

Planning Support Statement



Planning Application for conversion of existing dwelling and outbuildings, including minor demolition and extension works and the use of an existing annexe as an independent dwelling, to create 11 new residential properties

The Chase, Smiths Lane, Knowle, B93 9AD

On behalf of WS & JA Jordan Ltd.

OUR REFERENCE: 10384
PORTAL APPLICATION NUMBER: PP-05707643
DATE: April 2017

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1. Introduction

Professional Experience

- 1.1. The Tyler-Parkes Partnership Ltd is a Town Planning and Development Consultancy covering all aspects of development, including commercial, retail, industrial, residential, recreation and leisure uses.
- 1.2. The Practice acts for a wide range of clients, including PLC companies, landowners, private individuals and development companies, in connection with a wide variety of planning matters.

Instructions

- 1.3. This Planning Support Statement has been prepared to accompany a detailed planning application for the conversion of an existing dwelling and its extensive outbuildings including the use of an existing annexe as an independent dwelling to create 11 new residential properties, at The Chase, Smiths Lane, Knowle.
- 1.4. A financial contribution towards off-site affordable housing will be offered via a Section 106 Agreement: an Affordable Housing Statement appears at paras. 7.11 to 7.19.
- 1.5. The application is accompanied by the following plans and documents in support of the proposal:
- 1.6. Plans:
 - Drawings prepared by the Tyler Parkes Partnership Ltd., nos:
10384.01, 02, 05 to 20, 25, 30, 31, 32, 40, 41, 50, 51, 52 & 60.
- 1.7. Reports:
 - Planning Support Statement (including Affordable Housing Statement) by the Tyler Parkes Partnership Ltd.
 - Design & Access Statement by the Tyler Parkes Partnership Ltd.
 - Ecological Appraisal (Phase 1) prepared by Crossman Associates
 - Tree Survey by B. J. Unwin Forestry Consultancy

Pre-application discussions

- 1.8. Informal pre-application discussions have been undertaken with Planning and Highways Departments and the Council's Affordable Housing Officer, Mr John Pitcher, to advise of the emerging proposals and discussion of issues such as principle and the need for affordable housing. The proposed affordable housing contribution was agreed with Mr Pitcher by e-mail dated 24th April 2017.

2. The Application Site

- 2.1. The Chase is a residential property situated on the north side of Smiths Lane, Knowle, approximately midway between its junctions with Widney Manor Road to the west, and Browns Lane to the east. Smiths Lane is a relatively lightly trafficked, narrow, one-way (west to east) thoroughfare.
- 2.2. The site has an area of approx. 0.91 ha.
- 2.3. The property is surrounded on all sides by fields; further to the north-west runs the M42 motorway beyond which is the built-up area of Solihull, whilst to the south-east are the outskirts of Knowle/Dorridge.
- 2.4. The site lies with the West Midlands Green Belt.
- 2.5. The property as it currently exists is illustrated on the submitted location plan, 10384-01, whilst the set of submitted plans (all pre-fixed 10384) provide full plan and elevational details of all the existing buildings within the site; these existing buildings are numbered 1 – 10 on plan no. 10384-02 (note that part of building 8 is excluded from the application as explained below).
- 2.6. The property comprises:
 - the existing, substantial dwelling known as The Chase (building 9)
 - an ‘ancillary’ residential building referred to in Section 3 (building 10)
 - substantial detached outbuildings set at right-angles to the main house, towards the Smiths Lane frontage (buildings 7 & 8): within building 8 is an existing independent dwelling unit (known as The Lodge) and as such this is not included within this planning application
 - two smaller buildings (5 & 6) used as ‘gardeners’ accommodation
 - two substantial garage/storage buildings (1 & 2) in the north-western corner of the site, and
 - another store and a recreational building associated with the adjacent open air swimming pool (buildings 3 & 4).
- 2.7. The site includes substantial garden and amenity areas to the front, each side and rear of the main house, including a tennis court, with a substantial coverage of trees and other vegetation which provide a secluded and sylvan setting for the development.

- 2.8. The property is presently served by three individual accesses from Smiths Lane.
- 2.9. The site is not located within an area liable to the risk of flooding as shown on the Environment Agency Flood Risk Map.
- 2.10. None of the existing dwellings or any dwellings within the vicinity are of any special architectural significance and the site does not lie within a Conservation Area.

3. Site History

- 3.1. Planning permission was granted in October 2010 (ref.no. 2010/1246) for the conversion of an existing barn within the curtilage of The Chase to 'ancillary residential accommodation'.
- 3.2. Condition no. 4 stated that 'The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Chase' the stated reason being 'To ensure that a substandard unit is not established to the detriment of the character or amenities of the area in accordance with Policy H4 of the (erstwhile) Adopted Solihull UDP 1997'.
- 3.3. Interestingly, and seemingly as a contradiction to condition no. 4, condition no. 5 proceeded to withdraw permitted development rights (Schedule 2, Part 1, Class A - E), 'to protect' the visual and residential amenities of the area and adjacent dwellings. Since these rights apply to development within the curtilage of a dwellinghouse, and indeed Class A applies to alterations etc. to a 'dwellinghouse' it appears that the Council were somewhat confused as to what they had actually granted planning permission for. It seems that the effect of this condition is to acknowledge that the conversion permitted a single 'dwellinghouse' in planning law, rather than ancillary accommodation.
- 3.4. For the purposes of this planning application, it seems logical to address this apparent anomaly, without prejudice, by simply including the use of this building as a wholly separate and independent dwelling within the overall proposal.
- 3.5. In 1984 retrospective permission had been granted for the permanent retention of floodlighting to the tennis court within the grounds (although this lies outside of the current application site).
- 3.6. There is no other relevant planning history.

4. Details of the Proposed Development

- 4.1. This detailed proposal is to create a bespoke development to create 11 no. 2- and 3-bed dwellings, including the conversion and re-use of the existing dwelling at The Chase, by means of:
- The retention of the existing residential 'annexe' (building 10) as a single detached dwelling (plot 1)
 - The conversion and subdivision of building 9, The Chase, to create 4 dwellings (plots 2, 3, 4 & 5)
 - The retention, extension and linking of buildings 5 & 6 to create a new detached dwelling (plot 6)
 - The conversion of the existing buildings 7 & 8 (excluding the existing independent dwelling within building 8) to create 4 dwellings (plots 7, 8 & 9) and the conversion of the two substantial garage/storage buildings 1 & 2 to create 2 detached dwellings (plots 10 & 11)
 - Demolition of two existing detached outbuildings (buildings 3 & 4) in the north-west corner of the site.
- 4.2. The application is supported by full plans and elevations, which demonstrate that the development can be laid out in a satisfactory manner, each new plot possessing an adequate amount of car parking spaces (2/3 per dwelling with visitors parking) and private amenity space, and retaining all the best trees and vegetation.
- 4.3. Plots 1 – 9 would be served by the existing vehicular access at the eastern end of the site frontage, serving a communal parking and manoeuvring area, and plots 10 & 11 by the westerly access: this requires the closure and re-instatement of part of the existing drive, to be replaced by the construction of an alternative route between the existing trees to serve a shared parking area. The Lodge (annotated as plot 12 but as stated not part of the application) retains its own existing access.
- 4.4. The evolution of the layout and design is described in detail in the accompanying submitted Design & Access Statement.

5. Planning Policy Context

- 5.1. The site lies within Solihull Metropolitan Borough Council area and is subject to national policies, including the National Planning Policy Framework (NPPF), published March 2012; Planning Practice Guidance, first published March 2014 but subject to on-going amendments; to the policies of the Solihull Local Plan, adopted in 2013 but subject to further housing need work; and to the relevant policies in other Development Plan Documents and Supplementary Planning Documents (SPD), including: the adopted Community Infrastructure Levy Charging schedule; and 'Meeting Housing Needs (including affordable housing), 2014 National Planning Policy Guidance.

National Planning Policy Framework

- 5.2. Paragraph 196 of the National Planning Policy Framework (NPPF) states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. Paragraph 197 emphasises that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 5.3. Paragraph 14 explains that decision-takers should approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless there is any adverse impact which would significantly or demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted. Paragraph 14 emphasises that a presumption in favour of sustainable development should be seen as '...a golden thread running through both plan-making and decision-taking'.
- 5.4. Paragraph 7 sets out three dimensions of sustainable development including the economic, social and environmental. The planning system should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure. The planning system should support communities by providing housing to meet needs and by '...creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being...' The planning system should also seek to protect and enhance the natural, built and historic environment.
- 5.5. Paragraph 17 sets out twelve core land-use planning principles that should underpin decision-taking and plan-making. These include that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

- 5.6. Paragraph 79 explains that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.7. Paragraph 80 sets out the five purposes Green Belt serves:
- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns merging into one another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.8. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 88 states that, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.9. Para. 89 states that the construction of new buildings in the Green Belt is generally considered inappropriate except if they meet certain criteria, such as, they are buildings for agriculture and forestry, facilities for outdoor sport and recreation and for cemeteries as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Other exceptions include:
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
 - the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
- 5.10. Para. 90 states that certain other forms of development are also not inappropriate in Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it: one of these exception, relevant to this proposal, is:
- the re-use of buildings providing that they are of permanent and substantial construction.
- 5.11. Paragraph 47 requires local planning authorities to '...identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local

planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land...'

- 5.12. Footnotes for paragraph 47 explain that 'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. ... To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.
- 5.13. Paragraph 49 states that, 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'
- 5.14. The Framework states at paragraph 109, that the planning system should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Local Planning Policy

Solihull Local Plan

- 5.15. As stated, the site lies within the Green Belt, adjacent to the settlement boundary of Knowle and Dorridge.
- 5.16. A number of Challenges facing Solihull MBC area are set out in the first section of the Solihull Local Plan. Challenge B 'Addressing Affordable Housing Needs across the Borough' recognises that there is a shortage of affordable housing especially in the Mature Suburbs and in the Rural Areas of the Borough. Challenge G 'An Imbalance in the Housing Offer Across the Borough and a Shortage of Gypsy and Traveller Sites' identifies that there is a shortage of smaller and family-sized homes, particularly affordable housing, which prevents many households from satisfying their housing needs, particularly in the Mature Suburbs and the Rural Area.
- 5.17. Policy P4: 'Meeting Housing Needs' sets out the Council's policy towards the provision of affordable housing, requiring developers to make a contribution to affordable housing on residential sites of 0.2 hectares or more, or housing developments of 3 or more (net) homes. Contributions will be expected to be made in the form of 40% affordable dwelling units on each development site, but will take into account factors such as site size; accessibility to local services and facilities and access to public transport; and the economics of provision, including particular costs that may threaten the viability of the site. Where on site provision is not feasible or viable a financial contribution will be expected towards the provision of affordable housing elsewhere within the Borough.
- 5.18. However, current Government policy, applicable nationally, is that due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of

1,000 square metres, affordable housing and tariff style contributions should not be sought.

- 5.19. Policy P5: 'Provision of Land for Housing' states that the Council will allocate sufficient land for 3,960 net additional homes to ensure sufficient housing land supply to deliver 11,000 additional homes in the period 2006-2028. The allocations will be part of the overall housing land supply. New housing will be supported on unidentified sites in accessible locations where they contribute towards meeting identified borough-wide housing needs and towards enhancing local character and distinctiveness.
- 5.20. Policy P14: 'Amenity' states that the Council will seek to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development, and will permit development only if it satisfies a number of criteria, such as: respects the amenity of existing and proposed occupiers and would be a good neighbour. Developers will be expected to locate and design new developments so as to minimise the visual and other amenity impacts; safeguard important trees, hedgerows and woodlands, encourage new and replacement tree and hedgerow planting and identify areas that may be suitable for the creation of new woodlands.
- 5.21. Policy P15: 'Securing Design Quality' states that all development proposals will be expected to achieve good quality, inclusive and sustainable design, which meets a number of key principles, including: conserves and enhances local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment; ensures that new development achieves the highest possible standard of environmental performance through sustainable design and construction and the location and layout of the development; and makes appropriate space for water within the development, using sustainable drainage (SuDS) principles, to minimise and adapt to the risk of flooding.
- 5.22. Policy P17 'Countryside and Green Belt' generally reflects the advice on development in the Green Belt which appears in NPPF.

Emerging Solihull Local Plan Review – Scope, Issues and Options

Emerging Solihull Local Plan Review - Draft

- 5.23. On 5th December 2016 the Draft Version of the Solihull Local Plan Review (SLPR) was published for consultation up to 31st January 2017, subsequently extended until 17th February 2017. The plan seeks to identify sufficient land to accommodate an overall housing requirement of 14,905 dwellings over the plan period which represents a target of 784 dwellings per annum. This compares with the Solihull Local Plan target which was 500 dwellings per annum.
- 5.24. This Review currently carries little or no weight as it is subject to the initial process of an on-going consultation exercise. The strength of objections is not known at this stage, although it is anticipated that the Review will, indeed, be the subject of significant representations; nor has the compliance with national planning policy and

legal compliance been tested at public Examination.

- 5.25. The suitability of proposed sites for removal from the Green Belt has not been tested and their deliverability remains in question. It is therefore inappropriate should the Council seek to rely upon proposed commitments in the emerging Local Plan Review in their five-year housing land supply (5HLS) calculation.

Supplementary Planning Documents

Meeting Housing Needs (including affordable housing), 2014

- 5.26. The document re-affirms Local Plan policy as summarised in para. 5.17 above, which, as stated, is no longer applied.
- 5.27. In planning for local market housing demand, the Council will expect developments to contribute towards addressing mismatches between housing demand and supply. In the Rural Housing Market Area, which includes Dorridge, the proportion of 1 and 2 bedroom dwellings sought is 40%.

6. Court of Appeal Judgement, Appeal Decision and 5 Year Housing Land Supply (5YHLS)

- 6.1. The Council accept that they cannot demonstrate a five year supply of housing, as evidenced by recent appeal decisions at Lowbrook Farm and Tidbury Green Farm, and that consequently any of their policies which affect that supply are out of date (c.f. report to Planning Committee on planning application at land between 39 & 79 Earlswood Road, Dorridge, January 4th 2017).
- 6.2. The precise shortfall is, we understand, unknown; what is clear, however, is that it is most unlikely that it will be resolved in the near future. In the meantime planning applications must be determined on the basis of the absence of that 5HLS and that the Council's policies for the supply of housing land, including Green Belt, are out of date (c.f. para. 8.1 below).
- 6.3. To consider the implications of this situation in more detail this shortfall should be considered in the context of a recent Court of Appeal Judgement on 17th March 2016 (Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government – Case No: C1/2015/0583 and C1/2015/0894). It was concluded that if a Local Planning Authority has no 5YHLS then under the terms of National Planning Policy Framework (NPPF) paragraph 49 any policies which are considered to have an impact upon the supply of housing, including those which could have a constraining effect upon it (e.g. Green Belt in this instance) would be considered 'out of date'.
- 6.4. Therefore, Green Belt policies, as well as the Council's other relevant policies for the supply of housing, are 'out-of-date'. Where there is not a 5YHLS, a planning judgement then needs to be made by the decision-taker as to the weight which should still be attached to these 'out-of-date' planning policies. One of the factors which will have a bearing on the weight which should still be attached to out-of-date housing supply policies is the scale of any housing land shortfall.
- 6.5. The recently published 'Reviewing the Plan for Solihull's Future, Scope, Issues and Options Consultation – Summary of representations and the Council's Response' April 2016, acknowledges that the successful challenge to the local plan post adoption has meant that the current Local Plan has no overall housing requirement for the Plan period. This makes it virtually impossible to demonstrate that the Borough has a 5YHLS, as required by the NPPF.
- 6.6. The current proposal will make a valuable windfall contribution to the delivery of housing.

7. Planning Considerations

- 7.1. It is considered that the following matters are relevant to a consideration of the planning merits of the proposal:
- The principle of development in planning policy terms, including Green Belt policy
 - The suitability of the site access; and
 - Other material considerations
- 7.2. The section below discusses these issues in some detail and concludes that planning permission ought to be granted for the development.

The Principle of Development

- 7.3. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. By virtue of Paragraph 49 of the NPPF, all housing policies, including Green Belt policies, are out-of-date because Solihull MBC do not have a 5-year housing. This constitutes a significant material consideration. Reduced weight should be attached to all housing policies when making a planning judgement on residential planning applications.
- 7.4. It is considered that the proposal does not constitute inappropriate development in the Green Belt. This is because it comprises a combination of:
- the **re-use of existing buildings** (which are clearly of permanent and substantial construction) i.e. the conversion and subdivision of building 9 to create 4 dwellings (plots 2, 3, 4 & 5); the existing buildings 7 & 8 to create 4 dwellings (plots 7, 8, 9 & 10); the two substantial garage/storage buildings 1 & 2 to create 2 detached dwellings (plots 11 & 12) and the re-use of the existing residential 'annexe' (building 10) as a single detached dwelling (plot 1).
 - the **extension and replacement of existing buildings** i.e. the small extension required to convert and amalgamate the two existing buildings 5 & 6 to create plot 6 is approximately equivalent to the floorspace of the two demolished outbuildings (1 & 2) on a 'like for like' basis: the floorspace of the demolished buildings is 55 sq.m. and that of the proposed 'extension' to create plot 6 is 65 sq.m. As either existing buildings are entitled to appropriate extension, this element of the proposal is clearly not inappropriate development.
- 7.5. There is clearly no greater impact upon the openness of the Green Belt arising from these proposals and here is no conflict with the purposes of including land therein.

- 7.6. Accordingly there is no Green Belt, or indeed other policy objection to these proposals, and there is no requirement to demonstrate very special circumstances.

Design

- 7.7. In detailed terms, the alterations required to facilitate the re-use of these existing buildings have been designed to be sympathetic to their general style and appearance, presenting an attractive and appropriate development.

Trees

- 7.8. The submitted Tree Report concludes that some tree removal is required to create adequate gardens for the new dwellings, that retained and off-site trees can be protected by careful construction methods, and that this (rural) site contains ample trees even after re-development, but can be improved by new tree, shrub and hedge planting, using mixed ornamental & native species.
- 7.9. The proposed new drive to serve plots 11 & 12 has been carefully located to run between and safeguard the best of the existing trees in this part of the site.

Bats

- 7.10. The Bat Survey confirms that the main house is currently functioning as a maternity roost for brown long-eared bats and buildings 7 & 8 are supporting an occasional/transitional roost of brown long-eared bats. One of the outbuildings is currently being used by nesting swallows
- 7.11. The Survey recommends that the following to be undertaken as part of the proposal which can be required by an appropriate planning condition:
- Retention of the existing maternity bat roost within the roofspace of The Chase, to include provision for the re-location of the existing roost within buildings
 - Sensitive development works to take account of, and new provision for nesting birds.

Affordable Housing Statement

- 7.11. The policy context has been detailed in Section 5 above.
- 7.12. The proposal is to convert the buildings to 11 no. dwellings, but given that The Chase is an existing single dwelling, the development creates only 10 additional units; as such the proposal falls within the threshold for affordable housing provision from a numerical point of view.

- 7.13. The Lodge (plot 12) is excluded from the scheme as this will remain 'as is'.
- 7.14. As regards floor areas, the situation is as follows.
- 7.15. The overall existing floor area of all of the existing residential buildings (including the two buildings to be demolished @ 76 sq.m.) is 1175 sq.m.
- 7.16. The total proposed floor area after conversion etc. (i.e. re-using existing buildings and including an additional area added to the 'gardener's cottage' and upper floors in the main house, barn and old garage/games) is 1322sq m, with the additional floorspace over and above the original arising from the introduction of new floors.
- 7.17. The increase in combined gross floor space is therefore 147 sq.m. The 40% affordable housing obligation of the net additional space of 147 sq. m. therefore represents an affordable housing obligation of 58.8 sq. m., which would equate to less than a single affordable dwelling. On this basis it is clearly only feasible to offer an appropriate commuted sum payment.
- 7.18. We accept that with regard to calculating the value of the commuted sum, this will be for further detailed discussion.
- 7.19. A draft S106 Agreement will be submitted imminently to accompany the application, which will offer an appropriate off-site contribution. The precise sum will be discussed and agreed with the Council's Affordable Housing Officer, who has confirmed his agreement to this approach for meeting the Council's requirements.

8. Conclusion

- 8.1. In conclusion, the proposal does not represent inappropriate development in the Green Belt. The development is supported by other relevant policies
- 8.2. The scheme has been sensitively designed to reflect the character and appearance of these attractive old buildings.
- 8.3. There are no neighbouring properties in the vicinity which would be affected in any way by the proposals.
- 8.4. There are no highway objections.
- 8.5. There are no drainage objections.
- 8.6. There are no ecological objections.
- 8.7. The best trees on the site are to be retained and have been assimilated into the design and layout of the scheme. There is no significant impact upon the local landscape.
- 8.8. In particular light of the current position with regard to the Council's 5YHLS, it is clear that this proposal will make a valuable contribution towards addressing the shortfall, and also provide smaller units, which are in short supply too.
- 8.9. It is respectfully submitted that this proposal is entirely appropriate and that planning permission should be granted.

Tyler Parkes Partnership Ltd. April 2017