

FULL PLANNING DECISION NOTICE

DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Application No:	PL/2023/01097/MINFHO
Case Officer:	Benn Watkinson
Date of Decision:	22.08.2023
Location:	9 Barbers Lane, Catherine De Barnes, Solihull, B92 0DH
Proposed Development:	Two storey side & front extension.
Date Registered:	7th June 2023
Applicant:	Mr & Mrs Draganescu
Agent:	Mr Lee Farnan

The Solihull Metropolitan Borough Council as Local Planning Authority hereby **GRANTS PERMISSION SUBJECT TO CONDITIONS** as shown below, for the above described development.

The development must conform with the terms and approved plans and must remain in conformity with such terms and plans, subject to and save as may be otherwise required by any of the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

FULL PLANNING DECISION NOTICE

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Plan Number 0104/PRO/PIA_R1- Proposed Plans
Plan Number 0104/PRO/ELEV/A - Proposed elevations
Plan Number 0104/LOC/P/A- Location Plan

Tree Report May 2023 BS5837:2012 Tree Report by Mark Chester of Cedarwood Tree Consultants pages 1-33.

To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with Policy P14 and P15 of the Solihull Local Plan 2013

3. The external facing materials of the development hereby approved shall match in colour, texture and brick bond those of the existing building. Where a close match cannot be found, or where the existing building consists of a mix of materials, no building works shall be commenced until material samples have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved schedule of materials.

To safeguard the visual amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.

4. Prior to commencement of work, the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations and surfacing) shall be submitted to and approved in writing by the local Planning Authority. Such details shall specify a site specific method statement regarding foundation design prepared by a qualified engineer and arboriculturist and details of the working methods to be employed for the installation of any drive and paths within the RPAs of retained trees to be in accordance with the principles of No-Dig construction under BS5837. To safeguard as many natural features of the site as is reasonable for the proposed development in accordance with Policy ENV14 of Solihull Local Plan 2013.

5. All hard and soft landscape works shall be carried out in accordance with the approved mitigation and replanting details in the approved submitted Tree Report dated May 2023 BS5837:2012 by Mark Chester of Cedarwood Tree Consultants pages 1- 33, AND in accordance with details in planning condition 3 of approval PL/2021/01298/TPO -Fell Oak Tree, which is detailed in the note at the end of this condition. All these works shall be carried out prior to the occupation of the extension 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, that

FULL PLANNING DECISION NOTICE

tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree/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 P15 of the Solihull Local Plan 2013.

At the time of this decision, condition 3 of approval PL/2021/01298/TPO has not been discharged and an application for discharge of condition remains outstanding.

NOTE condition 3 of approval PL/2021/01298/TPO -Fell Oak Tree details the requirements of replanting stating;

'Within the first available planting season following the felling of the tree, a replacement tree shall be planted in accordance with details confirming size, species, numbers and location to be first agreed with the Local Planning Authority in writing. These details must be agreed before the removal of the tree unless otherwise agreed in writing with the Local Planning Authority. In the interests of the character of the area in accordance with Policy P15 of the Solihull Local Plan 2013.

For the avoidance of doubt the tree referred to in this decision for approval notice PL/2021/01298/TPO is identified in Section 5 of the application form and tree condition report submitted and received 7th May 2021. Recommended trees for replanting :

- Quercus robur (Common Oak)
- Quercus 'koster' (Upright Oak)
- Quercus ilex (Holly leaved Oak)

If it is essential to fell or lop any trees or part of the hedgerows, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to work commencing. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.'

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

FULL PLANNING DECISION NOTICE

The Local Planning Authority has worked positively and proactively with the applicant during the application process to check and/ or identify any required solutions to ensure that the proposal is sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. Any solutions identified have been incorporated into the proposal and/or have been secured by planning condition(s). On this basis the Local Planning Authority have therefore implemented the requirements in the National Planning Policy Framework.

The following policies of the Solihull Local Plan 2013 were considered relevant:

- o P7 - Accessibility and Ease of Access
- o P8 - Managing Demand for Travel and Reducing Congestion
- o P9 - Climate Change
- o P10 - Natural Environment
- o P11 - Water Management
- o P14 - Amenity
- o P15 - Securing Design Quality

Informatives

NOTE: Noise During Construction: Noise from construction and associated works has the potential to cause disturbance to neighbouring residents. In order to minimise this, this Authority would normally recommend that any work audible beyond the boundary of the site should only be carried out between the hours of 8.00am to 6.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays; there should be no noisy works carried out on Sundays or Bank Holidays. Best practicable means to prevent noise from the site should also be employed as defined in British Standard BS 5228 Part 1: 1984 (or its successors/revisions). Failure to keep these hours or to employ best practicable means to control noise could lead to the service of an enforcement notice under Section 60 of the Control of Pollution Act 1974. We would encourage applications for prior consent under Section 61 of the Act, particularly where the construction and/or demolition phase(s) may be prolonged or if work may be undertaken beyond the aforementioned hours. Please contact the Contact Centre (0121 704 8008) for further details.

Burning or Refuse on Demolition and Construction Sites: Because of the potential for nuisance to neighbours, burning of refuse prior to or during the construction phase is not generally acceptable and may be contrary to waste regulation legislation. If you do have special circumstances, such as a requirement to dispose of wood infected by disease or insects, please contact the Contact Centre (0121 704 8008) for further details.

FULL PLANNING DECISION NOTICE

Dust Control on Demolition and Construction Sites: Because of the potential for nuisance to neighbours and damage to property, reasonable steps to reduce dust emissions should be employed, particularly during any demolition works and in periods of dry weather.

NOTE: Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) making them a European Protected Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0300 060 3900. The applicant is advised that to ensure no bats are endangered during destructive works, the roof tiles should be removed carefully by hand. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 0300 060 3900 for advice on the best way to proceed.

NOTE: Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Note: From 15th June 2022, changes to the following Building Regulations Approved Documents will take effect: Part L (Conservation of Fuel and Power), Part F (Ventilation); and the following Building Regulations Approved Documents will be introduced: Part O (Overheating); Part S (Infrastructure for the charging of electric vehicles). This does not apply to work subject to a building notice, full plans application or initial notice submitted before that date, provided the work for each building is started before 15 June 2023.

Signed



Mark Andrews
Head of Planning, Design and Engagement
Services

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Economy & Infrastructure Directorate
Development Management
Planning Design and Engagement Services
Solihull MBC
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Solihull, B91 3QB

Telephone 0121 704 8008
planning@solihull.gov.uk

FULL PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision of your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice.

If this is a decision to refuse planning permission other than those specified above, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice,

If this is a decision to refuse permission for works to a TPO tree, if you want to appeal against your local authority's planning decision then you must do so within 28 days of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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