Approach and Grange Road). Whilst not within the SADCA boundary, the building has become an incongruent element within its setting and is an undesirable contrast when compared to those properties within the conservation area, as well as those along Grange Road.
 35. Added to this, the loss of so much of the landscaping on the site is unfortunate, and its replacement with hard paved terraces does not result in an attractive element of the current scheme. I acknowledge, however, that additional landscaping could soften the appearance of these outside areas and could be required by condition. Notwithstanding this, the terraces have been enclosed with fencing, which I consider to be an unwelcome element of the current scheme, particularly because of its height. It interrupts views across the site

and is in stark contrast to the otherwise open aspect of the surrounding area. Whilst I acknowledge the appellant's reasons for its erection, as opposed to the use of railings to enclose this front area, these do not justify such a detrimental feature within the street scene.

36. With regard to the other elements of the development that are the subject of the enforcement notice, I acknowledge that the single storey extension to the rear and side of the building have increased its presence on the site. Nevertheless, these extensions are not particularly prominent in view of their low level and location. I note the Council suggest that the cladding used on these extensions and on small areas of the original building does not accord with the details approved in the 2017 scheme. I have not, however, been provided with the approved details. Although the finish of the timber cladding is light, I do not find the materials used on these low level elements of the building objectionable and a darker stain could be required by way of a condition. Similarly, the change in fenestration in the front and side elevation of the original building is satisfactory.
37. Whilst I note the Council's objection to the enclosed waste storage area, this is adjacent to a secondary elevation of the building and is inconspicuous in its appearance. There is no evidence that would lead me to conclude that the appellant would not maintain this area going forward.
38. With particular regard to my findings in respect of the first floor extension and timber terrace enclosure, the development subject of the enforcement notice is detrimental to the appearance of the building and unsympathetic to the character of the surrounding area. For the reasons given above, the development subject of the notice causes harm to both the character and appearance of the SADCA heritage asset and the wider area in this location.
39. In reaching the above conclusion, I have had regard to the significant number of representations that suggest that the development is acceptable in terms of its size, scale and appearance, and that it makes a positive contribution to the character of the SADCA and the wider village centre. I acknowledge that the site and building would not have made a positive contribution to the area, including the setting of the heritage asset, in its previous condition. Whilst the development subject of this appeal may well have improved the previously unkempt appearance of the site, for the reasons given above I am unable to conclude that the site makes a positive contribution or preserves local character and distinctiveness.
40. Particular reference has been made by the appellant to the scheme of development granted planning permission by the approval of the PL/2017/00988/COU planning application. Indeed, many of the supporters of the appeal allege that the Council are attempting to revoke the 2017 permission and have objected to this. Whilst the enforcement notice, as corrected and varied, is aimed at all of the recent alterations and extensions to the appeal building, including those at ground floor, the requirements of the notice refer to the approved 2017 scheme and acknowledges this as a genuine fall back option. I have viewed the 2017 scheme in the same vein; reaching my decision having regard to the development approved by that permission.
41. I acknowledge the proximity of the modern development, including Sainsburys, along nearby Station Road and to the rear of Station Approach. However, this does not have the same close relationship as the appeal site does with the

- principle elevations and frontages of the conservation area properties. The railway station's lift tower is within close proximity to the site, but is in a less prominent location than the development subject of this appeal.
42. My attention has been drawn to the railway bridge that is within the immediate setting of the appeal site. Whilst the bridge appears to be in need of painting, it is a functional feature that is clearly related to the nearby railway station. It is, therefore, part of the historic fabric of the area and does not have a negative effect on the setting of the SADCA, which includes the railway station itself. With regard to the advertisement hoarding, whilst such features may not make a positive contribution to the setting of the heritage asset, their presence does not justify the harm I have identified as a result of the development subject of this appeal.
 43. The presence of the above mentioned development, other recent development in the area and other items that have been drawn to my attention do not alter my conclusions with regard to the effect of the development subject of this appeal on the character and appearance of the area and the setting of the SADCA heritage asset.
 44. I have identified harm with regard to the effect of the development on the significance of the SADCA, although the harm caused to the heritage asset in this case would be less than substantial. In these circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) makes it clear that where less than substantial harm to the significance of a designated heritage asset would occur then this has to be weighed against the public benefits of the proposal.
 45. The appellant has highlighted job creation in the local area and a positive contribution to the vitality and viability of the village centre as benefits of the scheme. Indeed, I acknowledge the significant number of letters of support for the business. Whilst these public benefits would of course exist if the appellant were to implement the approved 2017 scheme, I acknowledge that they are likely to be greater with the increase capacity provided by the first floor addition.
 46. The appellant suggests that the first floor element would allow for better control of the use of the upper floor, compared to the approved open terrace. Whilst this may well be a public benefit of the scheme, I note that a condition has been imposed on the 2017 permission that only allows the use of the roof terrace on a temporary basis. The Council could prevent the use of the roof terrace in the long term, should its use become problematic. This public benefit of the development is, therefore, limited.
 47. I am not persuaded that the fencing enclosure of the front terrace would provide a greater degree of site security and less incidents of anti-social behaviour than the approved railings. Furthermore, whilst I note that the scheme has been designed to control pests and rodents, the effect of such matters is dealt with under separate legislation.
 48. Having regard to the above, I conclude that there are some public benefits to the development that weigh in its favour, but these are limited. Furthermore, the Framework makes clear in paragraph 193 that great weight should be given to the conservation of a heritage asset. Accordingly, I find that the harm

that would occur to the SADCA is not outweighed by the public benefits outlined above.

49. To conclude on this first main issue, the development subject of the enforcement notice has an unacceptable effect on the character and appearance of the surrounding area. Furthermore, it neither preserves nor enhances the character or the appearance of the SADCA heritage asset⁵. The development does not, therefore, accord with policies P15 (Securing Design Quality) and P16 (Conservation of Heritage Assets and Local Distinctiveness) of the SLP as its scale and massing does not respect the surrounding built and historic environment, and it fails to conserve and enhance local character.

Amenity:

50. I note that Policy P14 of the SLP seeks to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses by prohibiting development that would be significantly harmful because of smell, noise or atmospheric pollution. Notwithstanding this, the Council have confirmed that it does not object to the mixed use of the premises as a café and drinking establishment, provided that appropriate conditions can be imposed to control the use. A list of conditions has been suggested by the Council, which refer to plans approved by reason of a condition discharge application reference PL/2017/02352/DIS.
51. I have no reason to disagree with the Council in that it is possible to control a mixed café and drinking establishment use of the site in order to achieve compliance with Policy P14. I have not, however, been provided with the details approved in the condition discharge application referred to above. Without these details I cannot be satisfied that the development would have an acceptable effect on residential amenity and the amenity of the area as a whole and, therefore, accord with the aims of Policy P14 of the SLP.
52. Whilst I acknowledge that these details could have been requested from the parties, this was not sought as it would not have overcome my overall conclusions on the ground (a) appeal and the deemed planning application.

Other Considerations and the Planning Balance:

53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if 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 in accordance with the plan unless material considerations indicate otherwise. I have found that the development fails to accord with the development plan. It is, therefore, necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.
54. I have already had regard to the public benefits of the scheme, as set out in consideration of the first main issue above. In addition to this, I acknowledge the appellant's suggestion that the viability of the business would be uncertain in the event that the appeal is dismissed. I have not, however, been provided with any comparative viability studies to show that the business would be unviable if operated within the building as extended and altered in accordance

⁵ The general duty as respects conservation areas in exercise of planning functions - Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended

with the approved scheme, or that the cost of carrying out the work necessary to comply with the approved scheme would render the business unviable. Neither has it been suggested that it would not be possible to find another occupier of the premises. Accordingly, I can only attach limited weight to the appellant's contentions regarding the viability of the business going forward in the event that the appeal fails.

55. In addition to the representations objecting to the development subject of the appeal, including that from the Knowle, Dorridge and Bentley Heath Neighbourhood Forum, I note the significant volume of support for the appeal. A substantial number of these are briefly stated and a substantial number are also from customers of the premises who are concerned that it will close if the appeal fails. There is also concern that the site would become derelict and return to its former condition in this case. Whilst I have had regard to the representations in support, these do not in themselves outweigh the harm I have identified in this case. This is particularly so as I have been provided with insufficient evidence that the viability of the business would be uncertain should the appeal fail, as set out above, or that the premises will remain vacant and fall into disrepair.
56. A number of supporters of the development have suggested that the Council was unduly influenced in its decision to initiate enforcement action by the presence of a nearby public house, but there is no evidence before me to support that.
57. I accept that the development could be regarded as compliant with a number of the development plan policies, including those in The Knowle, Dorridge and Bentley Heath Neighbourhood Plan, details of which have been provided by the appellant. However, I can only regard this as having a neutral effect in this balancing exercise, rather than it weighing in favour of the scheme.
58. Having regard to the above, I conclude that the material considerations in favour of the development are not of sufficient weight to indicate that determination of this ground (a) appeal and the deemed planning application should be made otherwise than in accordance with the development plan.

Could planning permission be granted for any part of the matters stated in the notice as constituting a breach of planning control?:

59. Notwithstanding my conclusion that permission should not be granted for the development as a whole (as alleged in the enforcement notice), section 177(1)(a) of the Town and Country Planning Act 1990 as amended provides that, on determination of an appeal under Section 174, the Secretary of State may grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to any part of the land to which the notice relates. Applying the wording of Section 177(1)(a) to this case, I must consider whether I could grant planning permission for any part of the matters constituting a breach of planning control alleged in the notice.
60. The enforcement notice has been constructed so as to be directed at two matters; those being a material change of use and operational development. I have concluded that the development as a whole would cause harm to the character and appearance of the surrounding area, as well as the setting of the

SADCA heritage asset. For this reason I conclude that permission should not be granted for the breach of planning control alleged in the notice consisting of the operational development.

61. As for the material change of use, if compliance with requirement 5 (c) (as corrected and varied) is achieved, the mixed use of the premises as a café and drinking establishment would, as a result, benefit from the planning permission granted by the PL/2017/00988/COU permission.
62. With regard to the mixed use of the building that would remain without the operational development referred to in the enforcement notice⁶, I note that there are no objections from the Council to this prospect. However, no conditions have been suggested that would ensure the use would operate so as to have an acceptable effect on residential amenity and the amenity of the area as a whole, in accordance with the aims of Policy P14 of the SLP. In the absence of appropriate conditions, I am not minded to grant permission for the breach of planning control alleged in the notice consisting of the material change of use.

Conclusion on the appeal on ground (a) and the deemed planning application:

63. I have found that the development conflicts with the development plan when read as a whole. I have not been advised of any material considerations, which includes the identified benefits of the scheme, of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. Neither can I be satisfied from the evidence before me that the imposition of conditions could overcome the harm I have identified. Accordingly, I conclude that planning permission ought not to be granted. As a consequence, the ground (a) appeal fails.

Ground (g)

64. By appealing under ground (g) it is the appellant's case that the period specified in the notice falls short of what should reasonably be allowed. The notice requires the material change of use to cease in one month and the works to comply with requirement 5 (b) or 5 (c) in 6 months. The ground (g) appeal is in respect of the 6 month period. The appellant has suggested a 12 month period for compliance, whereas the Council have confirmed they are satisfied with a period no longer than 9 months.
65. The appellant suggests that a period longer than 6 months is required to, essentially, find contractors to undertake the required works and for those contractors to schedule and undertake those works. Whilst I acknowledge that the works required to comply with either 5 (b) or 5 (c) would not be insignificant for any contractor, the appellant has not suggested that there is a particular problem in this area securing a contractor to undertake these works, or that the conditions on site make these works more difficult than would normally be expected. Six months is a substantial period and not an unreasonable period for such works to be completed.
66. As the appellant has not provided any substantiated evidence to show that the requirements of the notice cannot be complied with within 6 months, I have no reason to conclude that the period specified in the notice falls short of what should reasonably be allowed. For this reason, the ground (g) appeal fails.

⁶ i.e. the building that would remain following compliance with requirement 5 (c) only of the notice.

Conclusions

67. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

Formal Decision

68. It is directed that the enforcement notice is corrected by:

- The deletion from part 3, paragraph (i) of the words 'The unauthorised development of the erection of a timber framed single storey extension plus first floor extension, cladding of structure, forming of new timber fencing to boundary, alterations to fenestration, erection of railings, installation of extractor vent (as shown on the enclosed refused plan number 5497/06 F, as refused by application reference PL/2018/02828/PPFL)' and their substitution with 'The erection of a first floor extension above the building on the premises; the erection of a single storey extension to the rear of the building; the erection of a single storey extension to the side of the building facing Station Approach; the cladding of the building with timber; the alteration and installation of new windows and window frames in the front elevation of the building and the side elevation of the building facing Grange Road; the erection of an extractor vent on the side elevation of the building facing Grange Road and on the rear elevation of the building; the erection of timber fencing along the boundary of the premises with Grange Road and Station Approach; the erection of railings to the side of the building adjacent to Grange Road and around the terrace to the front of the building. These extensions and alterations are shown on the plan hereby attached to this notice and numbered 5497/06 F; and'; and
- The deletion from part 3, paragraph (ii) of the words 'an A3 café to a mixed use including A3 café and A4 drinking establishment' and their substitution with 'a use as a café falling within Use Class A3 of the schedule of The Town and Country Planning (Use Classes) Order 1987 as amended (the Order) to a mixed use as a café and drinking establishment'.

69. It is directed that the enforcement notice is varied by:

- The deletion from part 5, paragraph (a) of the words 'A3 and A4 use, and return to the lawful use of the premises within use class A3 (restaurants and cafes) of the Use Classes Order 1987 (as amended)' and their substitution with 'café and drinking establishment use';
- The deletion from part 5, paragraph (b) of the words 'Demolish: the timber framed single storey extension, first floor extension, cladding of structure, new timber fencing to boundary, alterations to fenestration, railings and installation of extractor vent' and their substitution with 'Remove from the premises the extensions to the side, rear and first floor of the building; remove the timber cladding from the building on the premises; remove the windows and window frames from the front and side elevation of the building; remove from the building the extractor vent; remove from the premises the timber fencing; remove from the premises the railings;'; and
- The deletion from part 5, paragraph (c) of the words 'Make alterations to the premises so as to bring the premises into physical conformity with the

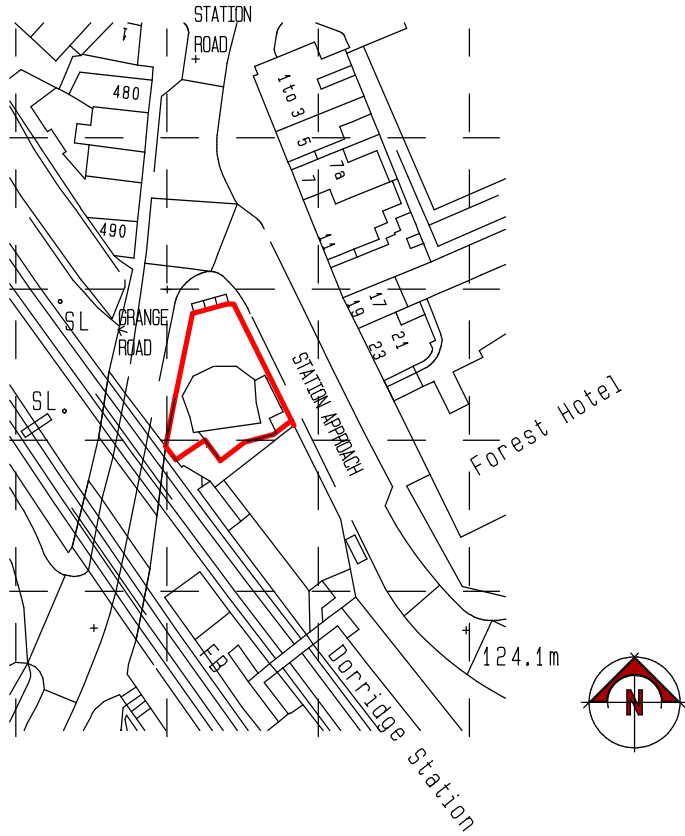
approved planning scheme with the planning reference number PL/2017/00988/COU as shown on the two approved drawing numbers 5497/01J and 5497/03A attached to this notice' and their substitution with 'Remove from the premises the first floor extension above the building and make alterations to the premises so as to accord with the scheme of development approved by the planning permission reference PL/2017/00988/COU and the conditions and limitations of that planning permission'.

70. Subject to the corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

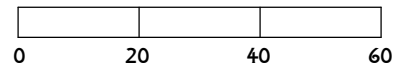
J Moss

INSPECTOR

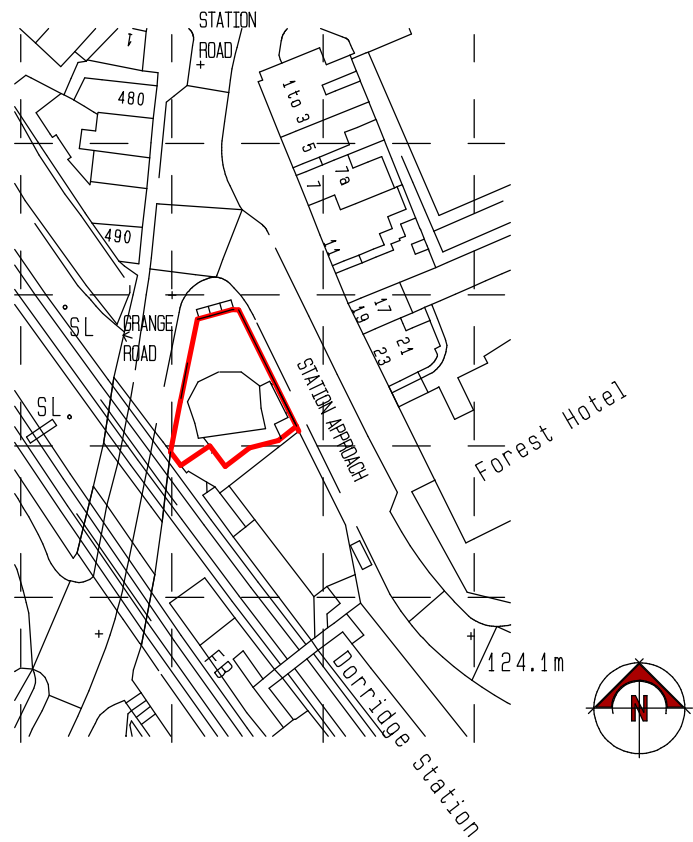
PL/2021/01000/MINFOT – 2 Station Approach



SCALE BAR IN METRES
1:1250

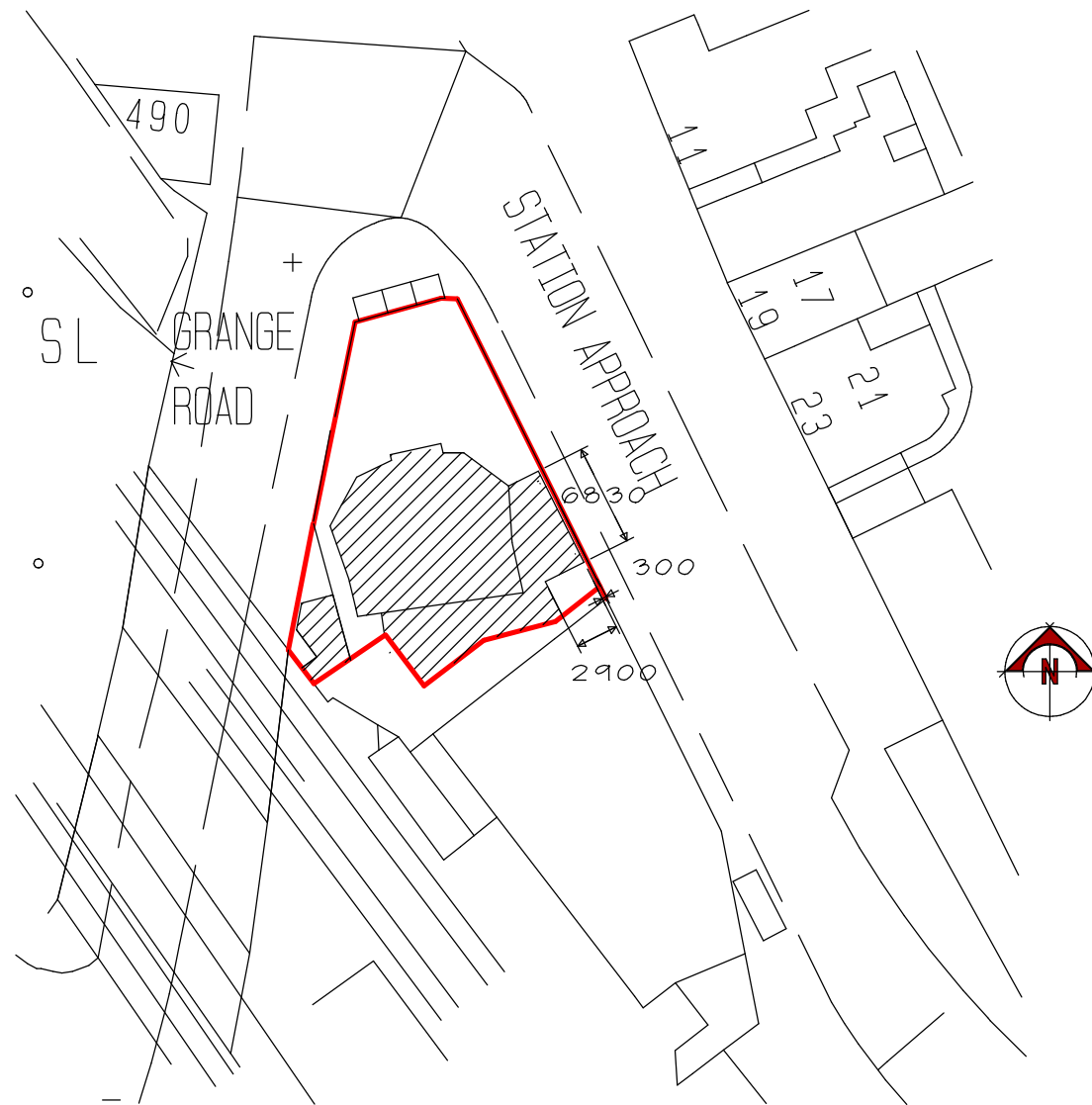
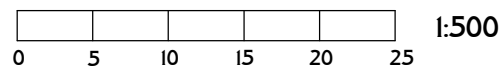
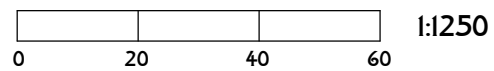


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VINE HOUSE STATION ROAD DORRIDGE SOLIHULL W. MIDS B93 8HP	
TEL 01564 773927 FAX 01564 770534	
SKOGEN DORRIDGE	
LOCATION PLAN	
DATE NOV2020	REVISION
SCALE 1:1250@A4	
CODE	DWG NO 5497/10



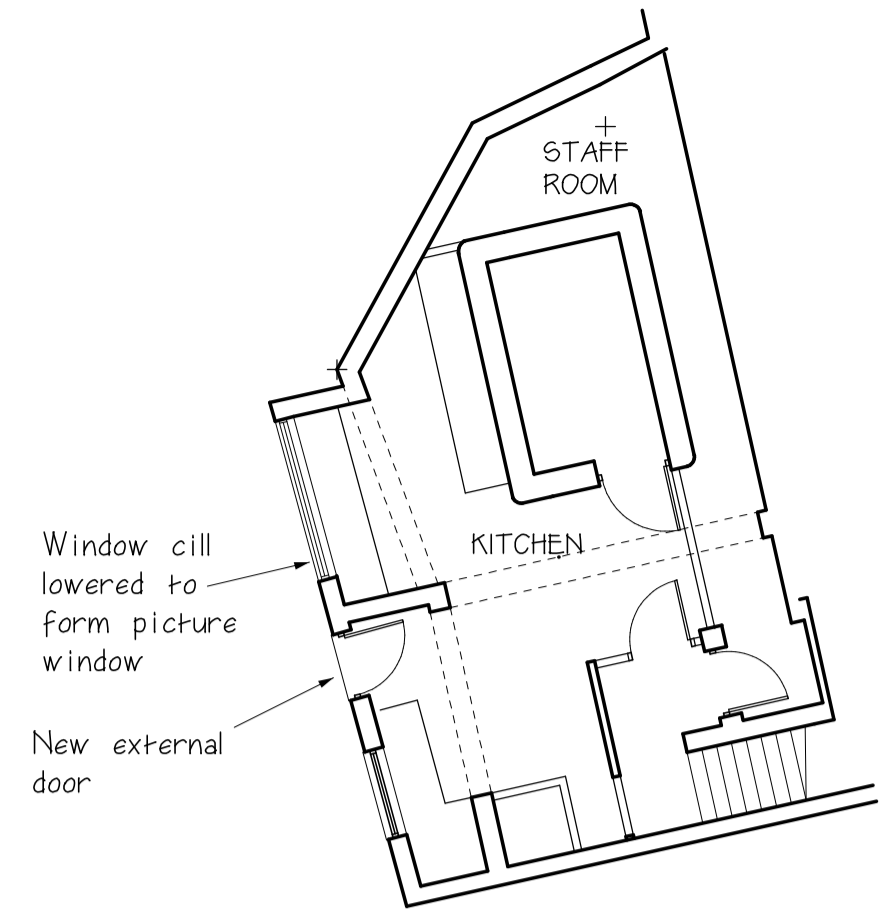
LOCATION PLAN
1:1250

SCALE BAR IN METRES

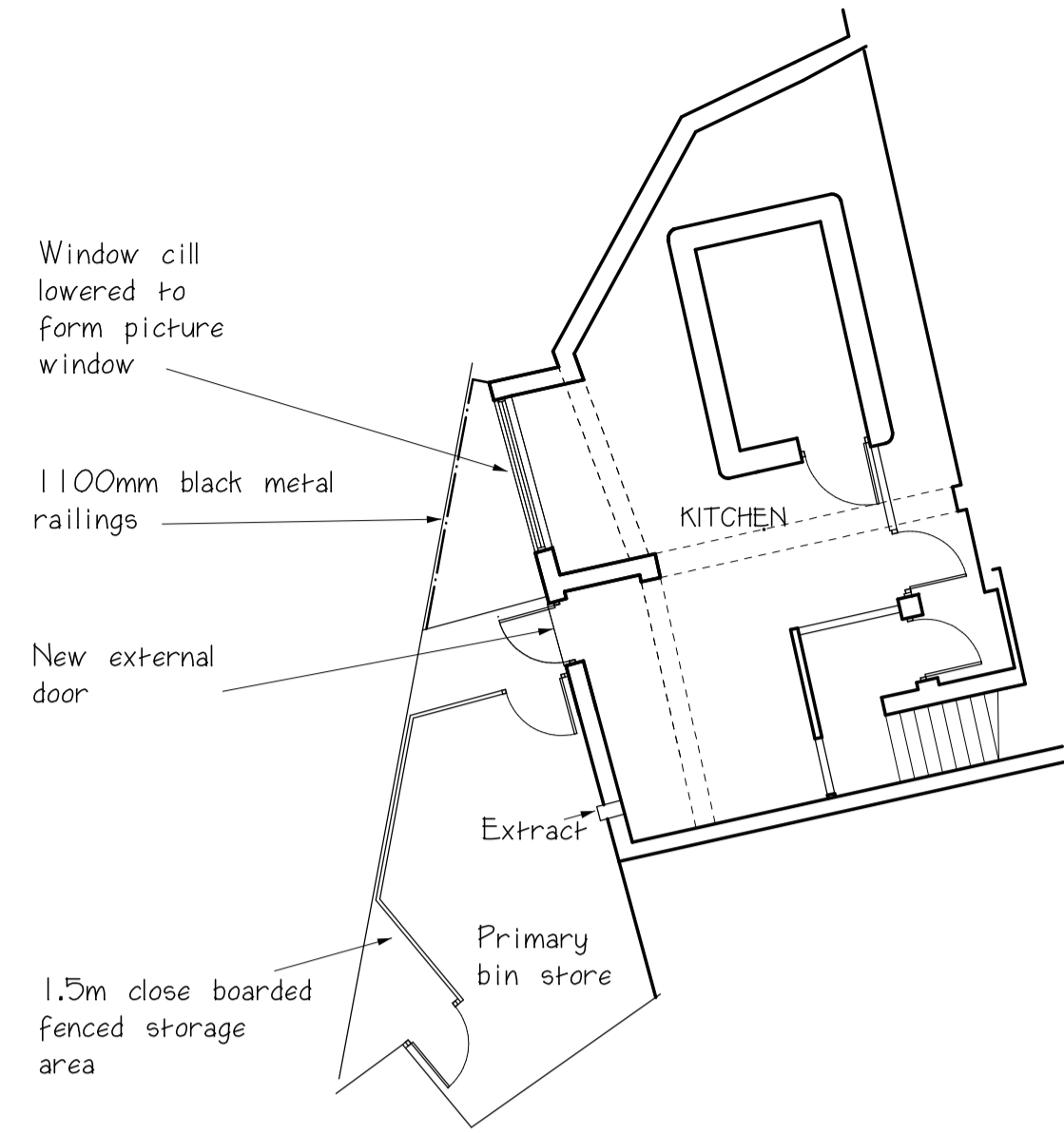


BLOCK PLAN
1:500

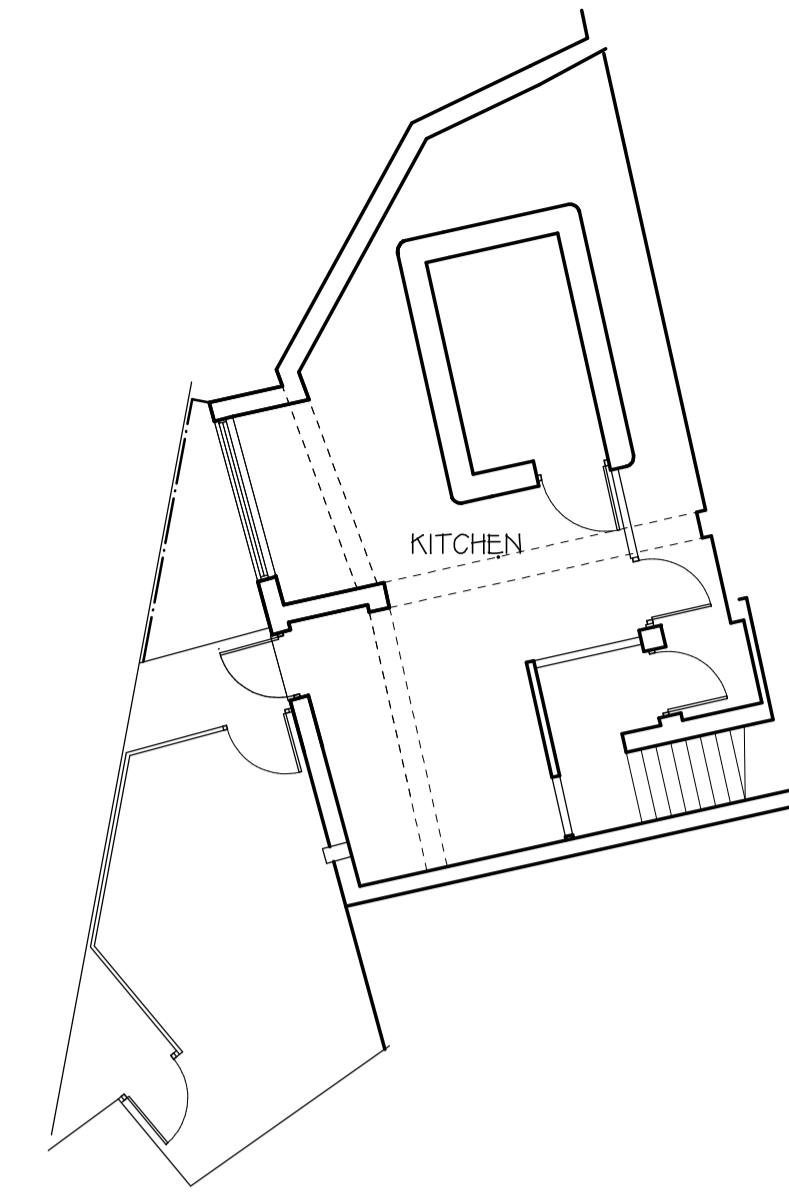
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SKOGEN DORRIDGE	
BLOCK/ LOCATION PLAN	
DATE APRIL21	REVISION
SCALE 1:250/1:500@A3	
CODE	DWG NO 5497/10 A



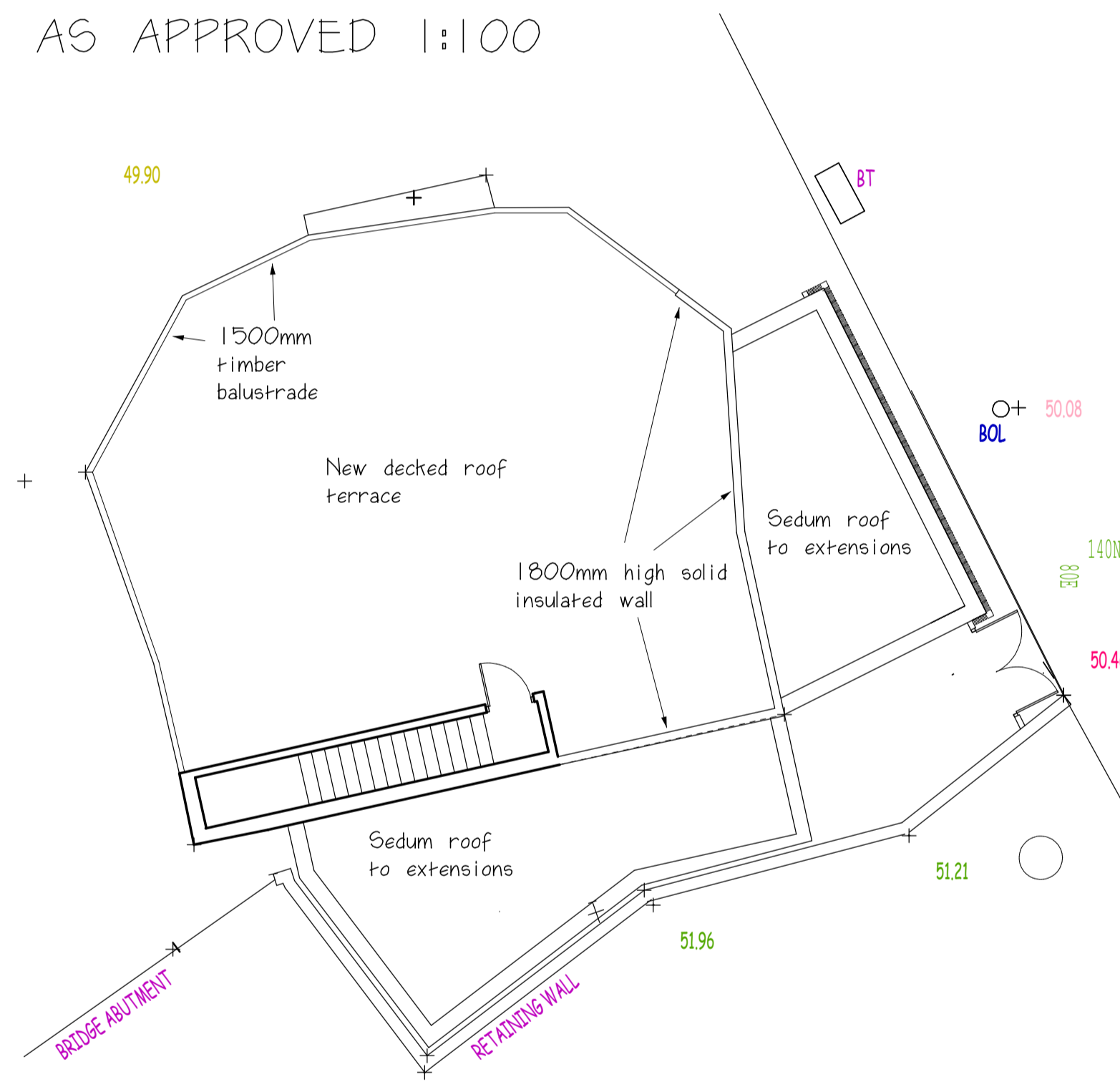
BASEMENT PLAN
AS APPROVED 1:100



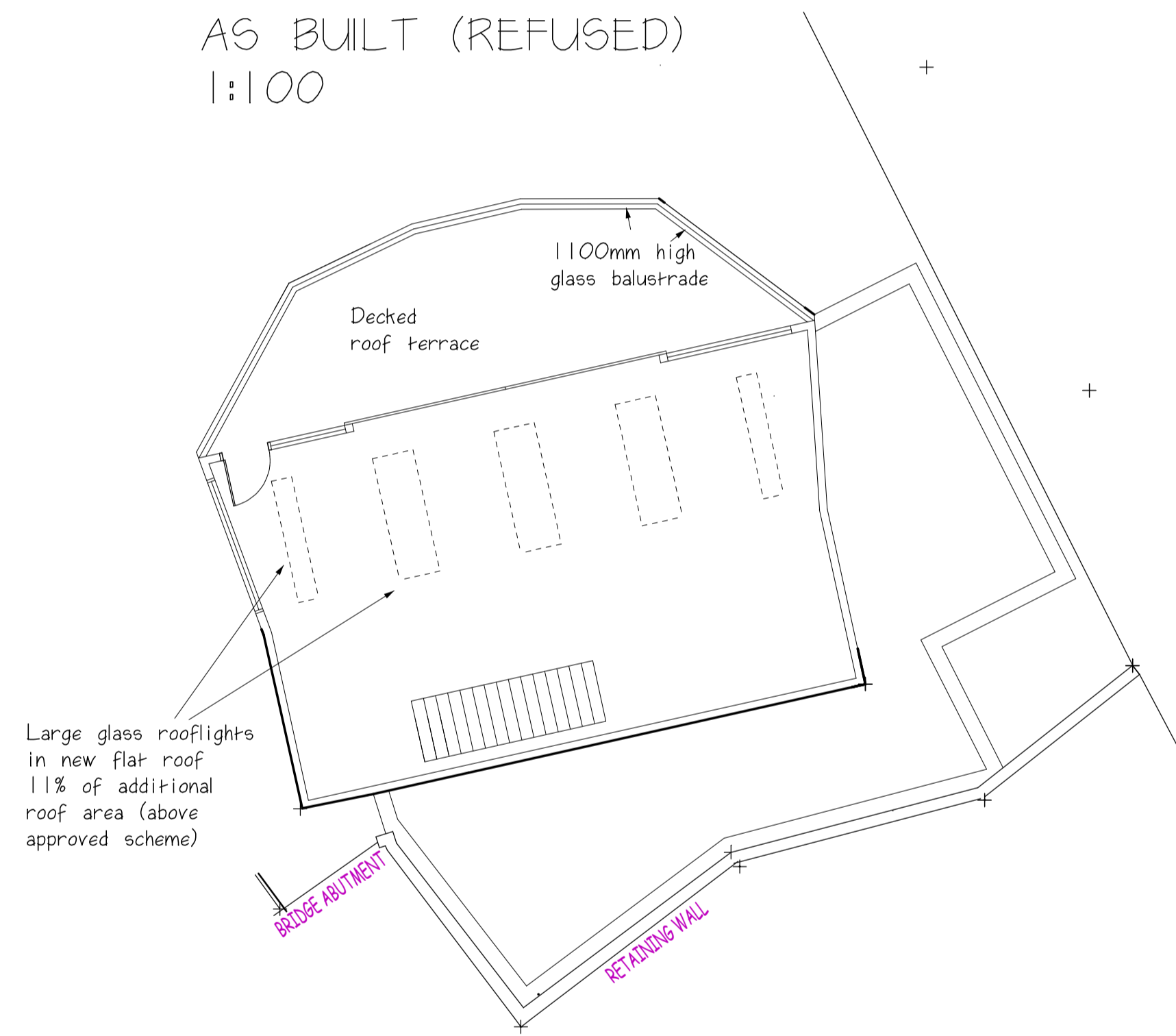
BASEMENT PLAN
AS BUILT (REFUSED)
1:100



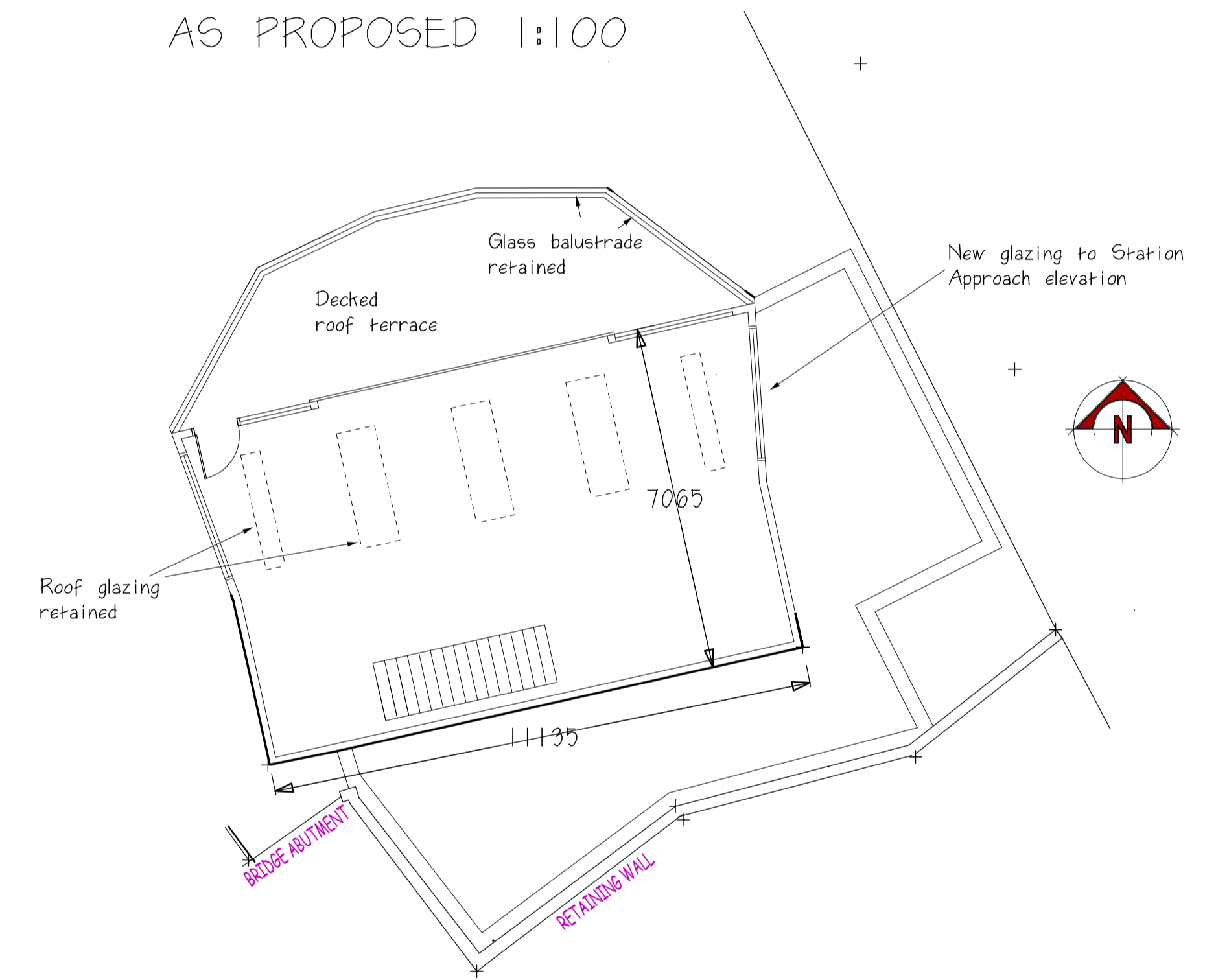
BASEMENT PLAN
AS PROPOSED 1:100



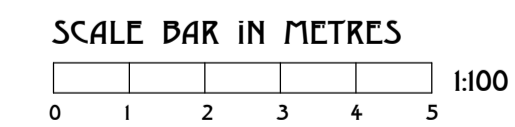
FIRST FLOOR PLAN
AS APPROVED 1:100



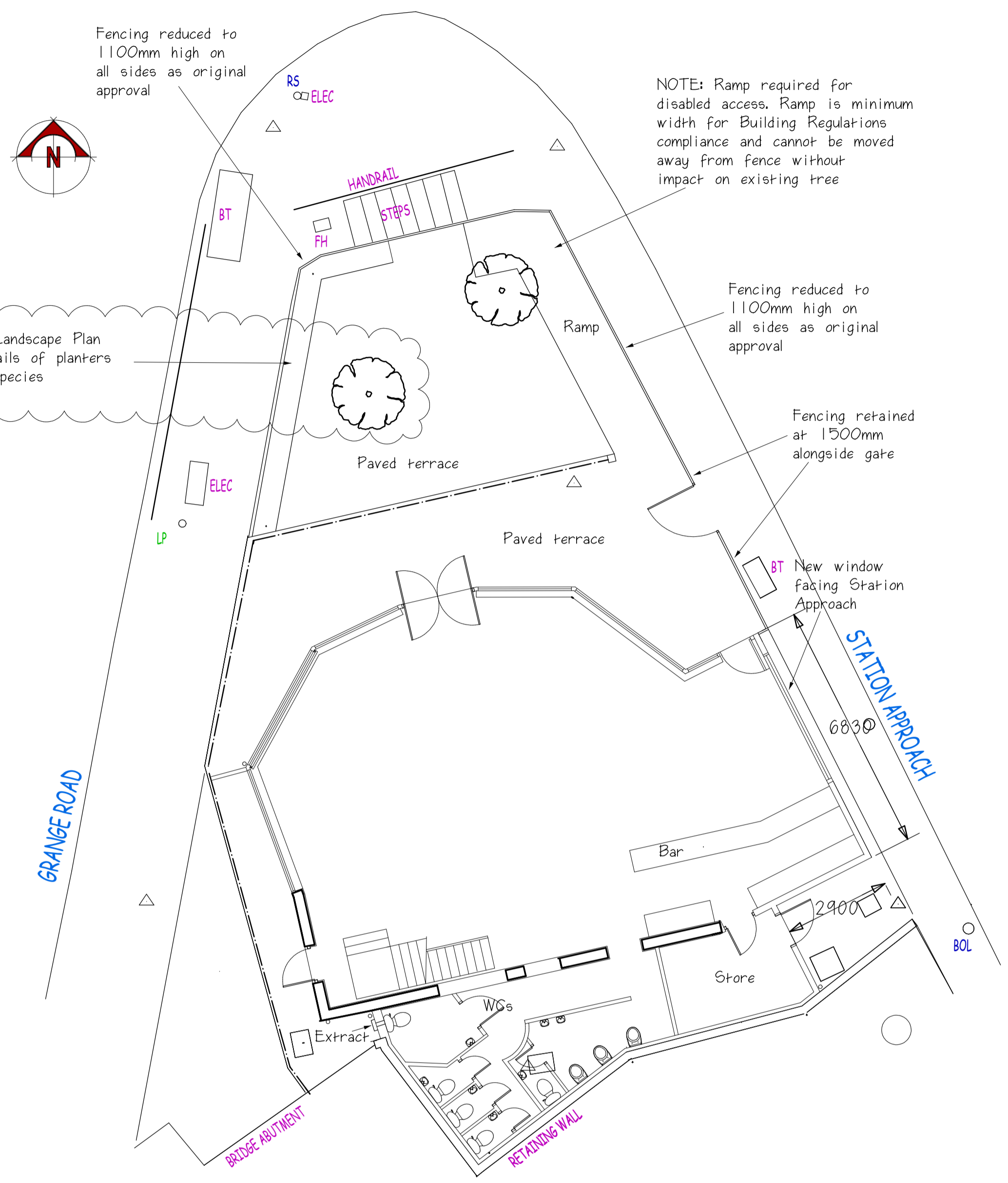
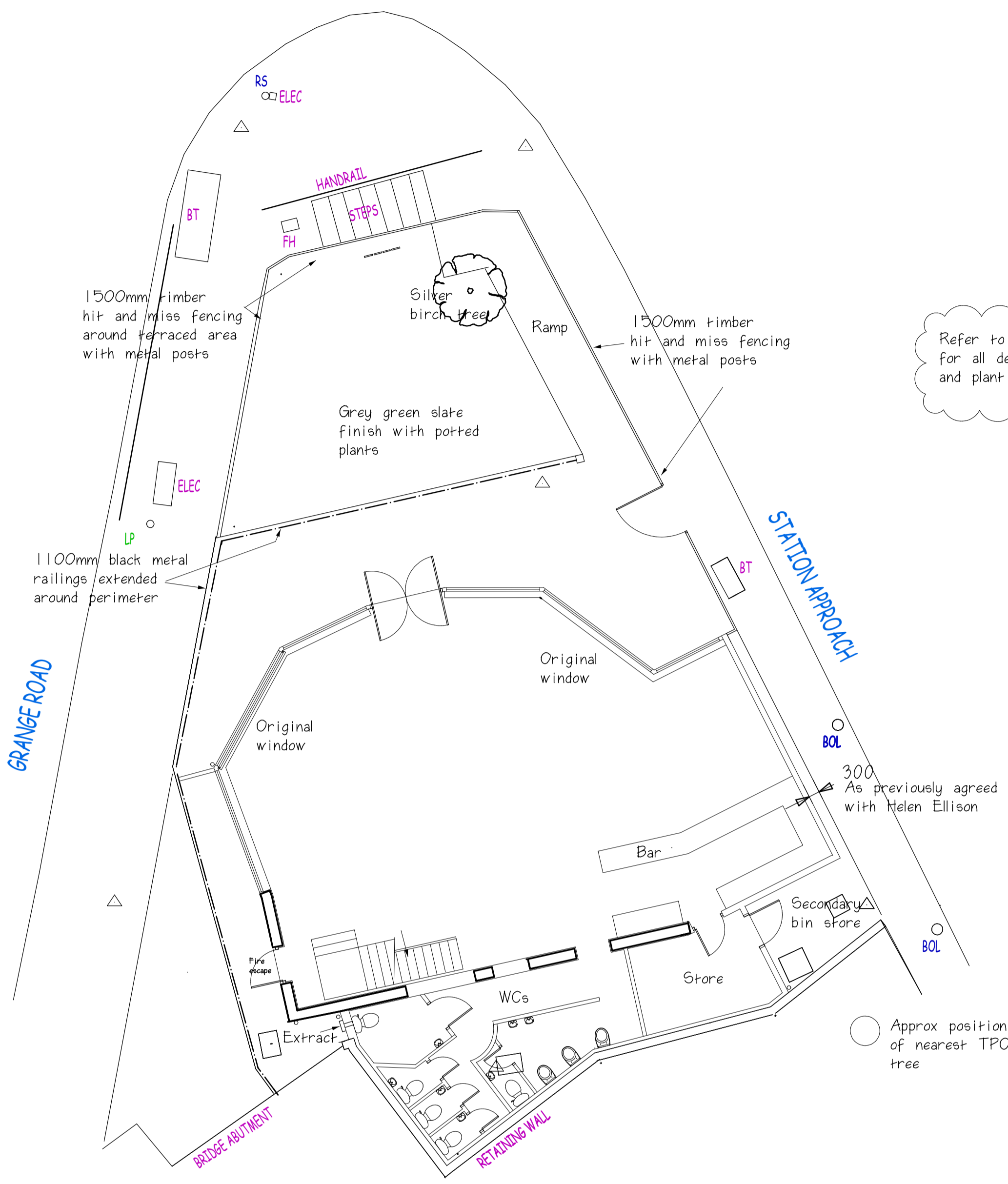
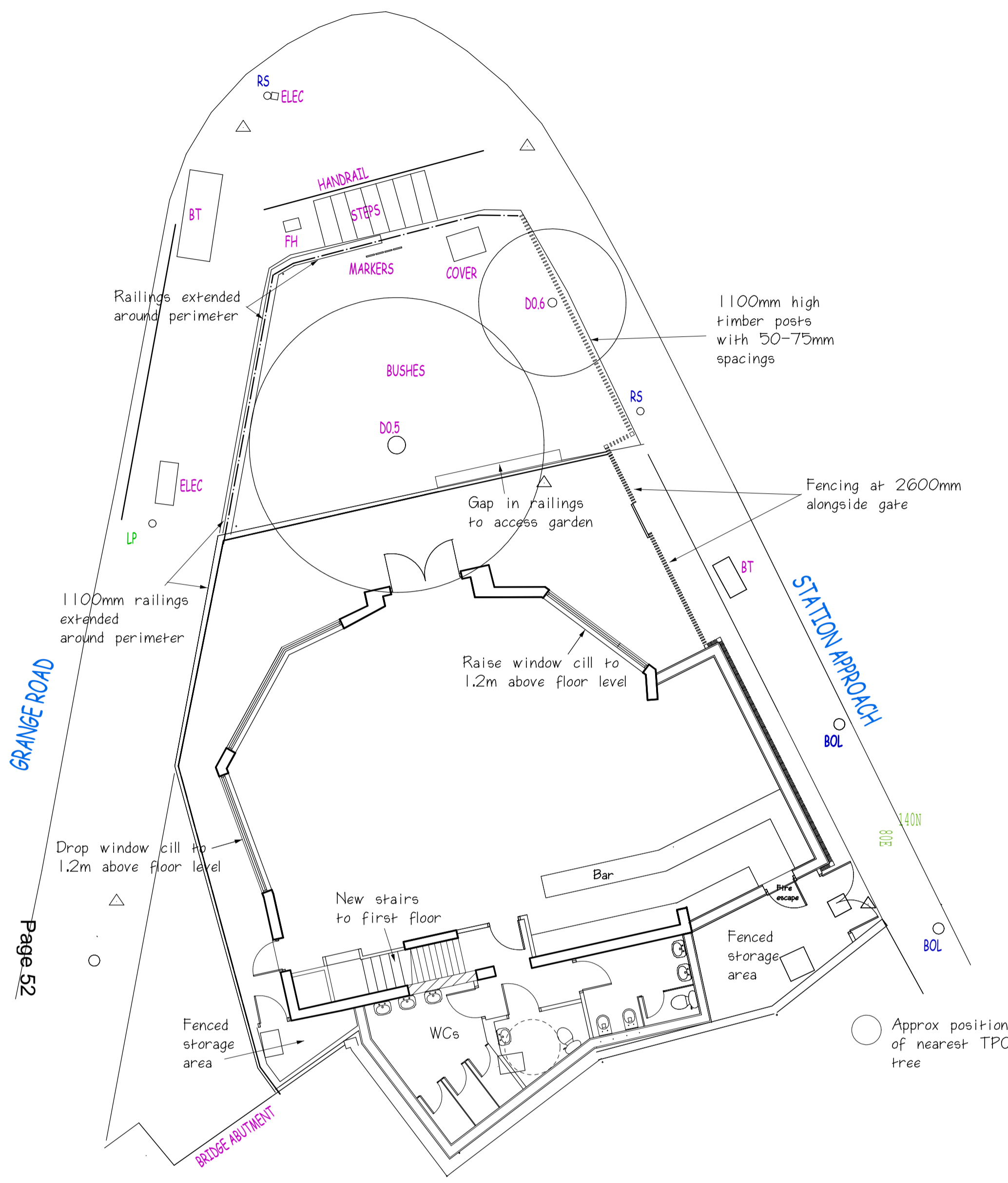
FIRST FLOOR PLAN
AS BUILT (REFUSED) 1:100



FIRST FLOOR PLAN
AS PROPOSED 1:100



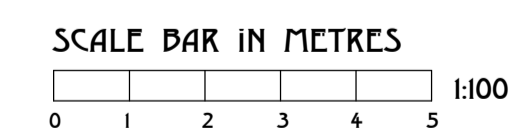
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SKOGEN STATION APPROACH DORRIDGE	
DATE	REVISION
MAR2021	
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CODE	DWG NO
	5497/14 C



GROUND FLOOR PLAN AS APPROVED 1:100

GROUND FLOOR PLAN AS BUILT (REFUSED) 1:100

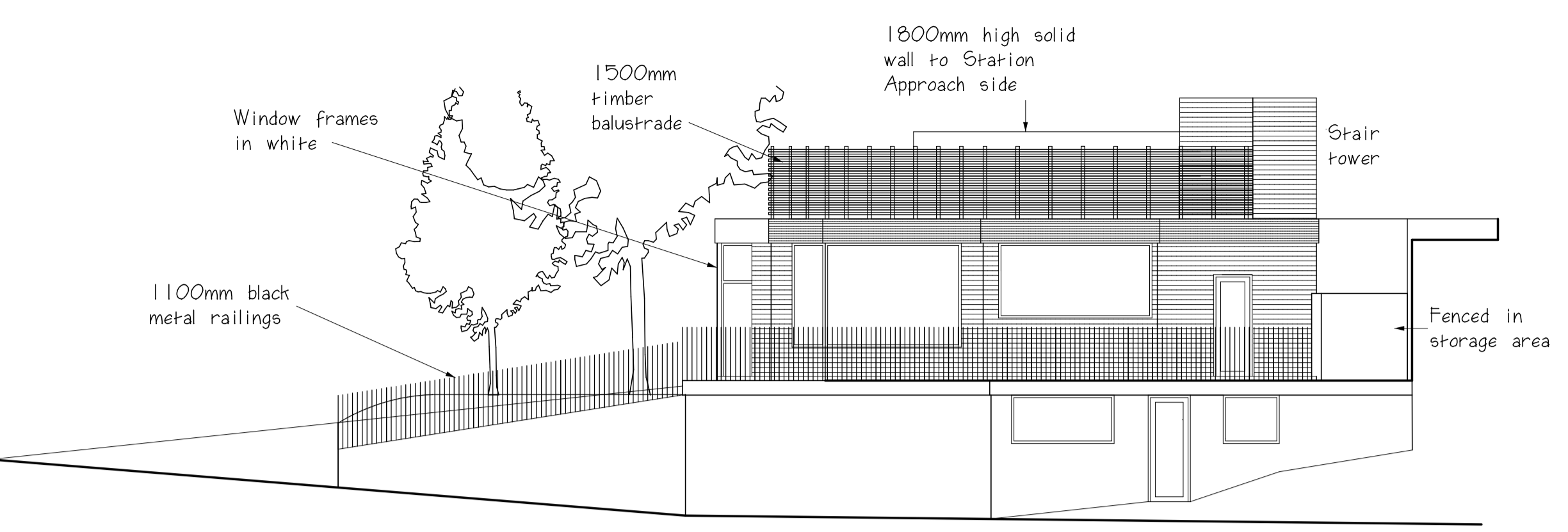
GROUND FLOOR PLAN AS PROPOSED 1:100



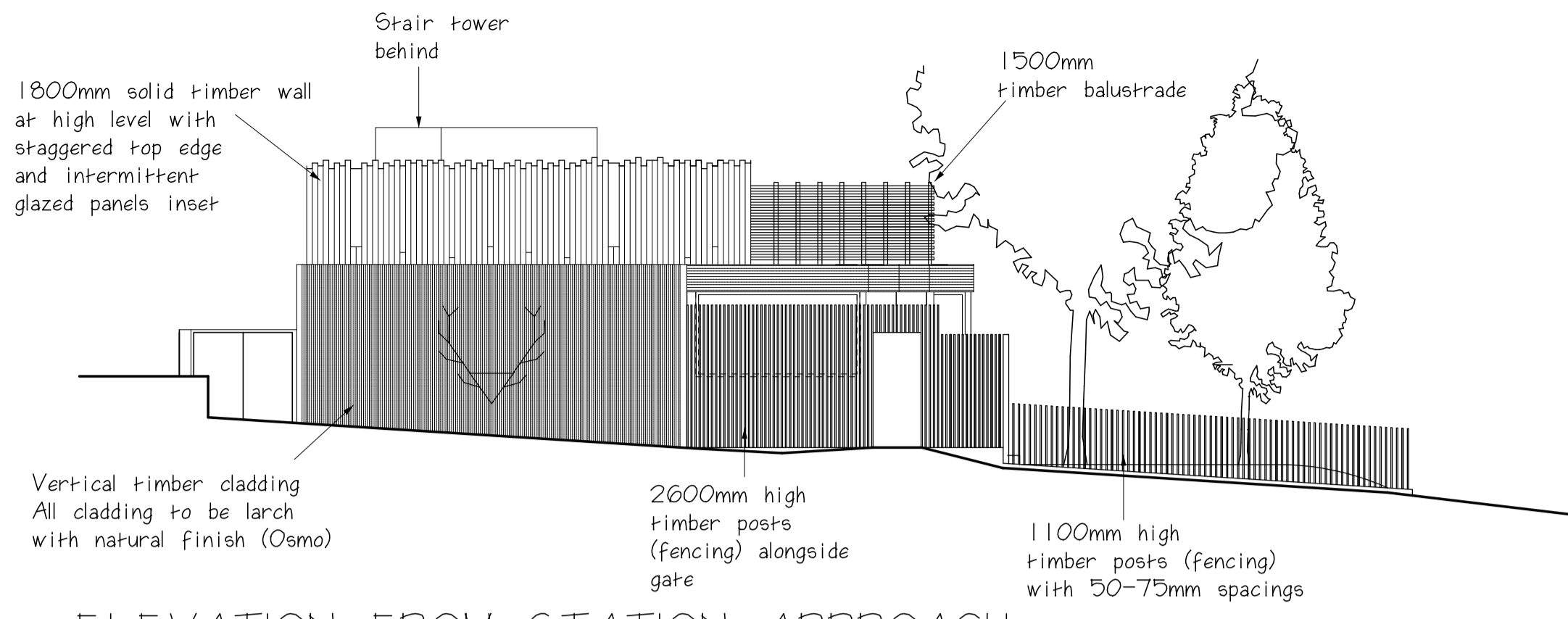
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 VINE HOUSE STATION ROAD
 DORRIDGE SOLIHULL W. MIDS B93 8HP
 TEL 01564 773927 FAX 01564 770534

SKOGEN STATION APPROACH DORRIDGE

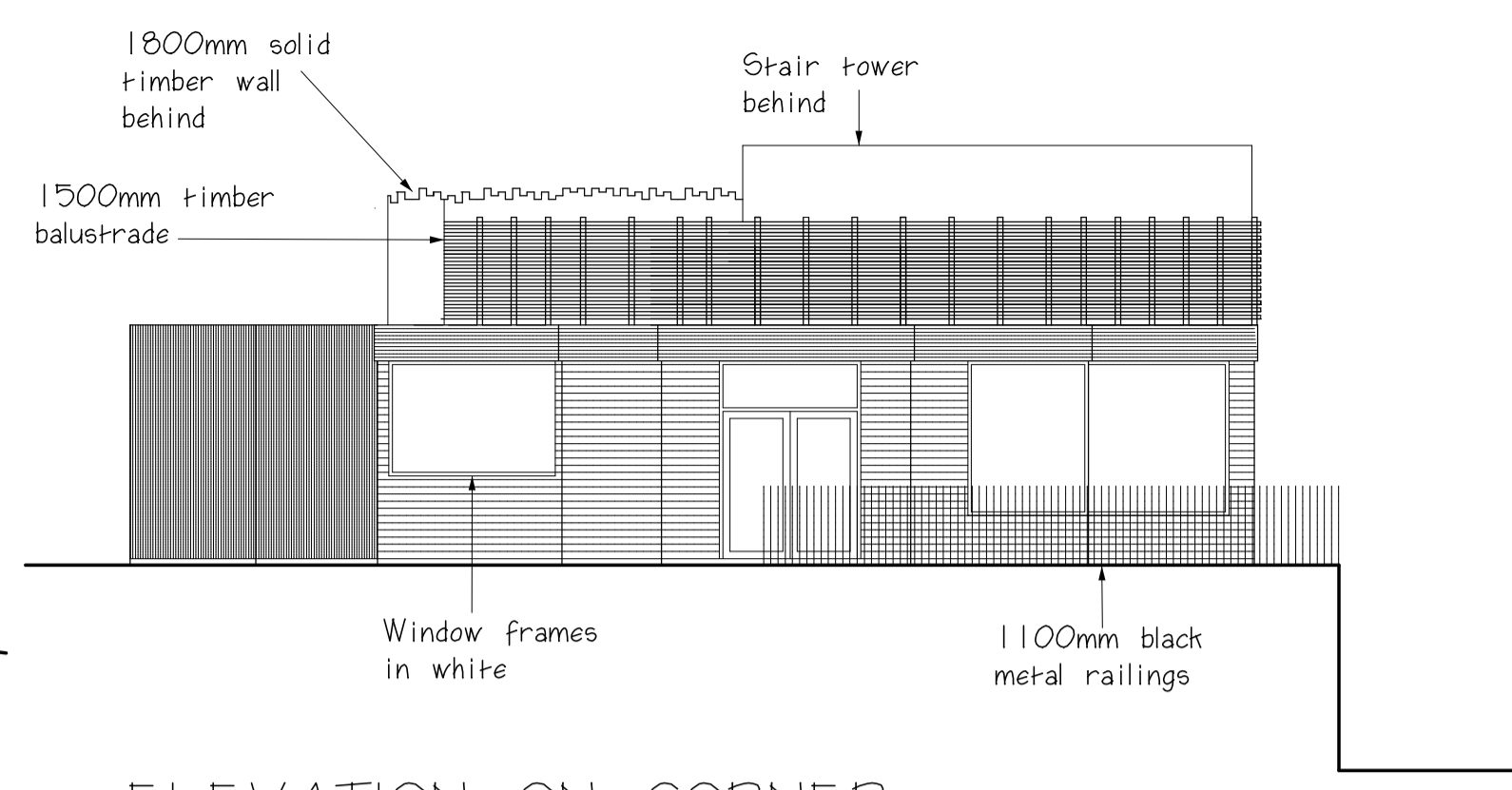
DATE	REVISION
MAR2021	C MAR21 LANDSCAPING ADDED
SCALE	D AUG21 MINOR AMENDMENT
1:100@A1	E NOV21 WINDOW TO SIDE REDUCED
CODE	F DEC21 TREE ADJUSTED
	DWG NO
	5497/13 F



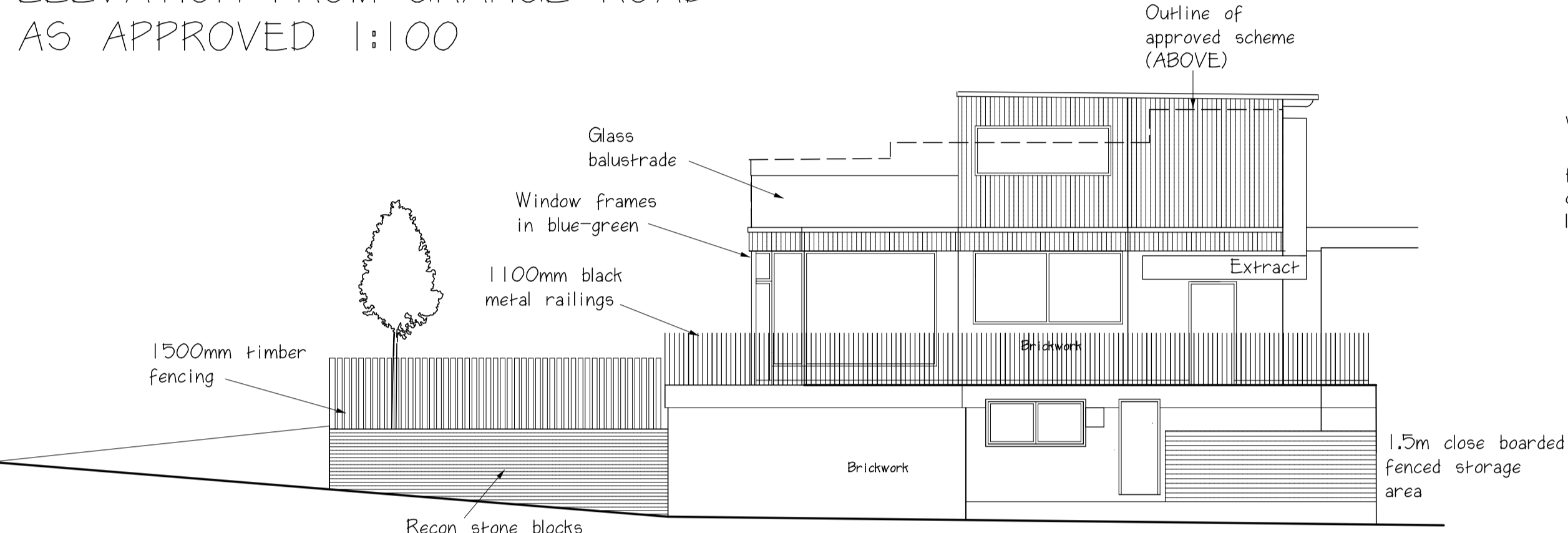
ELEVATION FROM GRANGE ROAD AS APPROVED 1:100



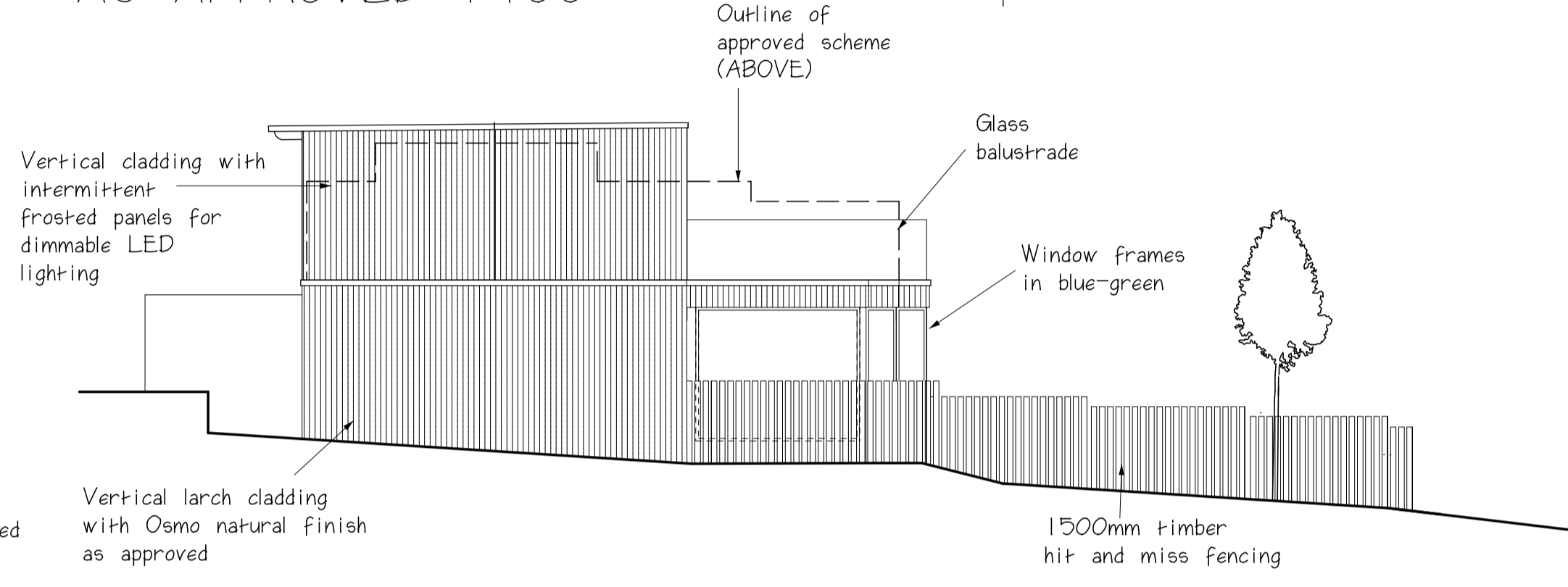
ELEVATION FROM STATION APPROACH AS APPROVED 1:100



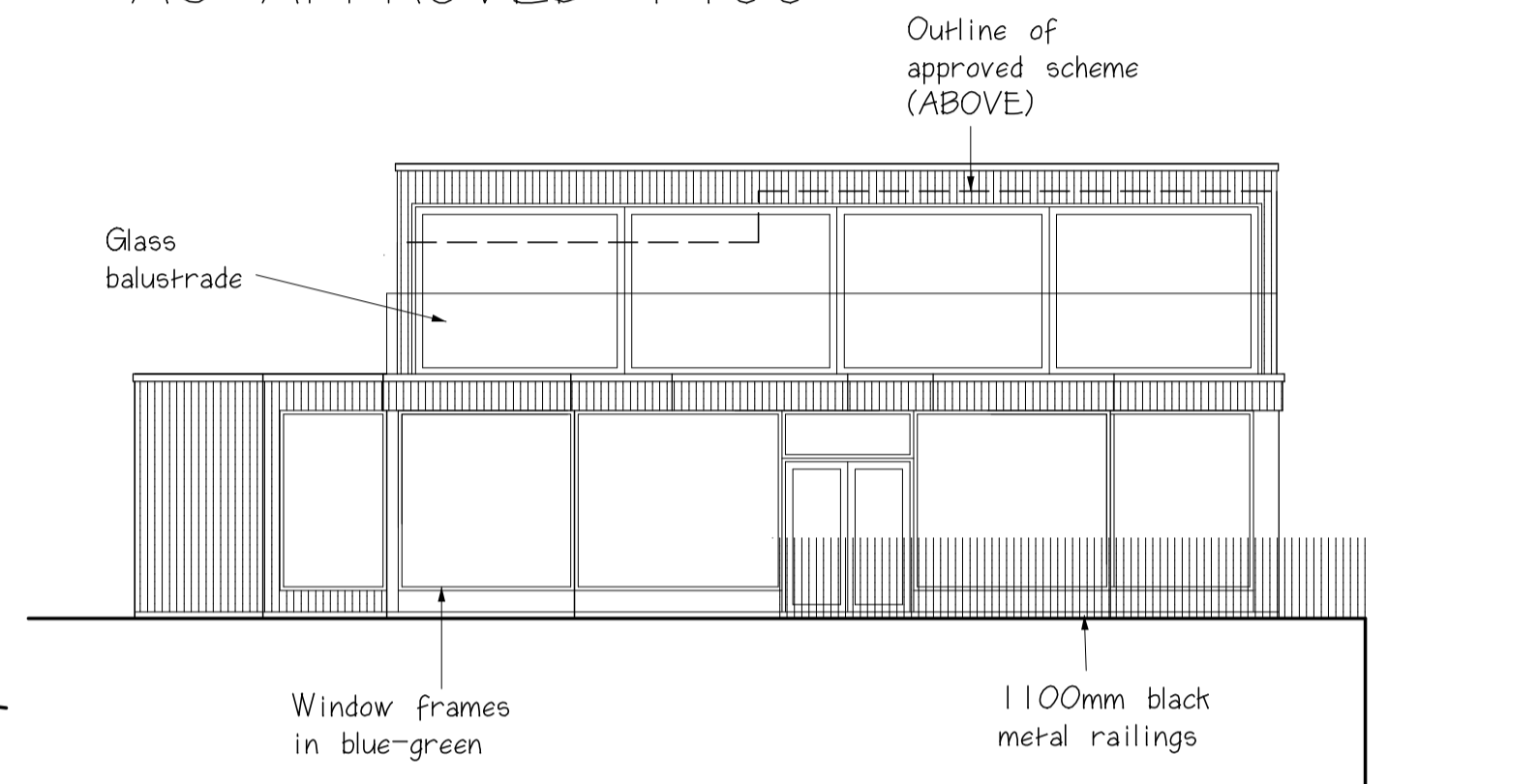
ELEVATION ON CORNER AS APPROVED 1:100



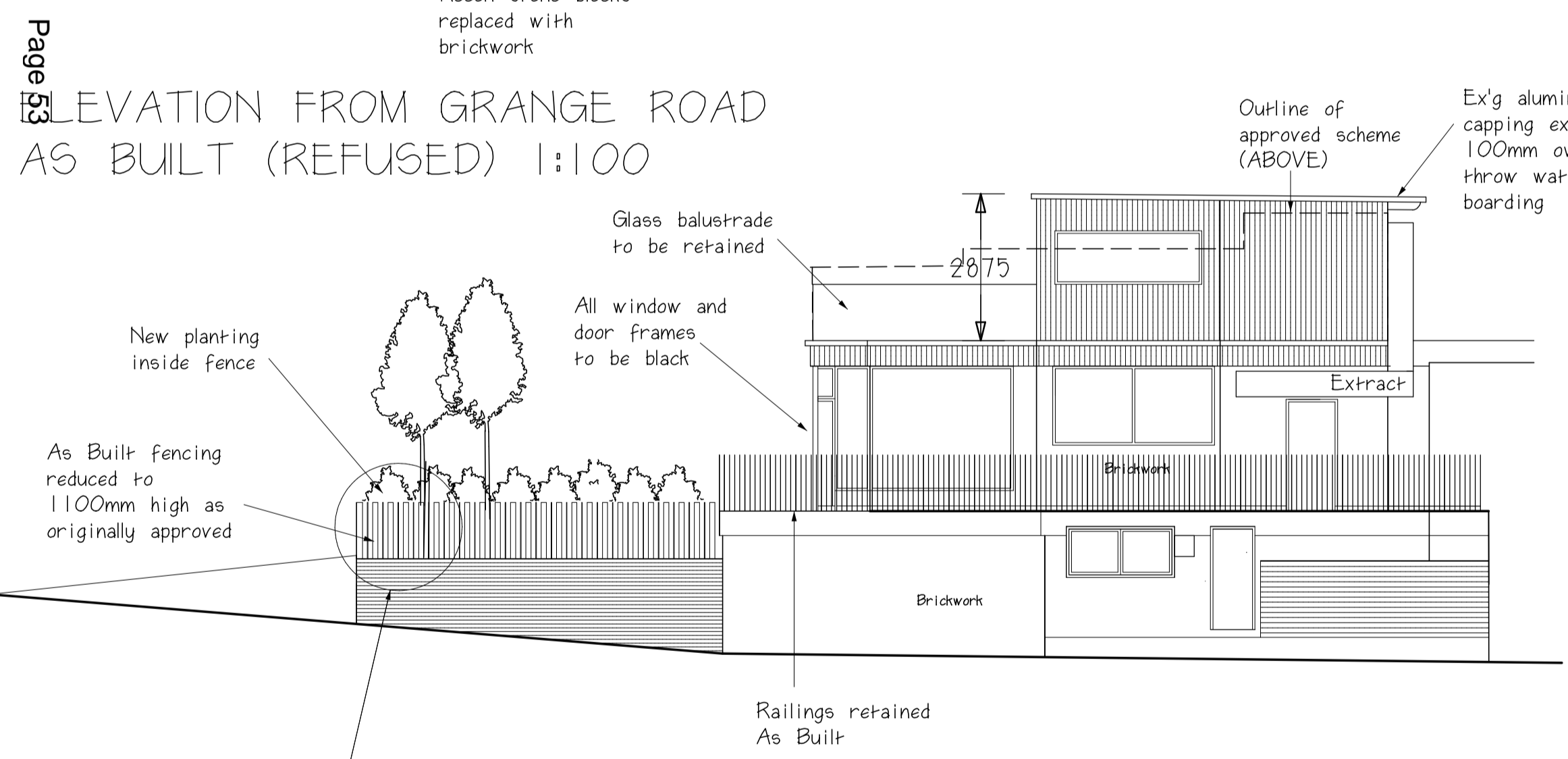
ELEVATION FROM GRANGE ROAD AS BUILT (REFUSED) 1:100



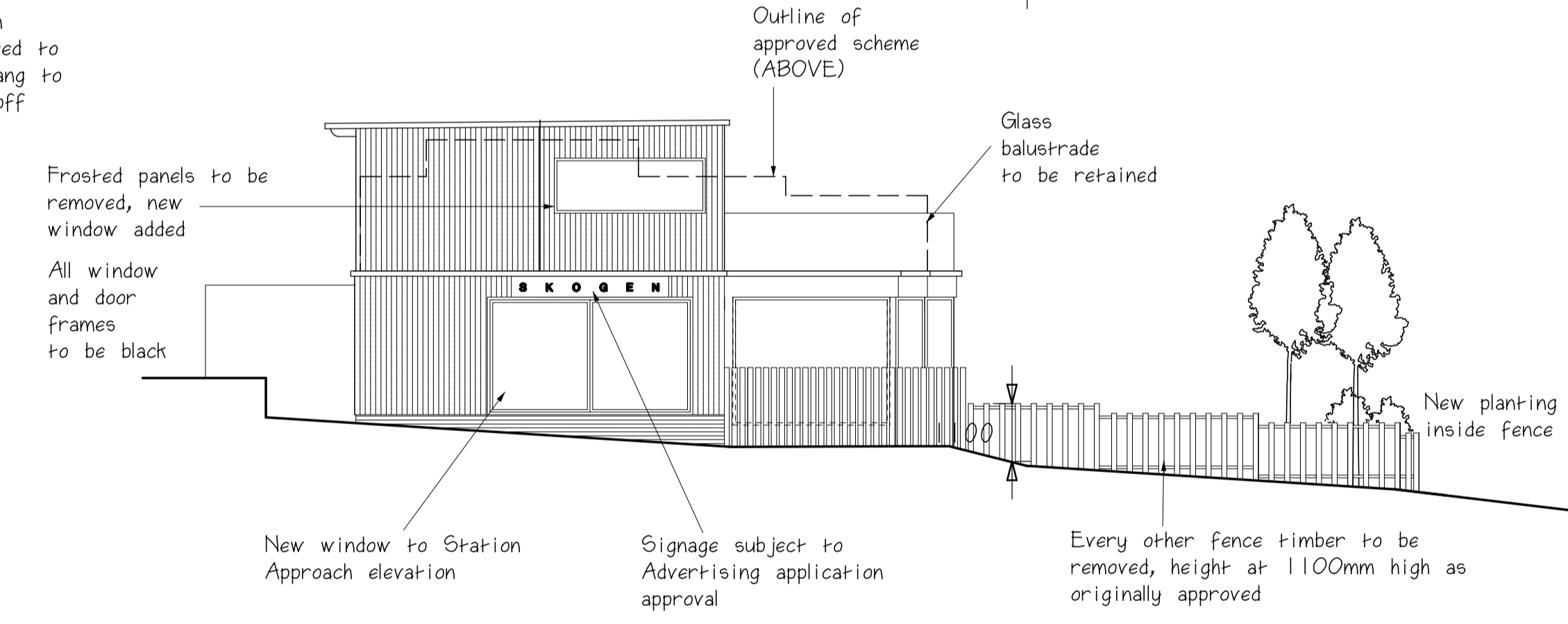
ELEVATION FROM STATION APPROACH AS BUILT (REFUSED) 1:100



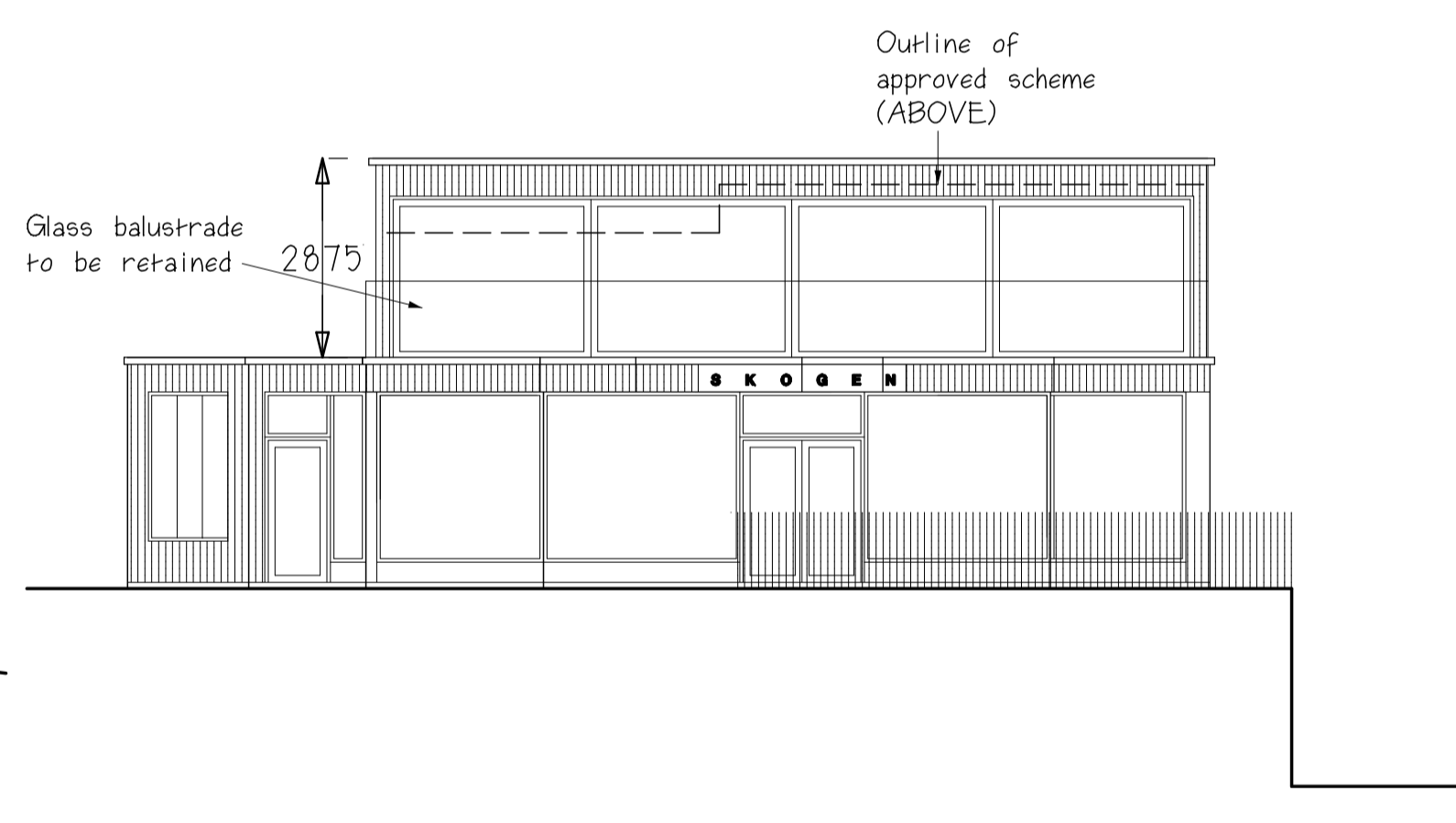
ELEVATION ON CORNER AS BUILT (REFUSED) 1:100



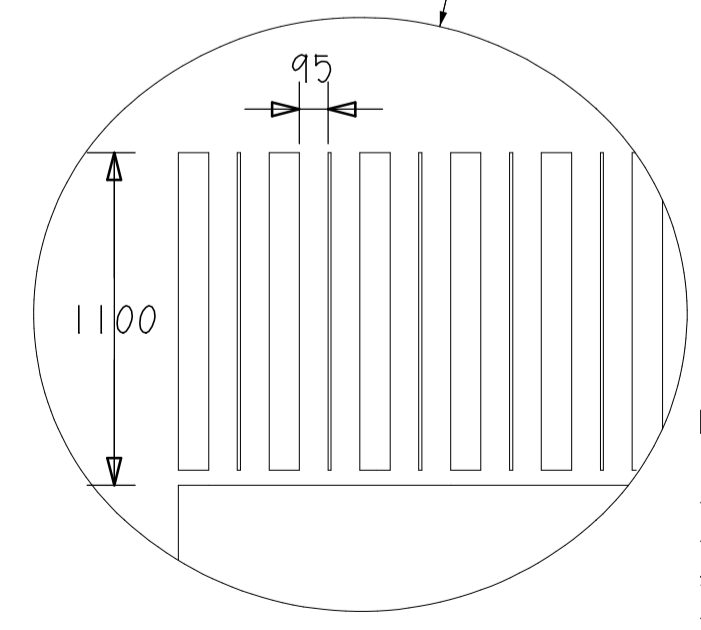
ELEVATION FROM GRANGE ROAD AS PROPOSED 1:100



ELEVATION FROM STATION APPROACH AS PROPOSED 1:100

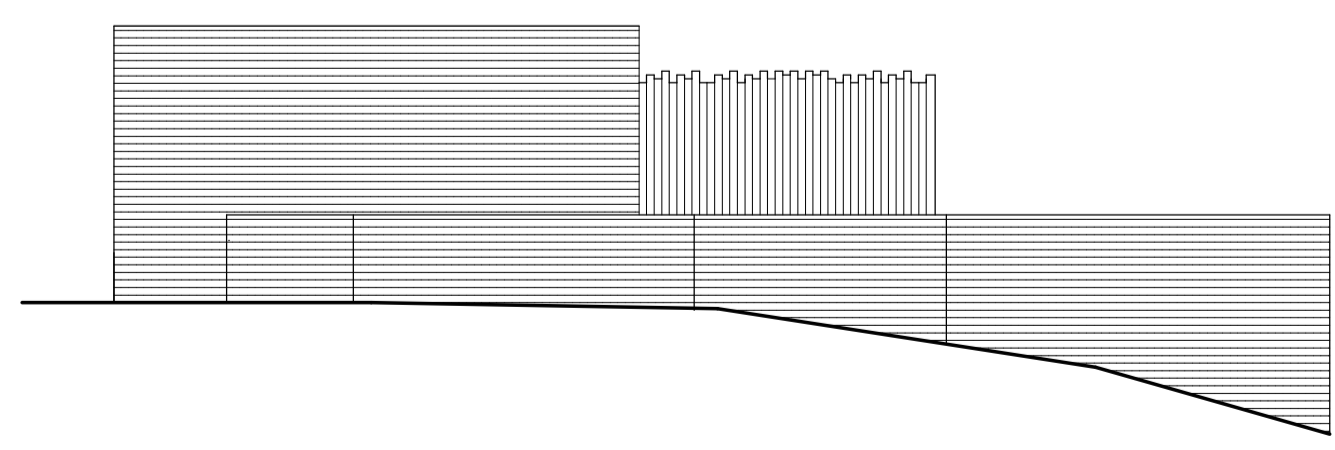


ELEVATION ON CORNER AS PROPOSED 1:100

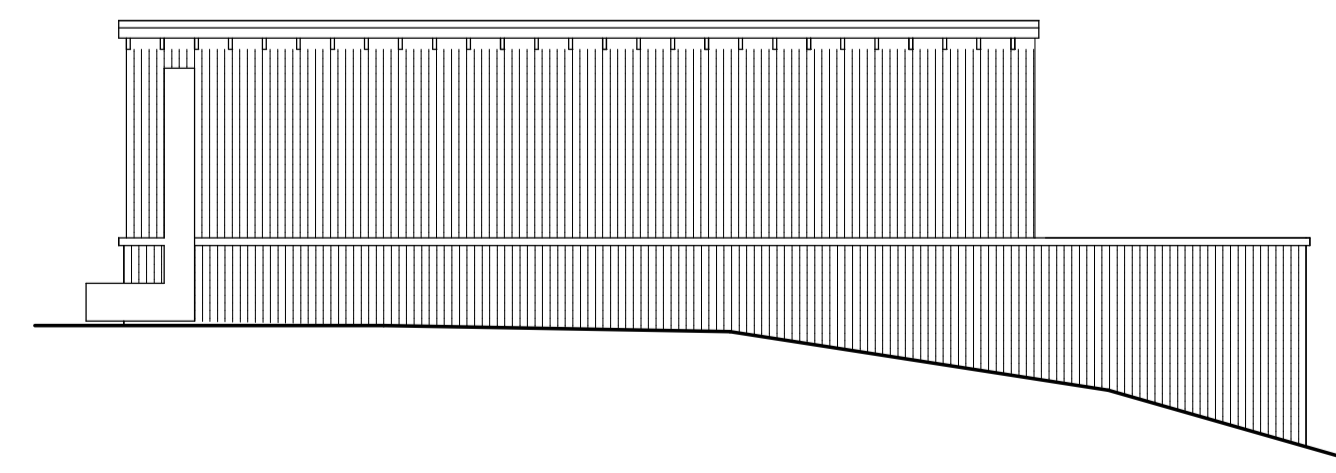


In all locations where there is a drop outside the fencing to the Highway, every other timber board to be replaced with a 50mm board set at 90deg to the existing to give 95mm clear gap between timbers in accordance with Building Regulations

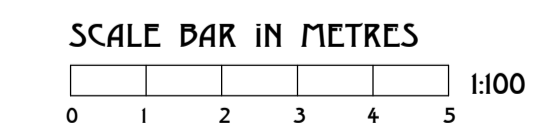
1:25 FENCING PLAN DETAIL



ELEVATION FROM REAR AS APPROVED 1:100



ELEVATION FROM REAR AS BUILT/PROPOSED 1:100



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SKOGEN STATION APPROACH DORRIDGE	
DATE	REVISION
MAR2021	C: MATCH COLOUR ADDED
SCALE	D: A4/21 MINOR AMENDMENTS
1:100@A1	E: OCT21 FENCE DETAIL ADDED - WINDOW TO STATION APPROACH REDUCED
CODE	DWG NO
	5497/15 E

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APPLICATION REFERENCE: PL/2021/01198/CLEUD

Site Address: Green Farm Lady Lane Earlswood Solihull B94 6AH

Proposal:	Certificate of lawfulness of existing use or development (CLEUD) for the retention of existing buildings and hardstanding as shown on the site plan and use of the site as a builders yard, repair shop and store of plant, equipment, materials, HGVs, vehicles, tools, fuel and oil and associated construction equipment such as barriers, signage, materials and fences and as base for employees Section 191 of the Town and Country Planning Act 1990 (TCPA 1990)
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	Called in by Councillor Holt
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Recommendation:	APPROVAL
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EXECUTIVE SUMMARY

This application takes the form of a Certificate of Lawfulness of Existing Use or Development (CLUED) under Section 191 of the Town and Country Planning Act 1990, which seeks a formal determination from the Local Planning Authority as to whether on a balance of probabilities the existing use and development has been continuous for the past 10 years and continues on the land and therefore is exempt from enforcement action.

The application is for the retention of existing buildings and hardstanding as shown on the site plan and use of the site as a builders yard, repair shop and store of plant, equipment, materials, HGVs, vehicles, tools, fuel and oil and associated construction equipment such as barriers, signage, materials and fences and as base for employees.

Planning Practice Guidance (PPG) states that *if the local planning authority is satisfied that the appropriate legal tests have been met, it will grant a lawful development certificate. Where an application has been made under section 191, the statement in a lawful development certificate of what is lawful relates only to the state of affairs on the land at the date of the certificate application.*

Following a review of the evidence submitted with the application, SMBC Legal Services have concluded that the legal test has been satisfied and a CLUED should be granted

MAIN ISSUES

The main issues in this report are whether on a balance of probabilities the applicant has provided sufficient evidence to prove that the site has been used as per the proposal and continued to do so at the date of the application.

PPG states that *in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*

This is purely a legal test which is carried out by SMBC Legal Services after assessing and reviewing all the supporting evidence.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

N/A

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

SMBC Legal Services – following review of the information submitted with the application, on a balance of probabilities, a certificate of Lawfulness for use of the site as per the description of development can be granted.

PUBLICITY

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

No objections have been formally submitted

Site History

None

PLANNING ASSESSMENT

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this application. Accordingly, it falls to be considered whether the specific matter is lawful under Section 191 TCPA 1990 with guidance offered by the PPG.

Consideration of Issues

Section 171B of the Act provides that (3) "In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach".

For the purposes of this application, the breach is the existing buildings and hardstanding on the site and use of the site as a builders yard, repair shop and store of plant, equipment, materials, HGVs, vehicles, tools, fuel and oil and associated construction equipment such as barriers, signage, materials and fences and as base for employees.

A CLEUD can be granted by the local planning authority under s191 of the Act confirming that an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes.

A CLEUD will only be issued if enough information is provided by the applicant to satisfy the Council of the lawfulness of the proposed operation or development. An application for a CLEUD is a purely legal issue and is not subject to public opinion. The issue of a CLEUD depends entirely on factual evidence about the history and planning status of the building/uses on the land.

The PPG advises that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The following evidence was submitted by the applicant in support of the LDC;

- Location plan received on 27th April 2021
- Site plan received on 27th April 2021
- Sworn affidavit of John Eggington dated 15th April 2021 lived in adjacent property and confirming the site has been in use since 1982 by the previous owner to his knowledge and more recently by Mr Harkin.
- Sworn affidavit of John Harkin dated 15th April 2021 Director of the Two companies run from the site confirming the proposal and the uses of the site
- Sworn Affidavit of Hugh Roarty dated 24th October 2006 confirming the site had been in use for storage and the structures were built in 1969.

- Supporting Statement by Pegasus Group date 23rd April 2021 showing aerial views of the site from April 2007 and September 2020 along with the Affidavits
- Further information has since been requested and submitted by the applicant to further evidence their application.

The planning statement accompanying the application states that;

It has been demonstrated that the existing building is on the site, areas of hardstanding and other structures along with all operational activity associated with the builder's business is lawful by virtue of 10 years of continuous operation.

There are two personal statements signed in front of a solicitor which confirm that the land has been used for the storage of commercial vehicles, building materials, construction plant, small construction tools and construction equipment since the property was purchased and that the storage sheds have been in place since before 2011.

There is a further personal statement from the previous owner of the site signed in 2006 stating that the site had been used since 1968 as a yard which stored Lorries, vehicles and machinery.

In summary, it is our professional view that the submitted evidence demonstrates that, on the balance of probabilities, the use of the property for the above noted use and siting of the storage sheds is now lawful development with the requisite period for enforcement action having passed.

The use has been carried out without interruption, enforcement proceedings or concealment since 2010 and the buildings in place in a similar vein.

It is respectfully suggested the lawful development certificate should be granted. The PPG advises that a local planning authority is entitled to canvass evidence if it so wishes before determining an application. No evidence has been submitted to oppose the application by third parties; the parish council submitted no objection or challenge, and no neighbour representations have been received.

The applicant has submitted an affidavit along with other supporting documentation with this submission. The Council has no substantive evidence to contradict or make the applicant's version of events less than probable. It is considered that this documentation is sufficient to demonstrate that a certificate of lawful development for the use of the land surrounding known as Green Farm for the retention of existing buildings and hardstanding as shown on the site plan and use of the site as a builders yard, repair shop and store of plant, equipment, materials, HGVs, vehicles, tools, fuel and oil and associated construction equipment such as barriers, signage, materials and fences and as base for employees can be issued.

Other Considerations

Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

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

CONCLUSION

The Council has no substantive evidence to contradict or make the applicant's version of events less than probable. It is considered that the evidence submitted by the applicant is sufficient to demonstrate that CLEUD should be granted for the retention of existing buildings and hardstanding as shown on the site plan and use of the site as a builders yard, repair shop and store of plant, equipment, materials, HGVs, vehicles, tools, fuel and oil and associated construction equipment such as barriers, signage, materials and fences and as base for employees.

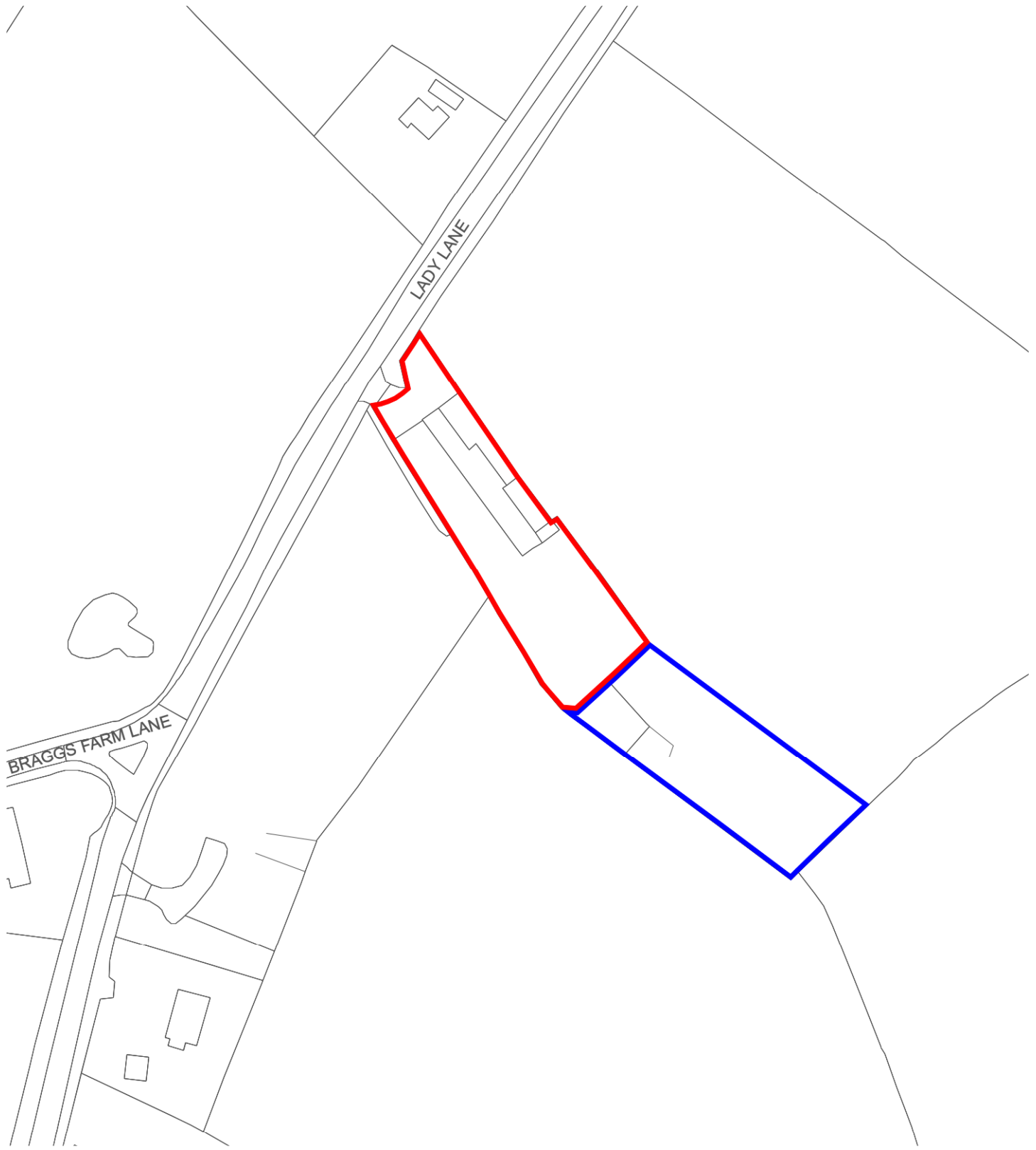
RECOMMENDATION

Approval is recommended and a Certificate of Lawfulness to be issued

No conditions can be attached to a Certificate of Lawfulness

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PL/2021/01198/CLEUD - Green Farm

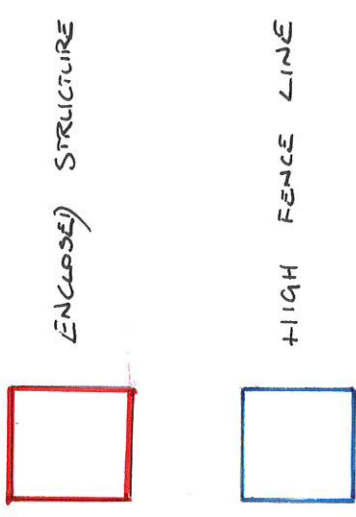


KEY

- SITE LOCATION
- LAND WITHIN OWNERSHIP OF DWJ HARKIN LTD



BARN AND ASSOCIATED BUILDINGS, LADY LANE, SOLIHULL | SITE LOCATION PLAN



GREEN FARM, LADY LANE, B90 IR5

SITE PLAN

APRIL 2021	D. HARKIN
SCALE : 1:2500	REVISION -

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APPLICATION REFERENCE: PL/2021/02465/PPFL

Site Address: 176 Tanworth Lane, Shirley, Solihull, B90 4DD.

Proposal:	Demolition of existing dwelling. Erection of 8 apartments.
Web link to Plans:	<p>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</p> <p>https://publicaccess.solihull.gov.uk/online-applications/</p>

Reason for Referral to Planning Committee:	THE PROPOSAL HAS GIVEN RISE TO SUBSTANTIAL WEIGHT OF PUBLIC CONCERN AND IN THE OPINION OF THE HEAD OF DEVELOPMENT MANAGEMENT SHOULD BE REFERRED TO PLANNING COMMITTEE.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

The design and site layout of the proposed development produces a good quality, inclusive and sustainably designed scheme for the site and its surrounding local area, whilst respecting and enhancing the local character and distinctiveness of this residential area.

The proposed development would also make efficient use of this site, which has good accessibility to local services.

The proposed development is considered to be of good design whilst also demonstrating an acceptable impact upon residential amenity, highway safety and drainage.

The Council are unable to demonstrate a five year supply of housing and there is a desire at national level to 'boost significantly' the supply of housing. Given the lack of a 5 year housing supply, paragraph 11 of the NPPF is therefore engaged and 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 as a whole.

The outcome of this application therefore depends on whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits; and in terms of the schemes benefits. Significant weight is attached to the social benefits of

the development through delivery of 8 apartments meeting local housing needs in terms of smaller units in Shirley Wards (4x1 and 4x2 bedroom apartments). Significant weight is attached in the planning balance to the economic benefits of the development in relation to the construction phase and future occupiers of the building utilising local businesses and services. Significant weight is also attached to the environmental benefits that the development achieves through the layout, scale and appearance of the apartment block, which would deliver a good quality, inclusive and sustainable design at the site that responds to the local distinctiveness of the area. Limited positive weight can also be attributed to the matter in the planning balance given the biodiversity enhancements that will be secured via condition.

The proposal provides a total of 14 parking spaces, equivalent to 1.75 spaces per unit, to the front of the apartment building. This level of parking provision is considered acceptable by the Council's Highway Engineer given the highly sustainable location of the application site and the number of one-bed apartments within the building (4x1 bed).

All other matters are neutral in the planning balance.

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

Therefore in summary, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the application should be approved subject conditions.

MAIN ISSUES

The main issues in this application are: -

- Whether the proposal provides an appropriate residential use in accordance with relevant planning policy;
- The effect of the development on the appearance of the street scene and character and local distinctiveness of the local area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties; and
- The effect of the proposal on highway safety and the free flow of the road network.

Other Material Considerations

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

- Other matters

CONSULTATION RESPONSES

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

SMBC Drainage – No objection subject to conditions.

SMBC Highways – No objection subject to conditions.

SMBC Ecology – No objection subject to conditions.

SMBC Urban Design – No objection, further information suggested for case officer to consider.

SMBC Landscape – No objection subject to conditions.

PUBLICITY

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

65 responses were received in total; 62 were objections with 3 responses in support of the proposal. All correspondence has been reviewed and the main issues raised are summarised below:

Objections

Character and appearance of area

- Out of keeping with area and street scene, which is predominantly houses not flats;
- Development is too large – height and width and;
- Layout and density is unsustainable and will lead to more being approved.

Highways and safety

- Insufficient parking for future residents will result in on-street parking;
- No visitor car parking spaces will result in on-street parking;
- Road safety concerns will result in more parents driving their children to school rather than walking;
- Traffic survey should be requested;
- Vulnerable road users i.e. pedestrians will be affected;
- Will increase traffic on an already busy road; and
- Tanworth Lane is already a rat-run and there have been accidents on the road in the past.

Amenity

- Existing properties will be overlooked;
- Overlooking into the rear gardens along Shotteswell Close and Wakelin Road;
- Increased noise pollution and disturbance to existing residents;
- Development will block light to neighbours;
- Proposed balconies will allow overlooking;
- Loss of privacy;
- Refuse storage facilities are unclear;
- Waste disposal will be an eyesore; and
- Proposed bin store is undersized.

Ecology and Landscape

- Detrimental impact on environment and protected species; and
- Queries whether TPO tree T12 should be retained as it is in poor health.

Drainage

- Will have an unacceptable impact on failing sewerage/waste water structure;
- Area is susceptible to flooding and this development will exacerbate this issue; and
- Additional hardstanding will impact on the environment and local flooding issues.

Infrastructure

- Local schools and surgery cannot cope; and
- Schools, doctors and dentists are oversubscribed.

Other considerations

- Sets a precedent for other developments in the area;
- Loss of property value;
- Queries whether there is an historic right of access to the land at the rear;
- 1995 planning application for a single dwelling was refused and this application should be; and
- Queries demand for flats given the abundance of apartment developments elsewhere.

Support.

- Borough is short of housing and this development will allow others to get on property ladder;
- Proposal is set back from road so it will not affect existing dwellings; and
- Existing bungalow is an eyesore.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states "Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2021, the National Planning Practice Guidance.

RELEVANT PLANNING HISTORY

None.

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

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

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

Policy P5 of the SLP supports new housing on unidentified sites in accessible locations where they contribute to meeting borough wide needs and towards enhancing local character and distinctiveness. Policy P5 of the SLP is consistent with policies set out in the NPPF and full weight can be attributed to this SLP Policy.

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

- (a) Accessibility

In terms of the first test, Policy P7 of the SLP provides accessibility criteria in relation to local circumstances. Policy P7, amongst other things, seeks to ensure that new development is focused in the most accessible locations and promotes ease of access. When looking at housing development, this Policy sets out criteria of walking distances that new development should seek to achieve and comments on distances from primary schools; doctor's surgeries and food shops as well as distances from bus stops and railway stations. The intention is that development should be easily accessible and linked to existing amenity facilities that are capable of being arrived at on foot. Policy P7 of the SLP is consistent with policies set out in the NPPF and full weight can be attributed to this SLP Policy.

	Policy P7 distance requirement	Local Authority calculation of distance
Bus stop	400m	100m
Rail station	800m	2250m (Shirley)
Food store	800m	600m

Primary school	800m	800m
GP surgery	800m	400m

Policy P7 expects development to meet certain accessibility criteria (as shown in the table above) “*unless justified by local circumstance*”. It is recognised that the development falls outside the ideal distances that Policy P7 aspires to, but the differences are not considered to be significant. Importantly, the application site is located within the existing mature suburbs of Shirley and, as such, the application proposal is considered to accord with Policy P7.

For the reasons set out above, the spirit of 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 NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5 year land supply (5YHLS) or not. If it can't, then for decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. This is often referred to as the ‘tilted balance’. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 4.19 years (as of 1st April 2020) and therefore the tilted balance is engaged. This shortfall is considered to be modest on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be modest this can have a bearing on the weight attached to the tilted balance.

The adopted supplementary planning document ‘Meeting Housing Needs’ expects developments to contribute towards addressing mismatches between housing demand and supply to help meet the Local Plan objective to address imbalances in housing supply and local demand. Within the Shirley Wards the SPD seeks 50% of all new market housing to be 1 or 2 bedroom dwellings. In this instance, the 8 apartments are a combination of 1 and 2 bedroom apartments. This would meet the identified need for smaller dwellings within the specific Ward and Borough as a whole and carries significant weight in the planning balance.

The principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would contribute to meeting borough wide housing needs and therefore meets the housing test in Policy P5.

- (c) Enhancing local character and distinctiveness

Finally, considering the third test, Policy P15 of the SLP provides guidance on Securing Design Quality. Policy P15 of the SLP requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing,

density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment.

An assessment of the effect of the proposed development by reason of its scale, massing, layout, design and landscaping on the character and appearance of the area is set out in the next section of this Report. Your officers have concluded that the proposal would meet the relevant criteria as set out in Policies P5 and P15.

The principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) would enhance local character and distinctiveness and therefore meet the test in Policy P5.

- Summary

For the reasons set out above, the principle of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended) is compliant with Policy P5 of the Local Plan.

Overall, the proposal is policy compliant on this matter and this should be accorded neutral weight in the planning balance.

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

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

Policy P10 of the SLP recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. Policies P10 and P14 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to these Local Plan Policies.

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

Against this policy background, local residents have raised concern that the use of this site for this proposed residential development will cause harm to the character and distinctiveness of the local area and harm amenity and privacy to neighbours and highway safety. In relation to this, the NPPF does exclude urban private

residential garden land as previously developed land (Annex 2), and the NPPF also advises that *'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'*. (Para 71). At the local level, the Solihull Local Plan – section 5.5.2 details *'protecting the environmental quality and attractiveness of the mature suburbs, including garden areas where these contribute to character'*. However, these policies do not preclude the development of urban garden land altogether, provided it can be demonstrated that there would be no harm to the local area or, if harm is identified, this can be mitigated. Throughout the Borough of Solihull, there are now many examples of built residential developments on urban garden land, providing new residential properties, to help meet an identified need for additional dwellings in accessible, sustainable locations within urban areas. It is noteworthy that this proposal redevelops the site by replacing a single bungalow by an apartment building which occupies a similar footprint to the bungalow it replaces and the rear garden of the plot remains in tact, whilst the building line of this part of Tanworth Lane is respected.

The existing dwelling is a detached traditional bungalow, which is sited along the northern boundary with No.156 Tanworth Lane. The existing vehicular access is sited slightly off-centre to the site and there is a group TPO along the southern boundary. There is no prevailing dwelling type or size along this part of Tanworth Lane although there is an established building line on this side of Tanworth Lane which is characterised by a set back and front garden with off road parking provision. The eclectic mix of dwelling types includes the newer residential development at Heath Drive, detached dwellings as well as semi-detached and terrace properties.

The application site contains an existing traditional bungalow and outbuildings including a garden shed, traditional lean-to and greenhouse. The property appears to be in need of some modernisation, and the garden area is overgrown. The existing bungalow forms the end of a ribbon of development fronting Tanworth Lane; the neighbouring bungalow at No.156 has been significantly extended following the grant of planning consent in 2015 and 2017 for a two storey front extension with ground floor rear and side extensions. Furthermore, there is a bungalow at No.154 however given the extensions to No.156, it is considered that the character and relationship of these bungalows to one another has been compromised.

The proposed apartment building has been designed to ensure it appears as a large dwelling within the street scene. The proposed building utilises the existing footprint, and extends further to the rear than the existing dwelling but no further than the neighbouring dwelling at No.156. In design terms, the proposed apartment building is traditional with a hipped roof and front dormers. Design features from neighbouring dwellings along Tanworth Lane have been replicated including the front dormers with wooden panel detail – such detailing can be found on No.175 to No.189.

The existing building line is respected and the proposed building aligns with No.156 Tanworth Lane ensuring it projects no further forward into the street scene than the existing building line, but also ensuring it projects no further to the rear than the extended neighbouring property. As Tanworth Lane benefits from varied residential designs it is considered that the proposed apartment building at the application site

will create a coherent feature in the street scene, enhancing the local distinctiveness of the area.

It is recognised that comments have been made by local residents regarding the overdevelopment of the site and the lack of existing apartment buildings within Tanworth Lane. Whilst it is acknowledged that there are no other apartment buildings within close proximity of the application site along Tanworth Lane, the proposed use would remain in the C3 use class as an apartment building, which is wholly compatible with the surrounding dwellings. The proposed design of the apartment building is attractive and reflects the design characteristics of the local area. Whilst illustrative only, the proposed street scene drawing demonstrates that the proposed apartment building will harmonise with the local character and appearance of the area due to the varying styles of dwelling adjacent to the application site and enhance local distinctiveness. The proposed development would make efficient use of an existing residential plot within the urban residential area presenting enhancement to the streetscene through replacing a dilapidated bungalow by a building of good quality design that complements its setting and streetscene. The proposal is therefore compliant with Policies P5 and P15 of the SLP as well as guidance contained within the NPPF.

Having regard to the above, significant weight should be attributed to this in the planning balance.

The effect of the proposal on the living conditions of the occupiers of neighbouring properties

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

The proposed apartment building has been designed to ensure existing neighbouring residents are not overlooked by future occupants. The side elevation which faces No.156 has openings at ground and first floor for en-suites and study windows; rooflights are utilised within the second floor and are set within the hipped roof to minimise overlooking opportunities. Condition 17 requires that side facing windows to first floor windows shall be obscurely glazed and top opening in order to prevent any overlooking to No.156. Nonetheless, the roof lights in No.156 provide natural daylight to bathroom windows and these are not considered as principle windows.

The application site holds an end of run location and therefore the side elevation to No. 11 Wakelin Road sits adjacent to the site. No.11 has a blank side elevation and therefore there are no overlooking considerations for this neighbour. In addition, the group TPO is sited between No.11 and the application site and many of these trees will remain, providing screening along the boundary. This will ensure that privacy levels for existing residents along Wakelin Road are maintained, mitigating any potential overlooking issues between properties.

Adequate separation distances exceeding 22 metres would be maintained between the furthest rear point of the proposed apartment building, where lounge windows are positioned on all three floors, and the side elevation of No.40 Shotteswell Road

which itself is located behind the rear garden boundary of the application site. There are no balconies proposed on the proposed apartment building and whilst the proposed rear elevations show Juliette balconies at the first and second floors, these afford future residents no greater outlook than full-length windows would.

The rear garden of the proposed apartment building would be 20 metres at the shortest point. The Council refers to the Housing Development Guidelines SPG (1994), which whilst an older document, is still relevant in terms of the principles it establishes for new housing development. This SPG advises that the *“length of a back garden should not normally be less than 11 metres or 5 metres for every storey of the dwellings to which they relate, whichever is the greater.”* With reference to this SPG, it is considered that the proposed separation distances to the rear and retained garden length detailed above in this report are sufficient and represent acceptable urban design, allowing the existing dwellings and gardens to be used without any detriment between the neighbours and future occupiers of this proposed building.

It is acknowledged that comments have been made by local residents regarding the impact of the proposed apartment building on those residents on the opposite side of Tanworth Lane who will face the proposed site. The proposed site plan shows the location of the existing dwelling on the site in comparison to the proposed footprint of the apartment building. This demonstrates that the proposed apartment building will be sited further into the application site than the current dwelling by up to 2.15 metres at the furthest point. The proposed front elevation is also staggered to provide this set back and articulation to the built form. Given that separation distances of in excess of 38 metres will be retained between habitable windows (which is greatly exceeds 21m guidance) with those existing properties adjacent to the application site on Tanworth Lane, amenity and privacy levels will not be compromised by the proposal.

Overall the resulting separation distances, garden depths and design would ensure amenity and privacy levels would not be harmed between properties and maintained without any unacceptable levels of overshadowing and overlooking. On this basis the proposal would accord with Policy P14 of the SLP, SPG New Housing in Context and guidance in the NPPF.

Neutral weight should be attributed to this matter in the decision making process.

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

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

With regard to parking provision, a total of 14 car parking is proposed. The proposed development consists of 4x 1 bed apartments, and 4x 2 bed apartments. This provision equates to an average of 1.75 spaces per apartment with turning space to allow each vehicle to exit the site in a forward gear. The Council’s Highway Engineer

is satisfied that, subject to the imposition of a condition (see condition 10) for a car parking management plan, the level of provision is acceptable given the ratio of one and two bed apartments and the accessible location of the site by public transport.

There will be a single access to the application site from Tanworth Lane, and this access has been aligned to the centre of the site and widened slightly to 5 metres. This width would enable two vehicles to pass each other within the vehicular access, so as not to obstruct the public highway, if required.

It is understood that comments have been made by local residents regarding the impact of the proposal on traffic congestion in Tanworth Lane because no visitor parking is proposed on-site. However, the proposed parking provision accords with the requirements of the Council's adopted Vehicle Parking Standards and Green Travel Plans SPD 2006. It is noted that most dwellings along Tanworth Lane, and in the surrounding residential streets such as Heath Drive and Shotteswell Road, have provision for one or two off-road parking spaces and that the accepted provision proposed for this development is in-keeping with the locality.

The Council's Highway Engineers have reviewed the proposal and have raised no objection subject to conditions including the submission of a parking management strategy before the development is occupied as stated. Secure cycle parking will also be secured via planning condition.

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

Other Material Considerations

- Ecology

Policy P10 of the SLP addresses the natural environment and seeks biodiversity enhancement where feasible.

The application submission has been supported by an internal and external bat survey. The Council's Ecologist has reviewed this report and is satisfied with its content; no further surveys have been requested subject to a bat advisory note.

The proposed development will result in removal of some vegetation. To ensure there is a net gain for biodiversity, as in accordance with paragraph 180 of the NPPF, the site should be enhanced. The Environment Bill gained Royal Assent on 10th November 2021, which requires development to deliver a 10% uplift in relation to biodiversity on sites. However, it is important to note that the provisions have not yet come into force. To date, no Regulations have been made by the Secretary of State bringing the provisions of the Act into force.

The Council's Ecologist has recommended that ecological enhancements should include a provision of bat and bird boxes and planting of native and fruit/nectar producing shrub species within the site. In addition, the Council's ecologist has requested that a 13x13 cm gap should be created at the base of the new fence to

the rear of the site to ensure that hedgehogs and other wildlife can move between habitats. The Council's ecologist is satisfied that these enhancements can be secured via a condition and will provide the necessary net gain in biodiversity. Condition 13 deals with this point.

The proposal therefore accords with Policy P10 of the SLP and limited positive weight can be attributed to the matter in the planning balance given the biodiversity enhancements that will be secured via condition.

- Landscape

The planning application was supported by the submission of an Arboricultural report which contained an assessment of the existing trees, a tree constraints plan, an Arboricultural impact assessment and an Arboricultural method statement. The Council's Landscape Architect has reviewed this document and the submitted planting and biodiversity enhancement plan and hard surface plan and raised no objections. The Council's Landscape Architect has requested that the hard and soft landscaping is secured via condition, as is the tree protection measures. This is particularly relevant given the group TPO located along the southern boundary of the application site.

Subject to the imposition of the planning conditions requested by the Council's Landscape Architect (conditions 5, 6, 7 and 8), it is considered that the proposal accords with Policy P10 of the SLP and neutral weight can be attributed to the matter in the planning balance.

- Drainage

The applicant has not provided any flood risk or drainage information with the application therefore the Council's Drainage Engineers have requested a planning condition seeking detail on the management of the surface water run-off, with no occupation of the site until the scheme is operational. This ensures compliance with Policies P11 and P15 of the SLP and neutral weight can be attributed to the matter in the planning balance. Conditions 15 and 16 deal with these points.

Comments submitted by local residents regarding localised flooding events are noted; the Council's Drainage Engineer has requested the inclusion of an advisory note regarding flood resilient construction techniques in the event of surface water flooding during extreme storm events.

- Affordable housing provision

The development of 8 apartments falls below the Government's threshold of when affordable housing is required.

- CIL

However, the proposal involves the provision of new housing in an urban area and as such the Community Infrastructure Levy (CIL) contribution is required. In this instance the CIL amount generated by the proposal relates to the addition of 623.0

square metres of new internal floor space equating to a liability of £57,415.68 (at £92.16 per square metre for residential in the mature suburbs).

- Climate Change.

The Council recognises the importance sustainable technology will play in transitioning to a low carbon society as evidenced by the publication of the Climate Change Emergency Statement. Local Plan Policy P9 sets out measures to help tackle Climate Change but does not require the provision of the technology detailed above for the construction of the apartment block. However, Policy P9 point 3 (Mitigating and Adapting to Climate Change) of the emerging Local Plan review will require *all* new development to apply the 'energy hierarchy' to reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions and help the transition to a low carbon society. However, as this policy is yet to be tested at examination, and with regard to advice in paragraph 48 of the Framework which sets out the weight Local Planning Authorities can attach to emerging policies, this policy, as currently published, has limited weight in the planning balance.

The new apartment buildings will be constructed to modern Building Regulation standards and will therefore have a greater thermal efficiency than the existing dwellings in the area. The homes are also located in a sustainable location with access to services and facilities by means other than the private car.

- Other matters.

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

- Public sector equality duty.

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

- Human Rights.

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

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

CONCLUSION

Overall, the design and site layout of the proposed development is considered to produce an appropriate scheme for the site and its surrounding local area, whilst respecting and enhancing the local character and distinctiveness of this residential area.

The proposed development would make efficient use of this site which is enhanced by having good accessibility to local services.

The proposed development is considered to be of good design whilst also demonstrating an acceptable impact upon residential amenity, highway safety and drainage.

The Council are unable to demonstrate a five year supply of housing and there is a desire at national level to 'boost significantly' the supply of housing. Given the lack of a 5 year housing supply, paragraph 11 of the NPPF is therefore engaged and 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 as a whole.

The outcome of this application therefore depends on whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and in terms of the schemes benefits. Significant weight is attached to the social benefits of the development through delivery of 8 apartments meeting local housing needs in terms of smaller units in Shirley Wards (4x1 and 4x2 bedroom apartments). Significant weight is attached to the economic benefits of the development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services. Significant weight is attached to the environmental benefits of the development as the layout, scale and appearance of the apartment block delivers a good quality, inclusive and sustainable design at the site that responds to the local distinctiveness of the area. Limited positive weight can be attributed to the matter in the planning balance given the biodiversity enhancements that will be secured via condition.

The proposal includes a total of 14 parking spaces, 1.75 spaces per unit, to the front of the apartment building. This level of parking provision is considered acceptable by

the Council's Highway Engineer given the highly sustainable location of the application site and the number of one-bed apartments within the building (4x1 bed).

All other matters are neutral in the planning balance.

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

Therefore in summary, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the application should be approved subject conditions.

In coming to this recommendation, your officers have also 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.

The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

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

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

1. CS05 – commencement within 3 years
 2. CS00 – compliance with plans
 3. CS06 – materials to be submitted
 4. CL03 – barriers around trees to be retained
5. The development shall not commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme to be submitted should include:
- Outdoor patios to ground floor flats should be a minimum of 5 x 5m metres to ensure they are usable for outdoor recreation and provide privacy threshold from the communal gardens
 - Communal gardens- designed to not encroach on the private outdoor patios through spatial arrangement, zoning, and carefully selected shrub/ tree planting to create a clear a threshold between these zones.
 - Perimeter paths to the building footprint: widths should be a minimum to 2m width to ensure good accessibility and set back from the building line. Building line should include generous planting beds around the windows of ground floor flats to provide a buffer between the communal paths to provide a buffer to the windows of the ground floor flats.
 - Front courtyard: emphasis should be placed on the pedestrian/amenity value use of this zone. This should be achieved through carefully placed tree/shrub planting,

lighting that provided security but at the same is sensitive to the flats that face the frontage, coordinated street furniture that adds to the overall design quality of the courtyard

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts; other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and garden structures: communal garden furniture, play equipment, storage units; composting facilities; lighting etc. Cycle racks, bin stores, and communal garden furniture should be located to not adversely impact on ground floor flats
- Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

To minimise the effect and enhance the character of the development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

6. CL06 - Implementation of landscape scheme

7. CL07 – Replacement of tree or hedging lost within 5 years

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

To ensure the proposals are in accordance with NPPF Chapter 12 and 15, National Design Guide (MHCLG), SMBC Policies 10, 14 and 15.

9. The development shall not be occupied until an access to the site for vehicles has been provided measuring at least 4.5 metres in width, and constructed to the standard specification of the Local Highway Authority.

In the interests of public highway safety to accord with Policy P8 of the Solihull Local Plan 2013.

10. The development shall not be occupied until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter only be operated in accordance with that approved strategy.

To ensure adequate car parking is provided for the development and it is managed appropriately in accordance with Policy P8 of the Solihull Local Plan 2013.

11. The development shall not be occupied until a detailed scheme for the provision of secure and sheltered cycle parking has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

In the interests of satisfactory parking and to encourage sustainable travel in accordance with Policy P8 of the Solihull Local Plan 2013.

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

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

13. The development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of timings, specifications for bat and bird boxes, native, fruit bearing or nectar-bearing tree and shrub species planting and access gaps for hedgehogs in any new fences.

In accordance with NPPF, ODPM Circular 06/2005.

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 at south of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal species. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas;
- Lighting should be shielded to avoid spillage onto vegetated areas;
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

In accordance with NPPF, ODPM Circular 06/2005.

15. 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) Drawings showing overall site concept design principles
- b) Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- c) Surface Water Drainage Design including:

- Confirmation of the lifetime of the development
 - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances),
 - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
 - Confirmation of discharge rates and volumes (both pre and post development)
 - Confirmation of proposed discharge location.
 - Engineering details for all surface water drainage features
 - Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- d) Surface Water Drainage adoption and maintenance strategy
- e) On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- f) 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);

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

16. No above-ground work shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

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

17. No development shall take place until full details of the finished floor levels of buildings and site levels have been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented in accordance with the approved details.

To safeguard the amenity of neighbouring properties in accordance with Policy P14 of the Solihull Local Plan 2013.

18. CD15 - Obscure glazed windows to all first floor windows facing toward No.156 Tanworth Lane

Note: The applicant is strongly encouraged to install an EV Charging points within the car park during the construction phase. Information on grant eligibility can be found using the following web link

<https://www.gov.uk/government/publications/customer-guidance-electric-vehicle-homecharge-scheme/electric-vehicle-homecharge-scheme-guidance-for-customers>

PL/2021/02465/PPFL – 176 Tanworth Lane



Street Scene @ 1:200



Proposed Site Plan @ 1:1250



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TEL: 01543 262444
 WEB: WWW.N-B-A.CO.UK
 TRAFALGAR HOUSE, 20A MARKET STREET, LICHFIELD, WS13 6LH

CLIENT:
 Mr Durkin

PROJECT:
 176 Tanworth Lane
 Shirley
 Solihull
 B90 4DD

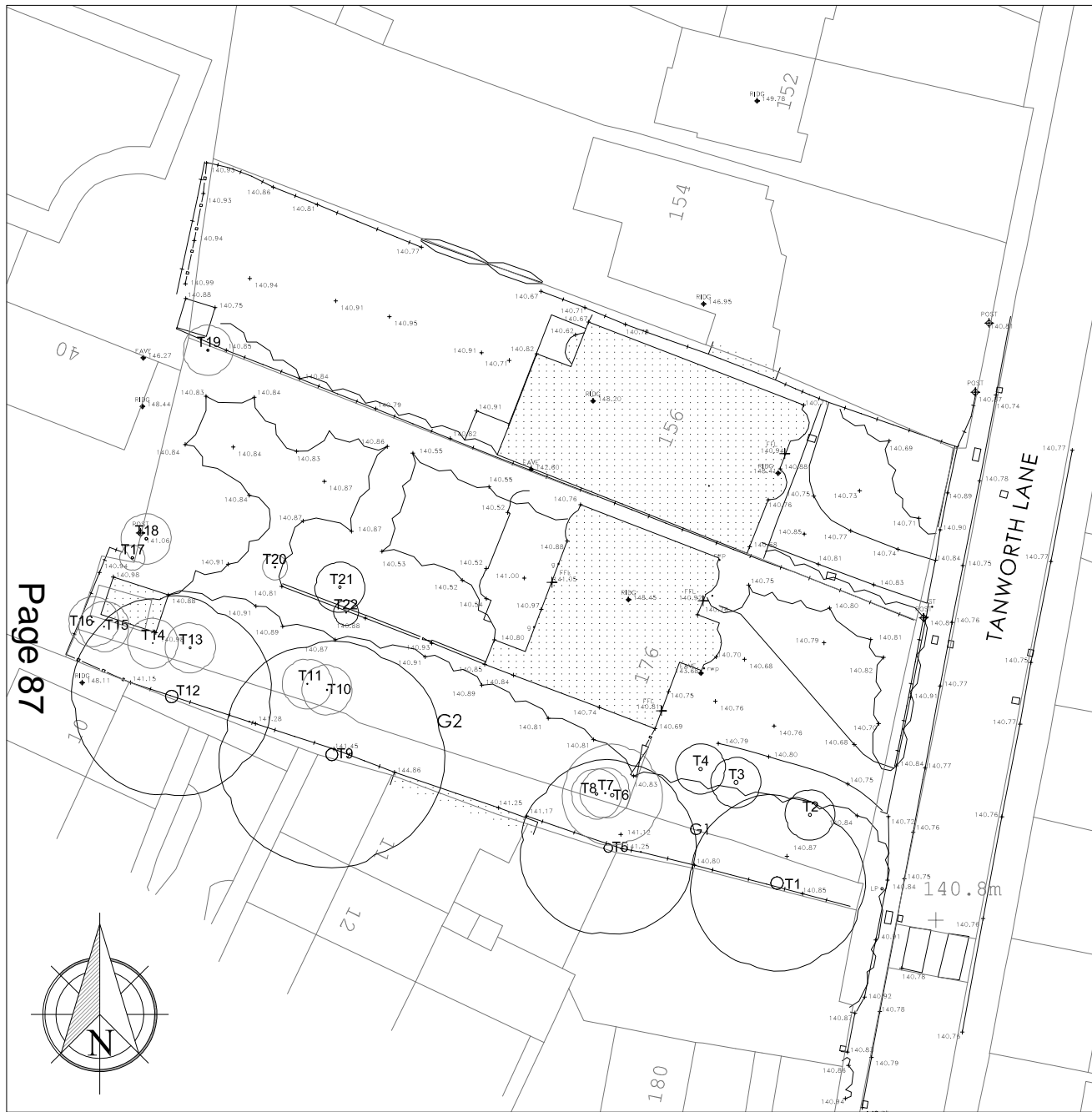
DRAWING TITLE:
 Location Plan and Street Scene

PLANNING DRAWING

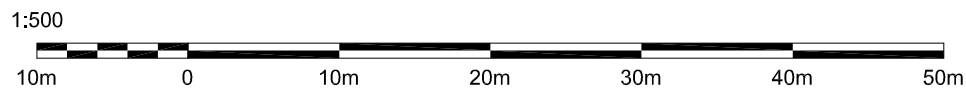
SCALE Varies	SHEET A3
DATE August 2021	DRAWN BY DH

DRAWING.NO 31033	02	REV. -
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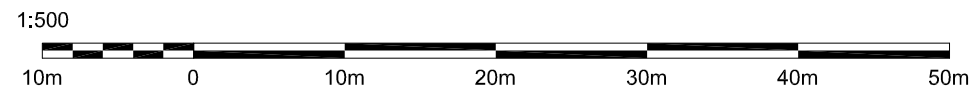
Existing Site Plan @ 1:500



- - - - Denotes demolition
- (.) Denotes trees to be removed
- () Denotes RPA's (root protection areas)



Proposed Site Plan @ 1:500



REVISIONS

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CLIENT:
 Mr Durkin

PROJECT:
 176 Tanworth Lane
 Shirley
 Solihull
 B90 4DD

DRAWING TITLE:
 Existing and Proposed Site Plan

PLANNING DRAWING

SCALE 1:500	SHEET A3
DATE July 2021	DRAWN BY DH

DRAWING.NO 31033	02	REV. -
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The contractor is to check and verify all site and building dimensions, levels and sewer invert levels prior to commencement of the works.

The contractor must comply in full with all current building legislation, such as British Standards, Specifications, Building Regulations etc., whether or not specifically stated on this drawing.

This drawing is not intended to show foundation details, ground conditions or ground contamination. The contractor must investigate each area of land relied upon to support any structure - a suitable method of foundation should be provided to allow for existing ground conditions. Any suspect fluid ground contaminants on or within the ground should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only and should be further investigated by a suitable expert.

Where existing trees are shown to be retained they should be subject to a full Arboricultural Inspection for safety.

All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided in order to accommodate the proposed tree planting.



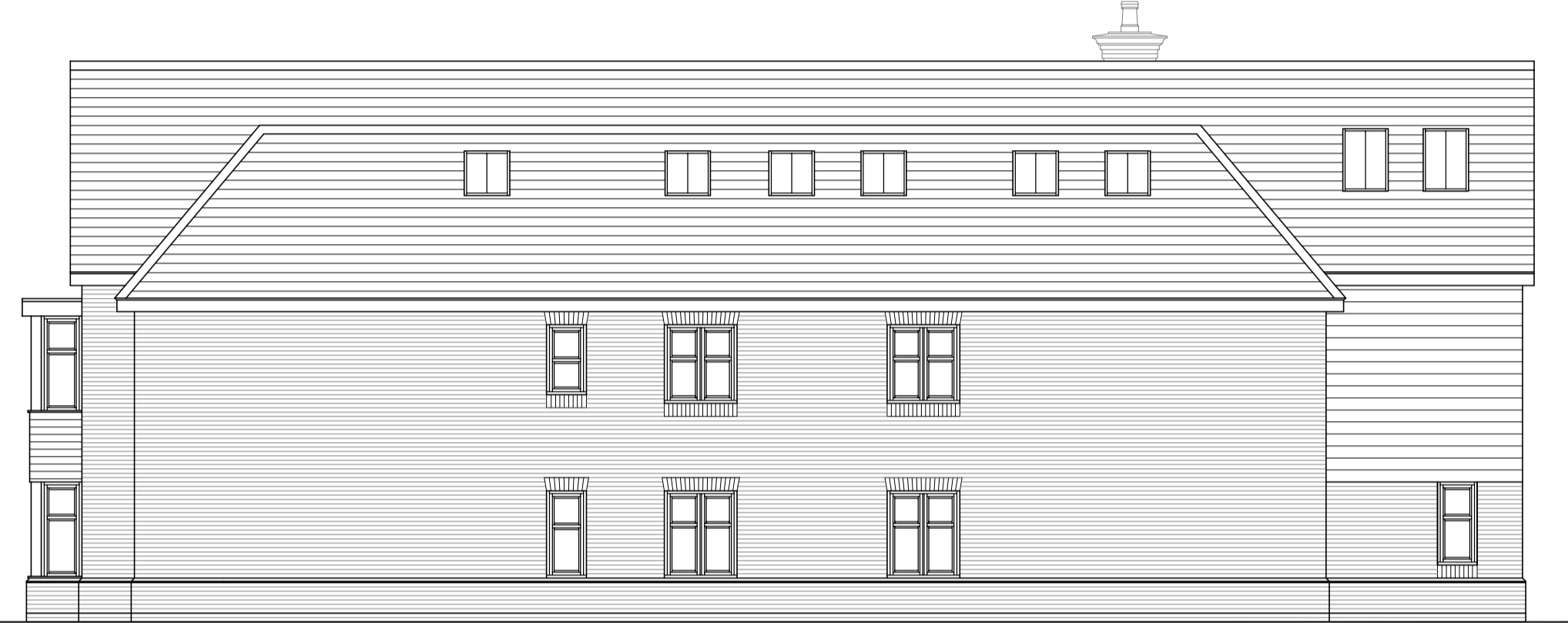
Front Elevation



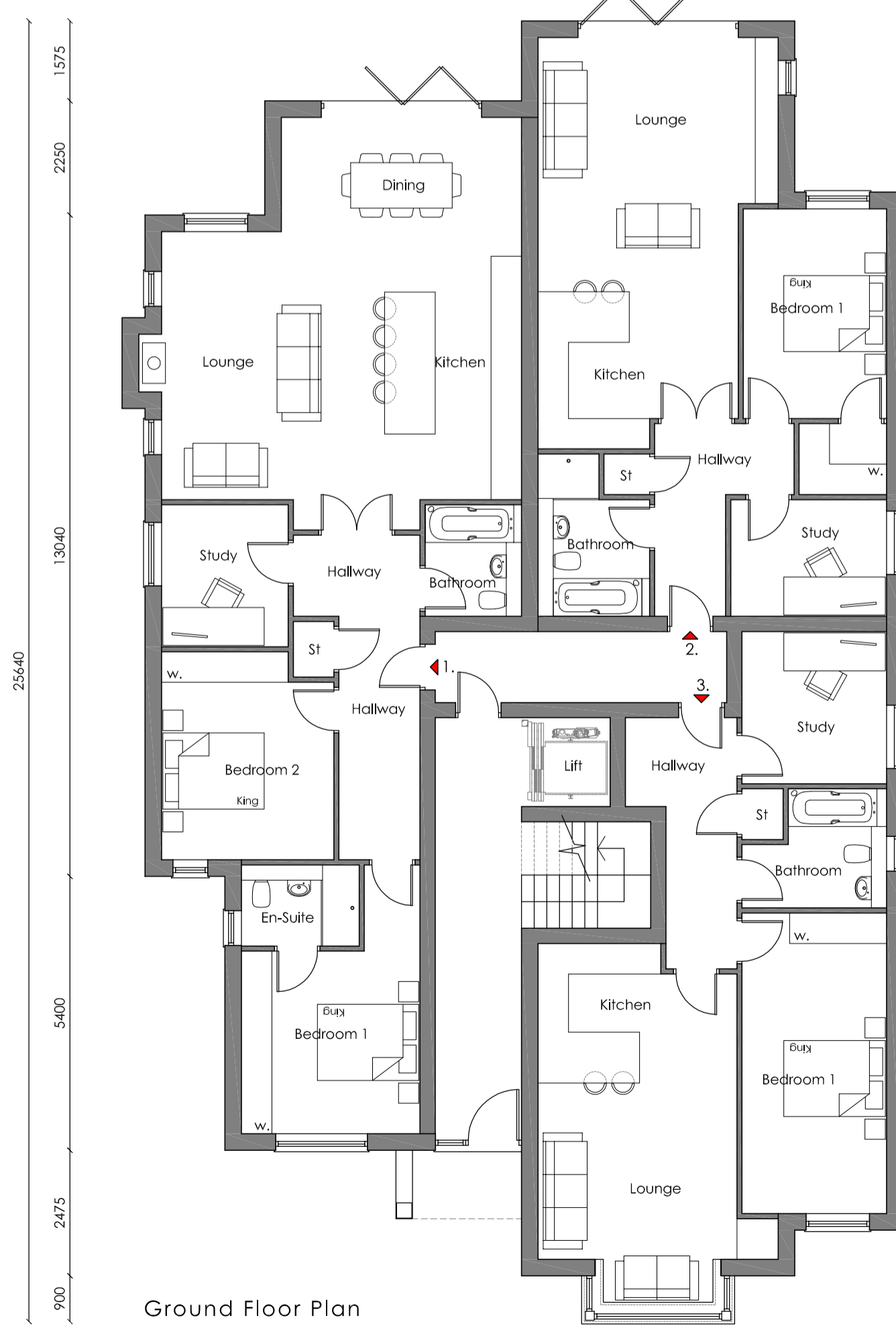
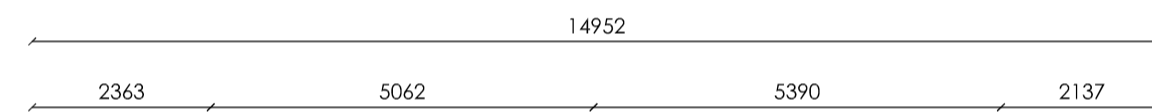
Side Elevation



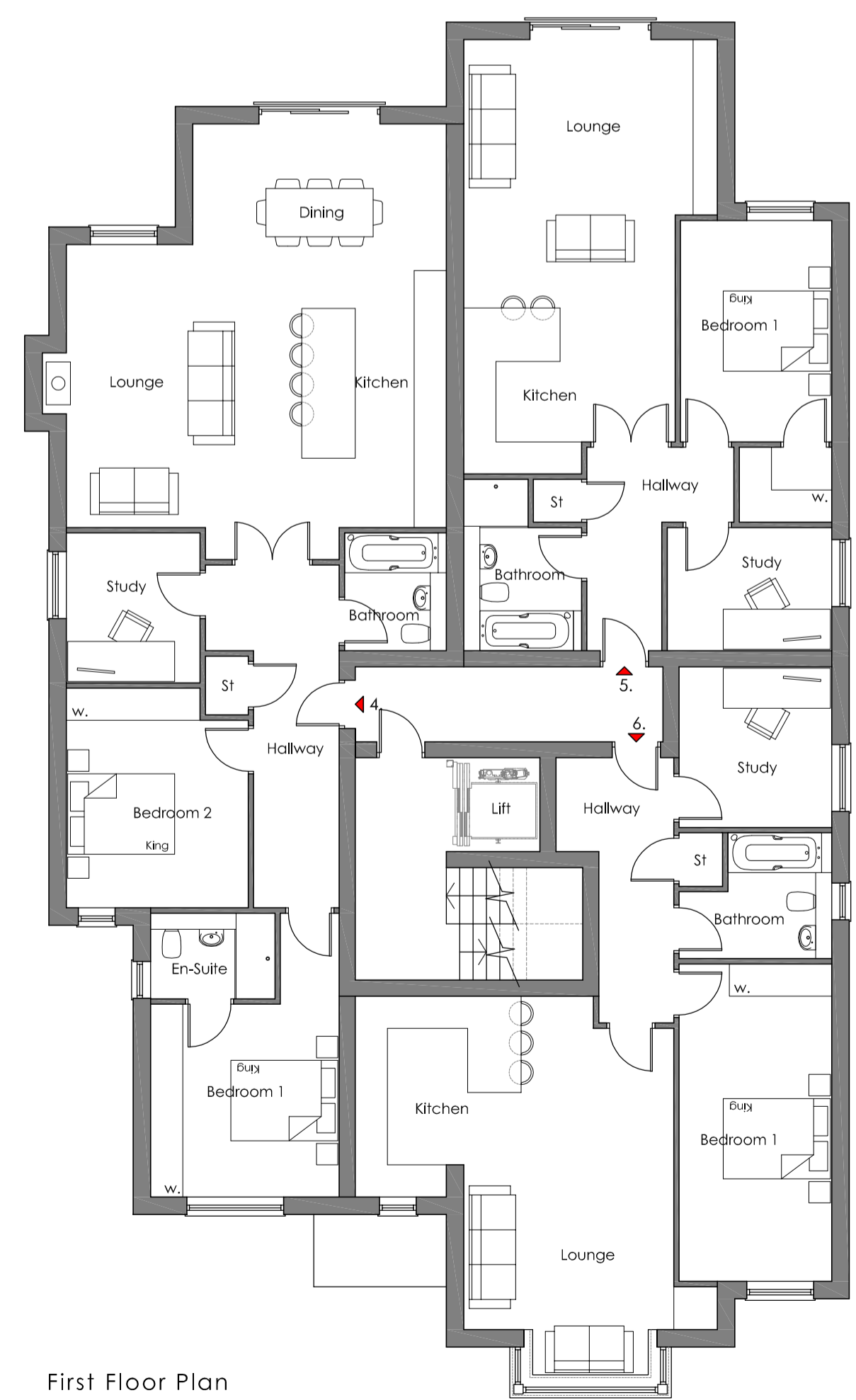
Rear Elevation



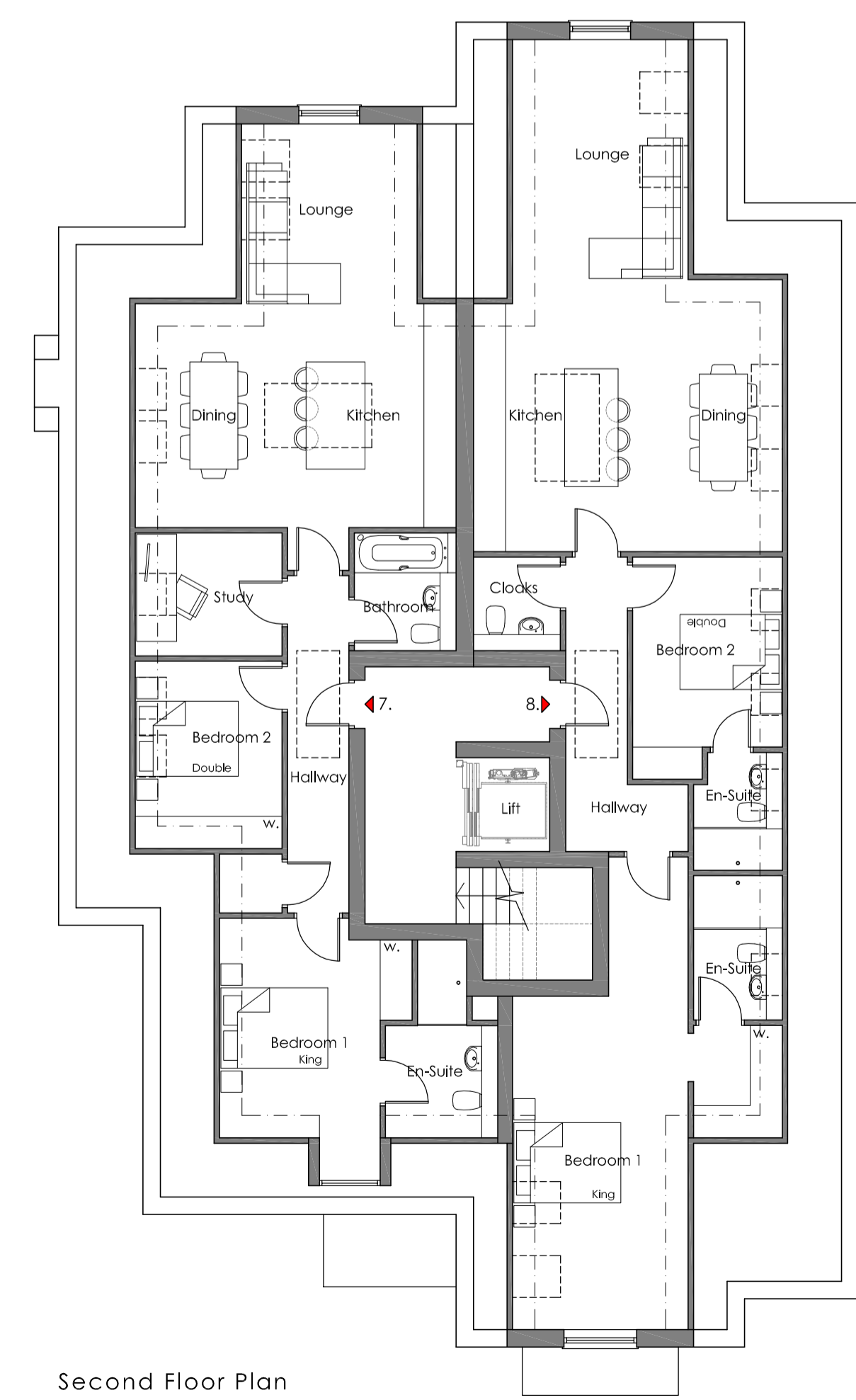
Side Elevation



Ground Floor Plan



First Floor Plan



Second Floor Plan

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LICHFIELD, WS13 6LH
WEB: WWW.N-B-A.CO.UK TEL: 01543 262444

CLIENT:
Mr Durkin

PROJECT:
176 Tonworth Lane
Shilley
Salthull
B90 4DD

DRAWING TITLE:
Proposed Plans and Elevations

PLANNING DRAWING

SCALE 1:100	SHEET A1
DATE August 2021	DRAWN BY DH

DRAWING NO 31033	03	REV.
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**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE – APPEAL REPORT**

Appeal Reference AP/2021/00027/REF
Location Waste Lane, Hodgetts Lane And Truggist Lane Berkswell Solihull

Proposal **Development authorised by the High Speed Rail (London-West Midlands) Act 2017 relating to submissions under Schedule 17 (6) for approvals of Lorry Routes (LR): Waste Lane Overbridge Satellite Compound/Waste Lane East and West Road Head Inbound Route Construction traffic will use the A45 Coventry Rd SRN from the West before taking the A452 southbound at the Stonebridge roundabout. LGVs will continue on the A452 through Balsall Common before turning left onto Kelsey Lane/Waste Lane. Construction traffic will follow Waste Lane until they turn left into the site access for Waste Lane Overbridge and Waste Lane Road Head East and West. Outbound Route Construction traffic will leave Waste Lane Overbridge and Waste Lane Road Head East and West and turn right out of the access onto Waste Lane, continuing onto Kelsey Lane before turning right onto the A452. LGVs will continue on the A452 until reaching the A45 Coventry Rd SRN Carol Green Rail Underbridge North Satellite Compound Inbound Route Construction traffic will use the A45 Coventry Rd SRN from the West before taking the A452 southbound at the Stonebridge roundabout. LGVs will continue on the A452 through Balsall Common before turning left onto Kelsey Lane / Waste Lane. Continue on Waste Lane for approximately 1.3 miles and turn left onto Hodgetts Lane and then left onto Truggist Lane, the site entrance is on the left-hand side Outbound Route Construction traffic must turn right out of site as there is a low bridge to the left. Once LGVs have turned right onto Truggist lane they will follow the above route in reverse until they have re-joined the SRN. Carol Green Rail Underbridge South Satellite Compound/Cromwell Lane Satellite Compound/Beechwood Farm Accommodation Underpass The inbound and outbound routes to these sites (beyond the internal haul road) is the same as the route for Waste Lane Overbridge compound and the Roadhead location.**

Inspectorate Decision Appeal Dismissed **Date:** 15.12.2021

Appeal Reference AP/2021/00025/REF
Location Land South Of Solihull Parkway Blackfirs Lane Marston Green Solihull

Proposal **Formation of up to 388 No. additional car parking spaces to serve Units A and B at Prologis Park Birmingham Interchange with associated earthworks, engineering, landscaping and sustainable urban drainage systems.**

Inspectorate Decision Appeal Dismissed **Date:** 22.12.2021

Appeal Reference AP/2021/00017/REF
Location 62 Chester Road Solihull B36 9BU

Proposal **Ground floor rear, side and front extensions. Two storey side extensions and detached outbuilding to rear.**

Inspectorate Decision Appeal Allowed **Date:** 20.12.2021

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**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Application Number PL/2019/02559/DIS
Location 240 - 244 Stratford Road Shirley Solihull B90 3AE
Proposal **Discharge condition Nos. 5 (noise control measures), 9 (technical approval), 11 (service vehicle management plan), 12 (vision splays) and 13 (hard and soft landscape works) on planning approval PL/2018/00590/PPFL.**
Decision Approved Date: 13.12.2021

Application Number PL/2020/02081/MINFHO
Location 58 Irving Road Elmdon Solihull B92 9DG
Proposal **Single storey side and front extension and two storey side extension**
Decision Approved Date: 14.12.2021

Application Number PL/2021/01518/MINFHO
Location 2 Alcott Close Dorridge Solihull B93 8QJ
Proposal **Two storey side and single storey rear extensions. Single storey front extension and putting pitched roof on flat roofs.**
Decision Approved Date: 15.12.2021

Application Number PL/2021/01737/ADV
Location 10 - 12 Hurst Lane Castle Bromwich Solihull Birmingham
Proposal **Erect externally illuminated signage panel at end of row of shops.**
Decision Approved Date: 08.12.2021

Application Number PL/2021/01914/MINFHO
Location 21 Queen Eleanors Drive Knowle Solihull B93 9LY
Proposal **Two storey side extension, plus single storey side link extension.**
Decision Approved Date: 14.12.2021

Application Number PL/2021/01927/MINFHO
Location 100 Grange Road Olton Solihull B91 1DA
Proposal **Two storey rear extension and front extension with internal reconfiguration.**
Decision Withdrawn Date: 13.12.2021

Application Number PL/2021/01936/MINFHO
Location Newberry 117 Main Road Meriden Solihull
Proposal **Two storey rear extension, extending kitchen and lounge on ground floor and two bedrooms on first floor.**
Decision Approved Date: 13.12.2021

Application Number PL/2021/01953/DIS
Location 32 Links Drive Solihull B91 2DL

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Proposal Discharge condition Nos. 3- Materials, 9-Drainage, 13-CMP and 16- Levels on planning application PL/2019/02692/PPFL, following APP/Q4625/W/20/3260079.
Decision Approved Date: 08.12.2021

Application Number PL/2021/02012/MINFHO
Location 9 Chelthorn Way Hillfield Solihull B91 3FW

Proposal **3 No. small rear dormers for a loft conversion accommodating 1 bedroom with en suite.**
Decision Approved Date: 08.12.2021

Application Number PL/2021/02150/MINFHO
Location 131 Ulverley Green Road Olton Solihull B92 8AJ

Proposal **Two storey front extension, garage conversion to living accommodation with dormer first floor extension above and proposed new front boundary wall.**
Decision Approved Date: 16.12.2021

Application Number PL/2021/02183/MINFHO
Location 5 Colebrook Croft Shirley Solihull B90 2JD

Proposal **Two storey side extension, single storey front extension; single storey rear extension.**
Decision Approved Date: 16.12.2021

Application Number PL/2021/02223/MINFHO
Location 132 Station Road Balsall Common Solihull Coventry

Proposal **Internal renovation and alterations, single storey side extension, second floor rear dormer.**
Decision Approved Date: 14.12.2021

Application Number PL/2021/02228/PPFL
Location The Gateway Terminal Road Birmingham Airport Solihull

Proposal **Erection of building for industrial use (Class E(g)(iii) and Class B2) and storage & distribution use (Class B8), and alterations to existing car park area.**
Decision Approved Date: 13.12.2021

Application Number PL/2021/02229/COU
Location 326 Hobs Moat Road Elmdon Solihull B92 8JT

Proposal **Change of use from a single dwelling to a house of multiple use (sui generis).**
Decision Withdrawn Date: 14.12.2021

Application Number PL/2021/02316/TPO
Location 502 Streetsbrook Road Solihull B91 1RH

Proposal **Reduce height by approximately 7.5m to 6.5m on 1 No. conifer tree (T1). Group of conifer trees (T2) at various heights (approximately 12m) reduce heights to match T1 at 6.5m. Lift crown to approximately 5.5m on 1 No. birch tree (T3). Reduce large overhanging branch by approximately 9m back to first major asymmetrical crotch and raise overhanging branches to approximately 9m Lift overhanging branches to approximately 9m on 1 No. pine tree (T5).**

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Decision Approved Date: 09.12.2021

Application Number PL/2021/02355/TPO
Location 18 St. Helens Road Solihull B91 2DA

Proposal **Fell tree covered by TPO 587 that is resting on other tree due to be removed.**
Decision Withdrawn Date: 08.12.2021

Application Number PL/2021/02379/MINFHO
Location 43A Hampton Lane Solihull B91 2QD

Proposal **Ground and first floor rear and front extension and internal alterations together with sliding gate.**
Decision Approved Date: 10.12.2021

Application Number PL/2021/02389/TPO
Location 15 Woodchester Road Dorridge Solihull B93 8EN

Proposal **Reduce height of 2 No. picea specie trees by approximately 15 - 20ft (4.5 - 6.1m).**
Decision Split Decision Date: 08.12.2021

Application Number PL/2021/02403/MINFHO
Location 31 New Meadow Close Dickens Heath Solihull Solihull

Proposal **Conversion of garage space into a living space with adjoining door into the main property. Single storey extension at rear of the current garage to be in line with the rear of the property.**
Decision Approved Date: 14.12.2021

Application Number PL/2021/02412/NONMC
Location Land At The Green For Phases F And G Of Plot 3 Stratford Road Shirley Solihull

Proposal **Non-material amendment to the approved plans listed under condition 1 on planning approval PL/2021/00659/PPRM.**
Decision Approved Date: 14.12.2021

Application Number PL/2021/02423/PPFL
Location Car Park For Allotments Eastcote Lane Hampton In Arden Solihull

Proposal **Formation of hardcore car parking area and modification to existing vehicle access to Eastcote Lane to serve use of land as allotments.**
Decision Approved Date: 10.12.2021

Application Number PL/2021/02490/PPFL
Location Blythe View Farm Kenilworth Road Knowle Solihull

Proposal **External alteration to an existing agricultural building to include new timber cladding and increase in height.**
Decision Approved Date: 15.12.2021

Application Number PL/2021/02529/MINFHO
Location 256 Station Road Balsall Common Solihull Coventry

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Proposal Erect oak framed car port.
Decision Refused Date: 08.12.2021

Application Number PL/2021/02539/TPO
Location 1 456 Station Road Dorridge Solihull B93 8EX

Proposal **Trees are encroaching on building and highway: T1 ash tree lift 5m and reduce from building to clear 2.5m. T2 Chestnut tree lift 5m and reduce from building to clear 2.5m. T3 lime tree lift 5m and reduce from building to clear 2.5m.**
Decision Approved Date: 15.12.2021

Application Number PL/2021/02552/MINFHO
Location 20 Shelsley Way Hillfield Solihull B91 3UZ

Proposal **Erection of a single storey side and rear extension and garage conversion.**
Decision Approved Date: 16.12.2021

Application Number PL/2021/02562/MINFHO
Location 51 Hermitage Road Solihull B91 2LL

Proposal **Single storey side extension and single storey front hall extension**
Decision Approved Date: 09.12.2021

Application Number PL/2021/02577/MINFHO
Location 158 Widney Road Bentley Heath Solihull B93 9BH

Proposal **Minor alteration to existing single storey extension including change of roof design and slight increase in footprint.**
Decision Approved Date: 08.12.2021

Application Number PL/2021/02601/MINFHO
Location 7 Rowden Drive Shirley Solihull B91 1UQ

Proposal **Single storey rear conservatory extension.**
Decision Approved Date: 09.12.2021

Application Number PL/2021/02625/MINFHO
Location 19 Hawbridge Close Monkspath Solihull B90 4SU

Proposal **Flat roof extension over family room (former garage) to enlarge kitchen area.**
Decision Approved Date: 14.12.2021

Application Number PL/2021/02626/MINFHO
Location 6 Fallowfield Road Elmdon Solihull B92 9HL

Proposal **Single storey rear extension.**
Decision Approved Date: 09.12.2021

Application Number PL/2021/02629/MINFHO
Location 19 Chilwell Close Hillfield Solihull B91 3YL

Proposal **Rear kitchen extension and sun lounge.**

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Decision Approved Date: 13.12.2021

Application Number PL/2021/02638/MINFHO
Location 74 Lovelace Avenue Solihull B91 3JR

Proposal **Single and two storey front and single storey rear extensions to existing dwelling with raised eaves and ridge providing additional accommodation, including altered access and boundary treatments. Alterations and extensions to existing pool house to rear garden including associated parking and landscaping changes.**

Decision Approved Date: 15.12.2021

Application Number PL/2021/02639/PPFL
Location 30 Warwick Road Olton Solihull Solihull

Proposal **Minor alterations to elevations to include new access door and additional button fencing with associated works to the site.**

Decision Approved Date: 10.12.2021

Application Number PL/2021/02658/PPFL
Location Barnacle Farm Back Lane Meriden Solihull

Proposal **Demolition of existing dwelling, outbuildings and established B8 storage premises and the erection of two new dwellings.**

Decision Approved Date: 08.12.2021

Application Number PL/2021/02669/MINFHO
Location 11 Binton Road Shirley Solihull B90 2QH

Proposal **Single storey rear extension.**

Decision Approved Date: 08.12.2021

Application Number PL/2021/02686/MINFHO
Location 25 Charterhouse Drive Hillfield Solihull B91 3FH

Proposal **Single storey rear family room extension to replace existing conservatory on existing footprint.**

Decision Approved Date: 13.12.2021

Application Number PL/2021/02689/MINFHO
Location 4 Haslucks Croft Shirley Solihull B90 2EG

Proposal **Single storey extension to the rear of the property.**

Decision Approved Date: 08.12.2021

Application Number PL/2021/02690/MINFHO
Location 251 Castle Lane Olton Solihull B92 8SQ

Proposal **Two storey side and rear extension, infill extension at ground floor and forward extension.**

Decision Approved Date: 16.12.2021

Application Number PL/2021/02698/MINFHO

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Location 3 Hall Farm Court Kenilworth Road Knowle Solihull
Proposal Decision **Single storey rear orangery.**
Approved Date: 10.12.2021

Application Number PL/2021/02699/MINFHO
Location 10 Ralph Road Shirley Solihull B90 3JX
Proposal Decision **Part two storey, part single storey rear extension.**
Approved Date: 16.12.2021

Application Number PL/2021/02704/MINFHO
Location 2 Delrene Road Shirley Solihull B90 2HH
Proposal Decision **Single storey side and rear extensions.**
Approved Date: 09.12.2021

Application Number PL/2021/02712/VAR
Location Land On The North West Side Of Lady Byron Lane Knowle Solihull
Proposal **Variation of Condition 2 (drawing numbers) on planning approval PL/2020/01198/PPFL. Namely: To amend the front entrance and add a window on the side elevation to bedroom 5.**
Decision Approved Date: 16.12.2021

Application Number PL/2021/02713/PPFL
Location Moat Barn Oldwich Lane East Fen End Solihull
Proposal **Full application for the use of the existing access to the north west of the barn conversion approved under PL/2013/01734/CU instead of the previously consented access to the south east of the building.**
Decision Approved Date: 13.12.2021

Application Number PL/2021/02714/MINFHO
Location 57 Keswick Road Solihull B92 7PL
Proposal Decision **Single storey front and rear extensions.**
Approved Date: 14.12.2021

Application Number PL/2021/02730/MINFHO
Location 3 Sandhills Crescent Hillfield Solihull B91 3UE
Proposal Decision **Garage conversion and single storey extension to rear of property.**
Approved Date: 16.12.2021

Application Number PL/2021/02756/ADV
Location Apartment 1 Block B 46 Brambles Crescent Blythe Valley Park
Proposal Decision **Erect fascia signs and projector and window vinyls.**
Approved Date: 14.12.2021

Application Number PL/2021/02763/CLOPUD

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Location 41A Yew Tree Lane Solihull B91 2PD
Proposal **Certificate of lawful development for proposed use of property as a care home for up to 3 young people up to the age of 18 with 24 hour care given by not more than two carers at anyone time**
Decision Approved Date: 16.12.2021

Application Number PL/2021/02773/MINFHO
Location 61A Wood Lane Earlswood Solihull B94 5JH
Proposal **Bay window and alterations to existing external window and door openings.**
Decision Approved Date: 13.12.2021

Application Number PL/2021/02775/CLOPUD
Location 1264 Yardley Wood Road Solihull Lodge Solihull B90 1JX
Proposal **Certificate of lawful development for proposed use of the property as a home for the care of up to three young people under the age of 18 years old, with 24 hour care provided by not more than two carers on a shift basis.**
Decision Approved Date: 16.12.2021

Application Number PL/2021/02778/CLOPUD
Location 382 Warwick Road Olton Solihull B91 1BE
Proposal **Certificate of lawful development for a proposed full width single storey rear extension (4m) for a detached property.**
Decision Refused Date: 15.12.2021

Application Number PL/2021/02780/MINFHO
Location 4 Mallaby Close Shirley Solihull B90 2PW
Proposal **Rear single storey pitched roof extension with UPVC French door and UPVC window to match existing footprint of existing conservatory.**
Decision Approved Date: 14.12.2021

Application Number PL/2021/02784/NONMC
Location 5 Yewhurst Road Solihull B91 1PW
Proposal **Amendments to planning permission dated 25/03/2021 reference PL/2021/00027/MINFHO to replace existing conservatory with a part two storey, part single storey rear extension. Namely: The addition of 3 No. windows at first floor level to en suite rooms and windows to be obscure glazed.**
Decision Approved Date: 08.12.2021

Application Number PL/2021/02802/MINFHO
Location 22 Lightwood Close Knowle Solihull B93 9LS
Proposal **Porch extension.**
Decision Approved Date: 16.12.2021

Application Number PL/2021/02815/TPO
Location 5 Barbers Lane Catherine De Barnes Solihull B92 0DH
Proposal **Pollarding of willow tree (T1) protected by TPO/00209.**

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Decision Approved Date: 15.12.2021

Application Number PL/2021/02817/PNH
Location 9 Prospect Lane Solihull B91 1HJ

Proposal **Prior notification for a ground floor rear extension measuring 8m from the original rear wall, at a maximum height of 4m, and measuring 2.5m at the eaves.**

Decision Prior Approval Not Required Date: 14.12.2021

Application Number PL/2021/02821/MINFHO
Location 17 Glenwood Drive Cheswick Green Solihull B90 4HJ

Proposal **Ground floor front kitchen and porch extension.**

Decision Approved Date: 15.12.2021

Application Number PL/2021/02822/PNH
Location 32 Radbourne Road Shirley Solihull B90 3RT

Proposal **Prior notification for a ground floor rear extension measuring 4.5m from the original rear wall, at a maximum height of 3.5m, and measuring 2.7m at the eaves.**

Decision Prior Approval Required and Granted Date: 14.12.2021

Application Number PL/2021/02824/PNHAA
Location Mission House Netherwood Lane Chadwick End Solihull

Proposal **Prior notification for the addition of two storey floors to form additional accommodation at second and third floor.**

Decision Withdrawn Date: 09.12.2021

Application Number PL/2021/02827/MINFHO
Location 45 Coleshill Road Marston Green Solihull Birmingham

Proposal **Single storey rear extension and alterations.**

Decision Approved Date: 15.12.2021

Application Number PL/2021/02843/NONMC
Location 63 St. Gerards Road Shirley Solihull B91 1UD

Proposal **Non-material amendment sought for window to be introduced to rear wall facing into 63 St Gerards Road following planning approval PL/2021/00580/PPFL.**

Decision Approved Date: 15.12.2021

Application Number PL/2021/02844/PNH
Location 25 Meriden Rise Edmdon Solihull B92 9BS

Proposal **Prior notification for a ground floor rear extension measuring 5m beyond the original rear wall, at a maximum height of 4m, and measuring 2.5m at the eaves.**

Decision Withdrawn Date: 09.12.2021

Application Number PL/2021/02855/CLOPUD
Location 11 Bramshall Drive Dorridge Solihull B93 8TG

Proposal **Certificate of lawful development for a proposed single storey rear extension.**

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Decision Refused Date: 15.12.2021

Application Number PL/2021/02856/ADV
Location Novotel Airport Way Birmingham Airport Solihull

Proposal **Replace existing signage to current brand standards. 1 x fascia sign with illuminated letters, 2 x internally illuminated totem signs, 1 x non illuminated directional sign, 2 x illuminated projecting signs, 1 x non illuminated fascia sign.**

Decision Approved Date: 16.12.2021

Application Number PL/2021/02863/MINFHO
Location 34 Grange Road Dorridge Solihull B93 8QS

Proposal **Single storey rear extension.**

Decision Approved Date: 16.12.2021

Application Number PL/2021/02878/NONMC
Location 759 Stratford Road Shirley Solihull B90 4BE

Proposal **Amendments to planning permission dated 27/04/2021 reference PL/2021/00769/MINFHO for: Demolition of outbuilding and construction of single storey rear extension. Namely: 1. Change of facing material from brickwork to render. 2. Addition of 450mm flat roof overhang on two sides.**

Decision Refused Date: 15.12.2021

Application Number PL/2021/02888/PNH
Location Elvers Green Farm Elvers Green Lane Knowle Solihull

Proposal **Prior notification for 2 No. ground floor rear extensions measuring 8m from the original rear wall, at a maximum height of 3.6m, and measuring 3.6m at the eaves.**

Decision Prior Approval Not Required Date: 09.12.2021

Application Number PL/2021/02892/DIS
Location The Green Stratford Road Shirley Solihull

Proposal **Discharge condition Nos. 10 (CMS) and 16 (CEMP) on planning approval PL/2018/02731/MAJFOT.**

Decision Approved Date: 15.12.2021

Application Number PL/2021/02895/DIS
Location Cherryoak 13 Eastcote Lane Hampton In Arden Solihull

Proposal **Discharge of condition 5 on planning approval PL/2021/01834/MINFHO
Original app - PL/2021/01834/MINFHO**

Decision Approved Date: 15.12.2021

Application Number PL/2021/02901/PNH
Location 58 Barn Lane Solihull B92 7ND

Proposal **Prior notification for a ground floor rear extension measuring 4.9m from the original rear wall, at a maximum height of 4m, and measuring 3m at the eaves.**

Decision Prior Approval Not Required Date: 14.12.2021

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Application Number	PL/2021/02912/TCA
Location	Crown Point 25 Bellemere Road Hampton In Arden Solihull
Proposal	Removal of single leylandi cypress tree that has outgrown the site, the tree is in back garden close to the southern boundary.
Decision	Approved Date: 13.12.2021
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Application Number	PL/2021/02928/CLOPUD
Location	5 Glendon Way Dorridge Solihull B93 8SY
Proposal	Certificate of lawful development for a proposed single storey rear extension and garage conversion.
Decision	Refused Date: 15.12.2021
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Application Number	PL/2021/02963/PNH
Location	22 Brackleys Way Solihull B92 8QJ
Proposal	Prior notification for a ground floor rear extension to provide an enlarged kitchen area measuring 4.5m from beyond the original rear wall, at a maximum height of 3m, and measuring 3m at the eaves.
Decision	Prior Approval Required and Granted Date: 14.12.2021
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Application Number	PL/2021/02964/PNH
Location	Heath Farm Shadowbrook Lane Hampton In Arden Solihull
Proposal	Prior notification for a ground floor rear extension for kitchen/dining area measuring 8m beyond the original rear wall, at a maximum height of 4m, and measuring 3m at the eaves.
Decision	Prior Approval Not Required Date: 16.12.2021
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Application Number	PL/2021/02983/CLOPUD
Location	32 Brueton Avenue Solihull B91 3EN
Proposal	Certificate of lawful development for a proposed new replacement oak porch.
Decision	Withdrawn Date: 08.12.2021
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Application Number	PL/2021/02984/NONMC
Location	Blythe View Farm Kenilworth Road Knowle Solihull
Proposal	Non-material amendment to the approved drawings - Inclusion of roof lights, replacement of wooden doors with roller shutter and inclusion of pedestrian door - to planning approval PL/2020/02208/PPFL.
Decision	Approved Date: 16.12.2021
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Application Number	PL/2021/02995/PNH
Location	62 School Lane Solihull B91 2QL
Proposal	Prior notification for a ground floor flat roof rear extension measuring 6m beyond the original rear wall, at a maximum height of 4m, and measuring 3m at the eaves.
Decision	Prior Approval Not Required Date: 16.12.2021
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Application Number	PL/2021/03007/TCA
Location	4 Spring Close Solihull B91 1RA

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE**

Proposal Reduce conifer hedge (Marked Hedge 1 on map) to approximately 8-9 feet (2.43 - 2.74m) and trim face to tidy due to obstruction of sun light and to form a more manageable tidy hedge. Cut back/reshape neighbour's oak tree (Marked 2 on map) one side overhanging property boundary by 1-1.5m to clear building by 2m. Reason is to eliminate squirrels jumping and entering property roof and causing damage. Lift lower branches of neighbour's Scots pine tree (Marked 3 on map) to a height of approximately 6m, remove major deadwood and cut away from building by approximately 1-2m to clear building by 2m. Reason is to eliminate squirrels jumping and entering property roof and causing damage, also to lift lower branches away from the ground to allow clearance for other gardening and plant care. Reduce conifer hedge (Marked Hedge 4 on map) in height all conifer trees running along the rear of the property by approximately 2-3m to form a hedge approximately 8-10 feet (2.43 - 3m) in height and trim face. Reason is to form a more manageable hedge and allow more light to enter the garden area. Reduce eucalyptus tree (Marked 5 on map) in height and spread by approximately 1-2m and reshape. Reason is to allow more light to enter the garden area.

Decision Withdrawn Date: 08.12.2021

Application Number PL/2021/03014/DIS
Location 32 Links Drive Solihull B91 2DL

Proposal Discharge condition 4 - Landscape and 6-Boundary Treatments, 15-Combined Ecological and Landscaping Scheme on planning application PL/2019/02692/PPFL- Demolition of existing detached dwelling and erection of two detached dwellings. - Allowed at appeal Ref Number APP/Q4625/W/20/3260079.

Decision Approved Date: 08.12.2021

Application Number PL/2021/03083/NONMC
Location 2 Cherrywood Crescent Hillfield Solihull B91 3XU

Proposal Non-material amendment to planning approval PL/2021/00589/MINFHO dated 09.04.2021 for the addition of 1 No. log burner flue to the side elevation, and minor amendments to windows, with no addition to overall glazed area.

Decision Withdrawn Date: 13.12.2021

Application Number PL/2021/03090/MINFHO
Location 172 Tythe Barn Lane Shirley Solihull B90 1PF

Proposal Conversion of loft space to bedroom en-suite and roof windows to rear.

Decision Withdrawn Date: 08.12.2021

Application Number PL/2021/03127/NONMC
Location Land Near Solihull Football Club Damson Parkway Solihull

Proposal Non-material amendments to planning permission dated 27.07.2017 (PL/2016/03131/PPFL) Erection of a logistics operations centre incorporating storage & distribution (Class B8) and offices (Class B1a); new and altered public highway; car, motorbike and cycle parking; lorry and trailer parking, fuel storage and dispensers, vehicle wash facilities, security measures; lighting; drainage attenuation measures, boundary treatment, landscaping, planting, environmental works and associated ancillary works. Namely: amendment for the addition of canopies and insertion of pedestrian access doors.

Decision Approved Date: 14.12.2021

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