

APPLICATION REFERENCE: PL/2016/01738/PPRM**Site Address:** Tidbury Green Farm Fulford Hall Road Earlswood Solihull B90 1QZ

Proposal:	Reserved matters approval to PL/2013/01394/OLM in terms of layout, scale, landscaping of development for a development of 190 dwellings.
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: http://publicaccess.solihull.gov.uk

Reason for Referral to Planning Committee:	The proposal has given rise to a substantial weight of public concern.
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Recommendation:	APPROVAL SUBJECT TO ADDITIONAL CONDITIONS.
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EXECUTIVE SUMMARY

The site is located on the east side of Fulford Hall Road, adjoining an established residential area in an attractive rural landscape. The mature tree belt along Fulford Hall Road and the agricultural fields subdivided by lines of mature oak trees, provides a very strong landscape feature that contributes to the character of the area.

Planning permission was granted on appeal by the Secretary of State on 5th November 2015, for an outline development of up to 190 dwellings with associated infrastructure, including means of access, sustainable urban drainage structure (SUDS) and open space (APP/Q4625/A/14/2220892) (SMBC Ref: PL/2013/01394/OLM). Permission has therefore been granted for the principle of residential development on this site, along with means of access to the development off Fulford Hall Road.

This application is for the approval of the remaining reserved matters – layout, scale, appearance and landscaping.

The design and layout has been amended on a number of occasions, in particular, to improve the relationship to protected trees around the site and to respect the setting of the recently listed Tidbury Green Farm and buildings (Grade II).

The proposal is now considered to be acceptable, and is recommended for approval.

KEY PLANNING ISSUES

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

- Principle of Development
- Green Belt
- Design and Layout
- Affordable Housing
- Impact on Setting of Tidbury Green Farm (Grade II)
- Impact on Protected Trees
- Highways
- Landscape and Drainage
- Ecology.

CONSULTATION RESPONSES

Statutory Consultees

Non Statutory Consultees (*list in alphabetical order*) The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No objection

SMBC Highways – No objection in principle

SMBC Landscape/Tree Officer - No objection

SMBC Conservation Officer – No objection

SMBC Urban Design – No objection

SMBC Housing Officer – No objection

PUBLICITY

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

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

- Area cannot cope with any further development/Area is becoming increasingly urbanised

- Roads cannot cope with increased volume of traffic (estimate of 400+ increase in vehicle movements)/ there has been a fatal crash near to the site entrance
- Children will be in danger walking to school/footpaths very narrow
- Poor public transport provision in the area
- Localised flooding occurs in residents gardens/water table is high/Ditches are not cleaned out regularly
- Concern that consultation letter addressed to properties in Earlswood not Tidbury Green
- Schools and Doctors will be inundated/ 500 to 750 additional residents
- Need to retain existing hedgerows and trees
- Social housing on this site should be minimised
- Moved here to enjoy a rural setting
- Noise/disruption during construction
- Lanes not suitable for construction traffic access

Tidbury Green Parish Council have also objected to the proposal on the following grounds:

- Serious concerns about speed of traffic along Fulford hall Rd
- The width of this lane to accept passing 20t lorries and other heavy traffic, HGVs and buses.
- The safety of vehicles accessing egressing the development during the morning and evening peak times

This is evidenced by a community speedwatch session – 80 out of 625 passing vehicles (between 08:00 and 09:00 on 18/7/2016) exceeded 37mph. SMBC should therefore monitor speeds along this road.

Information has also been forwarded to the applicants.

PLANNING ASSESSMENT

This report considers the proposal against the relevant policies of the National Planning Policy Framework (“NPPF”) 2012, the National Planning Practice Guidance and the adopted planning policies of Solihull Council. The policies of the Solihull Local Plan “SLP” 2013 that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations.

Principle of Development

Permission is now sought for the approval of the reserved matters (i.e. the detailed design elements of the proposed housing scheme) following outline approval for development of 190 dwellings with access unreserved.

The previous safeguarded housing allocation designation of this site (in the Solihull UDP 1997) was removed from the Solihull Local Plan (2013) and the site returned to a Green Belt designation. This was challenged and the High Court Judgement

(Solihull MBC v Gallagher Homes – 2014) was upheld by the Court of Appeal in 2015, quashing the inclusion of this site within the Green Belt. This ruling stated that the parts of the adopted Local Plan relating to housing land provision and the inclusion of two sites at Tidbury Green within the Green Belt are not adopted. The current designation of the application site is therefore not in the Green Belt.

The principal of the redevelopment of this site for residential purposes within the C3 Class of the Use Classes Order (1987) (as amended), has already been accepted by the granting on appeal by the Secretary of State on 5th November 2015, for a proposed development of up to 190 dwellings on this land (APP/Q4625/A/14/2220892). This should be given significant weight in the planning balance.

Currently, Solihull MBC cannot demonstrate a 5 Year Supply of Housing Land, as evidenced by the Lowbrook Farm and Tidbury Green Farm Appeal Decisions (APP/Q4625/13/2192128 dated 8th March 2016 and APP/Q4625/A/14/2220892 dated 5th November 2015).

As a result paragraph 49 of the NPPF is engaged meaning that the Borough's development plan policies, upon which a decision is normally based, are deemed not to be up to date. Where policies are deemed to be out-of-date then paragraph 14 of the NPPF is applied for decision making – this indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the Framework indicate development should be restricted. A key benefit of the development of this site for housing, to provide a significant number of additional dwellings to meet the Borough's housing land shortfall, should thus be given significant weight in the planning balance.

Green Belt

As set out above, the vast majority of the application site (apart from a small portion of the eastern part of the site) lies outside of the Green Belt.

The proposed part of the site lying within the Green Belt is proposed to be laid out as public open space (including a large storm water lagoon and equipped play equipment). These can fall within the category of appropriate facilities for outdoor sport and recreation, which form one of the exceptions to the inappropriateness of development in the Green Belt, set out in paragraph 89 of the NPPF.

The vast majority of this land will remain in an open state and the amount of play equipment will be very limited as a proportion of the site. It is therefore considered that the openness of the Green Belt will be preserved by this development, and is thus in compliance with the NPPF and Policy P17 of the Local Plan (2013).

This principle has been accepted at appeal within the outline planning approval.

Design and Layout

The site is located in a fairly rural area close to the village of Tidbury Green. There is currently a mature tree belt along the Fulford Hall Road (western site frontage). It currently comprises 6 agricultural fields subdivided by lines of mature trees with hedgerows below. This provides a very strong landscape feature that contributes to the character of the area.

The proposed site layout demonstrates the following key features:-

- The main access to the site is via Fulford Hall Road, in a location where the loss of some trees has already been accepted by the granting of the outline planning permission on appeal. This road has been designed as a more formal tree-lined boulevard to mark its importance. A pedestrian/cycle access is also provided in the NW corner of the site.
- The main field structure has been maintained by locating previous field boundaries (containing the mature trees and hedgerows) in areas of open space or verges along the main routes around the site.
- Once into the development the access road splits into two parts looping around the site. Other minor roads and private drives then run into various housing areas.
- In the main, the housing has been laid out in informal 'perimeter blocks' (where housing fronts onto roads and public spaces and gardens are to the rear). Larger housing is provided around the periphery of the site and more of a mix is found elsewhere.
- Existing drainage ditches (which run alongside the hedgerows) are retained and will be used to drain the surface water run-off from the site. These will create important landscape and ecological features
- Areas of public open space run in linear bands across the site, providing connections to the area of larger open space in the SE field.

The proposal has been amended during the course of the application to reduce the amount of front garden parking, to improve the layout of the smaller 2-bed houses, to move housing further away from protected trees along the northern boundary, and to enhance the setting of the group of listed building at Tidbury Green farm (Grade II). This has resulted in a new area of open space to the south of Tidbury Green Farm and the re-design of the SW corner of the site adjacent to No. 137 Fulford Hall Road.

The amended building design and site layout is considered to produce an acceptable and generally sympathetic design response to the site and its rural surroundings, and thus complies with guidance in Solihull Local Plan Policy P15, which should be given significant weight in the overall decision.

Affordable Housing

Policy P4 in the Solihull Local Plan (2013) requires the provision of affordable housing in housing developments of 3 or more units or 0.2ha in size.

The proposal includes the provision of affordable housing at a proportion of 40% of the total number of dwellings (76 Affordable Housing Units out of a total of 190).

In terms of tenure, there will be 48 Rented Dwellings (10 x 1-bed flats, 24 x 2-bed houses and 12 3-bed houses) and 28 Shared Ownership Dwellings (2 x 1-bed flats, 20 x 2-bed houses and 6 x 3-bed houses). SMBC's Housing Officer is satisfied with the proposed provision of Affordable Housing in the scheme, and this complies with guidance set out in Policy P4.

In terms of housing mix, the SMBC 'Meeting Housing Need' SPD requires all new housing schemes in rural parishes such as Tidbury Green to provide at least 50% of all new market dwellings as either 1 or 2 bedrooms. This is to address the significant mismatch between local housing demand of newly forming households within the housing market area and housing supply. The proposed scheme contains 114 market houses (57 x 2-bed dwellings (including 10 bungalows), 11 x 3-bed dwellings and 46 x 4 and 5-bed dwellings). 50% of the dwellings thus fall into the 1 or 2-bed category and is thus in compliance with Policy P4 and the SPD.

On this basis the proposal is considered to be in compliance with Policy P4 and gives positive weight when weighed in the planning balance.

Impact on Neighbouring Amenities.

The existing tree belt along Fulford Hall Road shields most houses from this development. The only residential properties considered to be potentially affected by this development are Tidbury Green farm and the run of houses to the SW of the site starting at No. 137 Fulford Hall Road. The access point into the site off Fulford Hall Road, has already been approved by the granting of the outline planning permission on appeal

The changes to provide open space adjacent to Tidbury Green Farm also significantly improves the relationship of new development to the main farmhouse. The nearest corner of Plot 19 will be around 40m from the frontage of the farmhouse. This distance is considered to be more than adequate.

The revised layout adjacent to No.137 Fulford Hall Road (a bungalow), will result in some houses being between 13m and 15m from the side wall or side boundary of this property. The existing northern boundary to No. 137 comprises an access track to other existing rear gardens, then a line of trees and hedges and then a ditch. Plots 143/144 face towards the garden of No. 137 but their frontage is angled away so that they generally face towards the bottom of the garden rather than the part at the immediate rear of this bungalow. It is considered that the combination of distance of new development from the side boundary, their orientation and the existing tree/hedge screen affords this property sufficient protection in terms of its existing amenities.

On this basis the proposal is considered to be in compliance with Policy P14 and gives neutral weight when weighed in the planning balance.

Impact on Tidbury Green Farm (Grade II) and Other Designated Heritage Assets.

The proposal must be considered in the context of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The NPPF, Planning Practice Guidance and guidance from Historic England all emphasise that decisions in relation to heritage assets must be taken on a fully informed basis. It is essential to establish the significance of heritage assets directly affected by proposed works or whose setting would be affected by them and explain this together with the impact of proposals upon it.

SMBC's Conservation Officer has reviewed the proposal and has commented as follows:

- The designated heritage assets (DHAs) immediately north of the site are four individually designated buildings listed at Grade II this year (Tidbury Green Farm House, Cowhouse, Barn/ stables, and Pigsties). Undesignated heritage assets nearby or on the site include historic landscape elements such as Big Dickens Wood (ancient woodland), and hedgerows, hedges and trees of some age. When determining a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preserving means not harming the interest in the building, including its setting. This obligation is at sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) and it applies to all decisions concerning listed buildings.
- Tidbury Green Farm listed buildings are of medium evidential value as they assist understanding of regional farm layouts and specific farm building types. Individually the buildings are of a discernible historic and agricultural typology illustrated by their design and materials. This is recognised by the individual listing of the four buildings.
- The field immediately south of the DHAs is important to their setting as it enhances the rural character of the group and perpetuates their long-term relationship to adjacent rural open land. The close boarded boundary fence partly interrupts views of the group from close to the boundary but does not undermine the significance of the buildings or their setting. Continued agricultural use and surviving hedges, hedgerows and trees that evidence planned enclosure and a particular type of land use since the 18th or 19th century are related to, and a positive aspect of, the setting of the DHAs. The sense of what lies on those open rural fields is provided by subtle views in addition to direct views between and from sites across unbroken expanses.
- The cessation of farming at the site does not alter the value of the site to the setting as the relationship between the DHAs and open fields remains logical, illustrative and long-standing (regardless of ownership). With increasing distance from the boundary more of the application site becomes apparent, increasing the opportunity to appreciate the extensive survival of hedgerows and trees that

emphasise the rural nature of the adjacent fields and their contribution to the setting of the DHAs.

- The revision to the scheme (to provide a larger area of open space adjacent to the farm buildings) has deleted some plots and the scheme would still produce 'less than substantial harm' to the setting of the DHAs. This would be harm to which weight should be attached in the planning balance, but it would only represent moderate harm.
- The layout of the nearest part of the site could be revised further to retain more open space and better preserve the setting of the DHAs. The optimum solution would delete plots 17 to 19 and 20 to 27 and retain that area as open space with all hedges and trees and a new field hedge mix along the close boarded fence. This suggested revision would further reduce harm, but would still need to be given some weight in the planning balance.
- On balance the scheme would comply with the NPPF in sustaining and enhancing the significance of heritage assets, ensuring that historic environment conservation brings wider social, cultural, economic and environmental benefits, and securing new development that contributes positively to local character and distinctiveness and draws on the contribution of heritage assets to this character. This conclusion balances less than substantial harm to nearby heritage assets against the public benefits that the scheme would deliver, including new housing and new public open space. Conditions to ensure that impacts are minimised should include agreement of materials with a requirement for traditional plain clay tiles, and appropriate colours and textures closer to the DHAs, soft landscaping securing new hedge and tree planting of appropriate species, and securing the adjacent open space.

Big Dickens Wood lies outside of the application site and is not affected by the development proposal, apart from the fact that built development will now be closer, where the principle of development has already been accepted.

The above comments relating to the current submitted layout reflect the efforts of officers to secure a better relationship of new development to existing heritage assets. It is recognised that the scheme would still produce 'less than substantial harm' to the setting of the DHAs, but this is judged as having only moderate harm.

This identified harm, which has a moderately negative weight, will be considered in the overall planning balance, later on in the conclusion.

Landscape and Trees

All trees on this site are protected by a tree preservation order (TPO 1021), and as stated previously they do significantly contribute to the character of the area. Most trees are mature oaks which are in good condition and have a fairly long life expectancy.

The proposed layout has been designed to retain the vast majority of the trees, where removal is only proposed at the site entrance and to allow routes to pass from one field to another. This will result in the loss of only a small number of trees.

The layout has been amended close to trees along the northern boundary, to move the houses at Plots 45-56, 3.0m further to the south. This amendment in conjunction with limited crown lifting (up to 4.0m) and crown reduction (1.0 – 1.5m), will ensure that the houses will not be affected by the closeness of tree canopies and also result in more garden area having access to daylight and sunlight.

The proposed landscape scheme seeks to enhance the existing landscape structure and provide a clear definition between public and private space. Estate railings with native hedgerows are used around much of the development to separate front gardens, private drives and parking areas from streets, public open spaces and pathways /cycleways running through the development. A significant number of species in proposed planting beds will be native species as well as the new tree planting.

A tree maintenance schedule has been provided setting out the proposed works to all trees on this site. All tree works will still be subject to separate approval under the TPO regulations, but it is important that this ties in generally with the current reserved matters proposals. Some mitigation for the tree loss will be provided in the landscape proposals for the site.

SMBCs Landscape Officer is satisfied with the submitted proposals as amended.

Conditions requiring 'no-dig' construction methods for areas within identified Root Protection Areas and for tree protection barriers around these areas during the construction period will be imposed.

These matters are therefore considered to be acceptable, subject to appropriate conditions and thus the scheme would comply with Policy P15, and gives positive weight when weighed in the planning balance.

Highways

The site is accessed via Fulford Hall Road, in a location which has already been accepted by the granting of the outline planning permission. The main access road has been designed as a more formal tree-lined boulevard to mark its importance. Once into the development the access road splits into two parts looping around the site. Other minor roads and private drives then run into various housing areas. A pedestrian/cycle access is also provided in the NW corner of the site.

The larger dwellings have 2-3 car parking spaces in addition to the garage spaces, whilst the vast majority of the smaller dwellings have two spaces or one space but the ability to access a nearby shared visitor space. The proposal therefore complies with guidance set out in the SMBC SPD 'Vehicle Parking Standards'

SMBC Highways has indicated that there are no objections to the general design principles set out in this proposal, subject to potentially some minor changes to the layout. This matter will be updated at the Committee meeting.

The proposal is therefore considered to be acceptable on these grounds and complies with Policies P7 and P8 and gives positive weight when weighed in the planning balance.

Drainage

The existing ditch network running alongside the field boundaries will be re-designed and utilised for the new surface water drainage system for the site. The surface water will gradually fall via the ditch system towards the SE corner of the site, where a storm water lagoon is located in the area of open space.

Condition 10 of the outline planning approval requires details to be submitted relating to the disposal of surface water and foul sewage as well as a sustainable urban drainage scheme (SUDs), to be approved by the Council before the development is commenced.

The housing layout indicates broad zones alongside the field boundaries, which will form the maximum extent of land required for the SUDs network. A small section of a worked up design has also been submitted.

Both SMBC's Drainage and Landscape Officers are satisfied with the information submitted and that when the full design is submitted to comply with condition 10, this will not compromise the agreed site layout

The proposal is therefore considered to be acceptable on these grounds and complies with Policies P11 and gives positive weight when weighed in the planning balance.

Ecology

The main ecological features on this site are the trees, ditches and hedges that form and run alongside the existing field boundaries. These will be retained in the future development and tree loss has been minimised.

To retain the ditches as important ecological routes, it has been requested by SMBC's ecologist that culverts are avoided and bridges used where access roads cross the ditches. This requirement may conflict with the requirements of SMBC Drainage and Highway adoption. To ensure that the ecological routes are maintained a hybrid culvert design may be more appropriate that allows better connectivity. As this matter is still to be resolved, a condition is proposed, requiring final details to be approved.

On this basis, the proposal is considered to be acceptable and complies with Policies P11 and gives positive weight when weighed in the planning balance.

Planning Conditions

It is important to note that outline planning has already been granted, which has a large number of planning conditions already attached. These should therefore be read alongside the current reserved matters application, and cover many of the concerns raised by local residents in their comments. These include:

Condition 7 – Materials (External Surfaces of All Buildings)

Condition 9 – Programme of Archaeological Works

Condition 10 – Surface/Foul Drainage/SUDs

Condition 11 – Development shall be carried out in accord with the submitted Flood Risk Assessment

Condition 12 – Construction Method Statement

Condition 13 – Off Site Highway Works completed before first occupation

Condition 14 – Residential Travel Plan

Condition 17 – Landscape Management Plan

Condition 19 – Environmental Protection Plan (During Construction)

Condition 20 – Protected Species Contingency Plan

Condition 21 – Ecological Creation, Enhancement and Restoration Scheme.

Condition 22 – Construction Works – Hours of Operation.

Therefore, only a few additional conditions are proposed, which deal with very detailed matters that emerged during the course of the consideration of the reserved matters.

CONCLUSION

The proposal represents the re-development of an existing housing site in a reasonably accessible location close to the urban area of Solihull. The proposal already benefits from outline planning consent (granted on appeal) and is considered to comply with Solihull Local Plan (2013) Policy P5.

The principle of development is thus acceptable, providing new housing that will contribute to the current housing supply shortfall in the Borough. The proposal will also contribute a significant number of affordable homes and smaller open market units. It is thus in compliance with Policy P5 and weighs positively in the planning balance.

The amended building design and site layout is considered to produce an acceptable and sympathetic design response to the site and its surroundings and existing landscape features, and thus complies with guidance in Solihull Local Plan Policy P10 and P15. Matters of neighbour amenity have been addressed in the design and layout in compliance with Policy P14.

Some limited harm has been identified to the setting of Designated Heritage Asset but this does not outweigh the contribution to the current housing supply shortfall in the Borough.

Highway access to the site from Fulford Hall Road has already been approved and the proposed internal road layout and footpath/cycle network is considered to be acceptable, and thus complies with guidance in Solihull Local Plan Policies P7 and P8.

The proposal is considered to be acceptable in all other aspects, subject to appropriate conditions, and is thus considered to comply with Policies P4, P5, P7, P8, P10, P11, P14, P15, P16, P17 and P20 of the Solihull Local Plan (2013).

The proposal is therefore considered to have positive overall weight and is therefore recommended for approval.

RECOMMENDATION

Approval subject to the expiry of neighbour notification on 4th November and no further material planning issues are received on or before 4th November in the opinion of the Head of Development Management, together with the following précis of additional conditions, in addition to those applied to the outline planning permission APP/Q4625/A/14/2220892. A full list of standard conditions is available using the following link:

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

1. Approved Plans (CS00)
2. Before development is commenced, details of the 'No-Dig' Construction Techniques that will be employed within the Root Protection Areas of all trees shown to be retained on the site. The development shall be constructed in accordance with the approved details.
3. Before development is commenced, details of the proposed method of bridging all ditches run through the site and shown on the submitted plans. The development shall be constructed in accordance with the approved details.
4. The open landscaped areas shown on the submitted plans shall be retained as public open space in perpetuity and no further development will be permitted on this land.