

## **2014/1032 LAND AT DICKENS HEATH ROAD DICKENS HEATH**

Application No: 2014/1032/S

Ward/Area: BLYTHE

Location: LAND AT DICKENS HEATH ROAD DICKENS HEATH SOLIHULL

Date Registered: 16/06/2014

Applicant: CATESBY ESTATES LTD

Proposal: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES AND THE DEVELOPMENT OF UP TO 130 DWELLINGS (USE CLASS C3), MULTI-USE GAMES AREA, MEANS OF ACCESS AND ASSOCIATED WORKS WITH ALL OTHER MATTERS (RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED. RESUBMISSION OF REF: 2013/1504

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### **Documents Online:**

<http://www.solihull.gov.uk/planning/dc/ViewAppDetail.asp?Y=2014&R=1032>

This application is being reported to Planning Committee for the following reason(s):

	The proposals are a substantial departure from the Development Plan
X	A new section 106 agreement is required
X	The proposals would have a significant impact outside of its immediate vicinity
X	The proposals have given rise to substantial weight of public concern
	The application has been called into Committee by a Member
	The application has been submitted by (or on behalf of) the Council (or it relates to Council owned land) and there has been one objection or more.
	The applicant is a Member or Officer of the Council (who has contact with Development Management) (or a close relative of such a person)
	The Head of Development Management has elected to refer the application to Committee

### **BACKGROUND**

This is a resubmitted application that contains identical proposals to that refused (under reference 2013/1504) in January 2014.

This earlier application was refused for the following reasons:

*(1) The Solihull Local Plan was adopted on 3<sup>rd</sup> December 2013 and a five year housing supply can now be demonstrated within the Borough. The proposed development of up to 130 dwellings at this site is therefore considered premature and contravenes the Phasing strategy for development set, where this site is allocated as a Phase 3 housing site for release on 1<sup>st</sup> April 2023. The proposal is premature and contrary to Policy P5 of the Solihull Local Plan.*

*(2) The application site lies within a floodplain and hydraulic modelling has yet to be finalised to confirm the flood extents and depths and therefore also to the effect on both new and existing residents. The proposal therefore fails to take account of and is contrary to Policy P11 Water Management in the Solihull Local Plan as well as to the provisions within the National Planning Policy Framework. ”*

An appeal against the earlier application has now been lodged and is to be heard by way of a public inquiry which is due to commence on 4<sup>th</sup> September 2014.

At the same Planning Committee in January 2014, two other Local Plan allocated sites were refused permission based on the phasing policy of the plan and drainage/flooding. These were proposals by David Wilson Homes (2013/1478 – 67 dwellings at Braggs Farm, Dickens Heath) and Bloor Homes (2013/1679 – 220 dwellings at Mount Dairy Farm, Tanworth Lane, Cheswick Green). Both of these applications are also subject to appeals with inquiry dates of September & October 2014 currently scheduled; and both are also subject to resubmitted applications.

At the time these applications were refused, it was noted that some of the concerns related to technical matters which at the time of drafting the reports had not been resolved. It was acknowledged that additional supporting information, justification or other evidence could be submitted that overcomes the technically based reason for refusal – ie that relating to drainage/flooding. It was noted that if this was the case it wouldn't be expedient for the Council to contest any subsequent appeal on that particular ground. Authority was therefore delegated from the Planning Committee to allow the Council not to pursue one or more of the technical reasons for refusal if during the course of an appeal sufficient additional supporting information, justification, or other evidence were to be submitted which demonstrates that the proposals will not have the harmful effect identified in the reason for refusal.

This present application has been resubmitted in light of material change in circumstances that have occurred since the earlier application was determined. This report will focus on the change in circumstances that have occurred and how they affect the assessment of the proposals; in particular whether the reasons for refusal have been overcome.

Unless otherwise stated all other material considerations remain as set out in the Committee report for the earlier application, a copy of which is attached as an appendix to this report.

### **CONSULTATION RESPONSES\***

Highways	: No objection
Housing Strategy	: No objection
Planning Policy	: No objection
Environmental Protection	: No objection
Education	: No objection
Health	: No objection
Fire Service	: No objection
Environment Agency	: No objection
Drainage Engineers	: No objection
Landscape	: No objection
Landscape	: No objection
Ecology	: No objection
Severn Trent Water	: No objection
Centro	: No objection
Neighbours Notified	: 24/06/14
Site Notice	: 25/06/14
Press Notice	: 04/07/14

\*responses have been carried forward from the previous application where relevant and appropriate.

### **REPRESENTATIONS**

Twenty one representations have been received raising objections to the proposals on the following grounds:

- Increased traffic and safety implications
- Road infrastructure not sufficient, especially at key junctions

- Dickens Heath already over developed
- Flooding & some in poor condition
- Area lacks public transports
- Not sufficient school places & capacity
- Not enough parking in the village centre
- Development should take place in other parts of the Borough
- Existing development in the village incomplete
- Loss of greenery
- Density is tight – existing properties have little space for frontage landscaping
- Loss of Green Belt – Dickens Heath & Tidbury Green are merging
- Additional noise & light pollution
- Existing facilities not suitable to support affordable housing.
- This site and others in later phases of the Local Plan could be developed at the same time with too great a concentration in one area, although it is appreciated that circumstances have changed since the previous decision.
- Impact on community cohesion
- Planning Policy Position Statement has been rushed through
- Opportunity should be given to correct the Local Plan
- Shouldn't be influenced if developers already own the land

It is understood that the applicants met with the Parish Council on the 15<sup>th</sup> July 2014 to explain the rationale in resubmitting the application and the key implications of the proposal. One issue that was discussed was in relation to the multi-use games area and the PC have been reported as saying they are content that the S106 leaves flexibility in this respects as to on-site provision or a contribution towards alternative off site facilities.

## **POLICY**

### **Solihull Local Plan (2013)**

Since the earlier planning application was determined in January, Gallagher Homes and Lioncourt Homes successfully challenged the Solihull Local Plan in the High Court in relation to housing numbers and green belt boundaries at Tidbury Green.

The subsequent Court Order treats those parts of the Local Plan relating to the housing land provision target (including the target set by Policy P5, its justification, the housing trajectory and the five year housing land requirement) as not adopted and should be remitted to the Planning Inspectorate for re-examination.

The Order is restricted to those parts of the Local Plan directly affected by the Judgment. The majority of the Plan is unaffected and remains adopted, carrying significant weight.

On 28<sup>th</sup> May 2014, the Council applied to the Court of Appeal for leave to appeal the High Court Judgment, and this has now been granted, although a date for the hearings has yet to be fixed.

### SPD's / SPG's

- Meeting Housing Needs (Including Affordable Housing) (2014)

Since the previous application was determined, the Council has adopted a new SPD which gives guidance on applying Policy P4 of the SLP – Meeting Housing Need. Of relevance to this application is the guidance in relation to affordable housing and the mix of housing to be provided on the site.

The previous application proposed a development that was in accordance with the affordable housing component of Policy 4 (ie 40% of dwellings to be provided as affordable housing), and this remains the case with this resubmitted application. However the housing mix component of the policy now needs to be applied to the development and this is assessed in a later section of this report.

### **MAIN ISSUES**

Whether the previous reasons for refusal have been overcome.

### **APPRAISAL**

#### Housing Supply (previous reason for refusal no. 1)

Housing land supply and the National Planning Policy Framework (NPPF) requirement to demonstrate a five year supply of deliverable housing sites is central to the determination of planning applications for new housing. When a five year supply of deliverable housing sites can be demonstrated, planning applications should be determined in accordance with the Local Plan. When a five year supply of deliverable housing sites cannot be demonstrated, policies for the supply of housing cannot be considered up-to-date and planning permission should be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF. (NPPF, paragraphs 49 and 14).

The Council endorsed a policy position statement on 25<sup>th</sup> June 2014 (a copy of which is attached to this report). This reflects the factual position in respect of the housing requirement and land supply in the light of the Order made by the High Court. It is a statement updating the position as it currently stands, pending the Council's appeal to the Court of Appeal and any other material changes in circumstance. The policy position statement sets out how the five year housing land supply target should be determined in the absence of an adopted Local Plan housing target in accordance with the NPPF, the NPPG and case law.

Paragraphs 2.1 – 3.2 of the policy position statement technical appendix addresses the appropriate target to be used in current circumstances and concludes that the target should be based on the latest DCLG household projections (2011-based). The application of this target raises Solihull's five year housing land target from 3,847 (based on the former Local Plan target) to 4,526.

At 1<sup>st</sup> April 2014, deliverable housing land supply (including allocated Local Plan phase one housing sites only) was 4,086, but there are also deliverable phase two and three housing sites which should be brought forward to meet the NPPF requirement to maintain five years supply of deliverable housing sites.

Bringing the phase 2 & 3 sites forward is in accordance with the phasing policy (P5) of the Local Plan. This states that *"sites will not be released for development before they reach their specified phase, unless existing housing supply falls below national planning policy deliverable housing land supply requirements."*

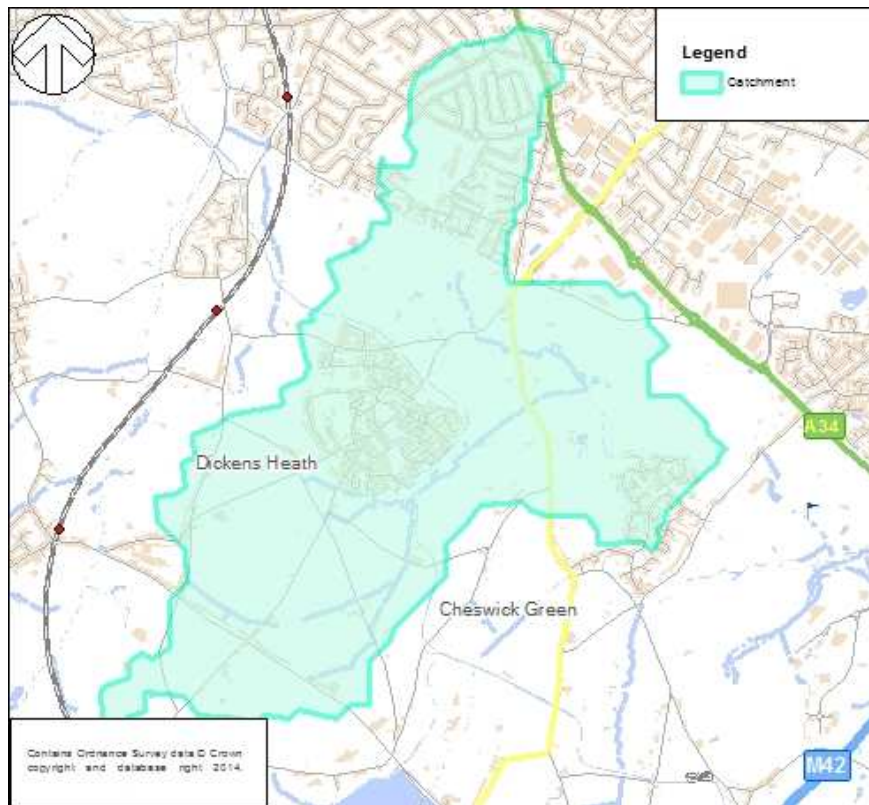
The application site is allocated in phase three of the Local Plan and should now be considered favourably for development in principle in accordance with Local Plan Policy P5. The addition of this site (and the two others which were refused permission on grounds of phasing in January 2014) raises housing land supply to 4,507, this will be sufficient to demonstrate five years housing land supply once Use Class C2 housing provision and planning permissions are added.

It is worth noting that the development of this site for residential development is considered acceptable in principle hence it being an allocated site in the Local Plan. The key question has been at what point in time it should be developed. With the material change in circumstances relating to housing land supply, the phasing of Policy 5 is now triggered such that there is no housing supply policy reason to prevent the development taking place now.

It is therefore considered that this reason for refusal has been overcome.

#### Drainage & Flooding (previous reason for refusal no. 2)

The site falls within the Mount Brook catchment which extends from Shirley Heath (in the north), to Tidbury Green in the west, through to the confluence with the River Blyth south of Cheswick Green (the catchment is shown below). This catchment is considered to be very sensitive to flooding with residents in both Dickens Heath and Cheswick Green having experienced flooding in the recent past. Following the flooding in Cheswick Green the Environment Agency commissioned a study to better understand the flood mechanisms and events for events of differing magnitudes.



Mount Brook Catchment Extents

With this in mind, it was deemed necessary to consider the potential implications of the sites coming forward for development within the catchment using a joint approach to ensure that betterment on the existing situation can be achieved.

For the sites within Dickens Heath, Solihull MBC's Flood Risk Consultants developed a hydraulic model for the baseline scenario and calibrated this using the historical data available (residents comments, Environment Agency gauged rainfall data and photographs). This model was then utilised by the applicants to develop their fluvial mitigation options for their own sites and test them against the baseline scenario, ensuring betterment can be achieved. This was then submitted to Solihull MBC so that the Council's Flood Risk Consultants could review the submitted model to ensure best practice modelling and that there would be no adverse cumulative impact of the various schemes.

The three developments currently coming forward for determination across the catchment (i.e. the current proposal and applications submitted by Bloors & David Wilson Homes) all providing fluvial flood attenuation measures which will have a cumulative impact, reducing flood risk at key flow constraint locations.

This application has been assessed against the requirements of the National Planning Policy Framework and Policy P11 'Water Management' of the Solihull Local Plan that requires new development to, amongst other considerations, take account of surface and ground water systems to include appropriate mitigation measures where necessary.

As part of the application, two addendums to the Flood Risk Assessment have been submitted, both of which take into account comments made by the Council in relation to the earlier application. These comments formed the basis for the objection, and subsequent reason for refusal in relation to the earlier application. The first addendum covers the improvements to the hydraulic modelling and the second covers the surface water drainage strategy.

The Environment Agency's (EA) Flood Map outlines that the application site is located within Flood Zone 1, which means there is only a 1 in 1,000 year chance that the land will flood. However, these maps do not consider the flood risk from watercourses with small catchments. As there is a watercourse running through the centre of the site, with a small catchment, the flood risks cannot be inferred by the EA maps. Hydraulic modelling has therefore been undertaken to determine the flood risk to the site and the impact of proposed mitigation works.

The baseline hydraulic modeling confirmed that there is a significant flood risk to Rumbush Lane and the nearby properties. This application therefore includes mitigation measures to reduce the flooding of Rumbush Lane and therefore the risk of the properties flooding is also reduced.

The hydraulic modelling undertaken demonstrates that Rumbush Lane currently floods in the 1 in 2 year event with depths of approximately 400mm, rising to 600mm for the 1 in 100 year plus climate change event. With the mitigation incorporated as part of the proposed development the road is demonstrated to be outside of the flood plain for all events tested up to and including the 1 in 100 year plus climate change event. The mitigation is therefore effectively preventing ponding of flood waters which would under the current conditions reach up to 0.5m in depth.

To manage the on-site and off-site flood risk (i.e. the flood risk to Rumbush Lane) the culvert under Rumbush Lane will be upgraded, and the masterplan incorporates an area of on-site flood storage, along with channel widening which incorporates the existing watercourse. Two options for the location of the enlarged culvert have been put forward. Both options have been tested within the hydraulic modelling and shown to provide the necessary storage and betterment. The two options are required to enable the works to be provided if the Catesby development (ie the current application) is implemented on 'its own' or whether it is implemented in conjunction with any planning approval given for the development of the adjacent site (the David Wilson Homes site at Braggs Farm)

Not only will this combined solution provide flood attenuation benefits (it will reduce the flooding on Rumbush Lane) but also it will help cool the microclimate in accordance with climate change adaptation requirements of Policy P11 of the DSLP.



A financial contribution towards maintenance of the flood storage features has been requested from the applicant to cover maintenance over a period of 25 years.

All new homes are to be located outside of the modelled 1 in 1,000 year flood extent and watercourse easement. Surface water will be managed as close to source as possible using Sustainable Drainage Systems (SUDS) in the form of bio-retention areas, modular geocellular soakaway systems and porous surface dressings.

The surface water drainage strategy intends to deal with all surface water runoff from the site through the use of SUDS, limiting the discharge rate for the new impermeable areas to the existing 1 in 2 year greenfield rate, for events up to and including the 1 in 100 year plus climate change event, this equates to a maximum discharge of 9.62 l/s. This is a further reduction (additional to the fluvial attenuation) in flows leaving the site.

The Environment Agency has passed the assessment of this application to SMBC who are the Local Lead Flood Authority. Accordingly, colleagues in drainage have considered this application with care and conclude that the proposed development will only meet the requirements of Policy P11 and the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment, Surface Water Addendum note (November 2013) and Hydraulic Modelling Addendum note (June 2014) submitted with this application are implemented and secured by way of planning conditions on any planning permission.

On this basis the Council's Drainage Engineers raise no objection to the proposal and consider that the previous reason for refusal has been overcome.

#### Other Changes in Material Circumstances

As noted above, the Council has adopted an SPD giving advice on implementing Policy 4 of the SLP since the previous application was refused. This has particular advice on the mix of housing to be provided on a site. The guidance notes that the Council will expect 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.

The guidance sets out a stepped approach as follows:

Step 1 – Compare evidence of local housing demand of newly forming households in the housing market area by size and type with evidence of existing housing supply in the vicinity to determine the types and size of dwellings most needed. This will result in a percentage of one and two bedroom dwellings that should be provided. In the case of Dickens Heath this is 30% of dwellings needing to be one or two bedroom properties.

Step 2 – Are there any other factors which need to be taken into account which may justify a different housing mix to that identified at step 1. This could include site size; accessibility to local services & facilities (including public transport); economics of provision; and the need to achieve a successful housing development.

As this is an outline application the full and final details of the housing mix are not for determination at this stage. However it is important that this issue is taken into account as any reserved matters application is prepared & progressed – in particular at an early stage when the developer is considering the content of the detailed layout. It is therefore recommended that a condition be attached to any approval that requires any subsequent reserved matters application to contain proposals that are in accordance with the Meeting Housing Needs SPD.

### Section 106 Agreement

It had been noted in the previous committee report that if permission were to be granted then a section 106 agreement would have been necessary to achieve a number of planning objectives and provide appropriate mitigation for the development. This remains the case in relation to the resubmitted application and the recommendation below is on the basis that a S106 agreement is entered into that includes the following 'heads of terms':

- The provision of 40% of the units for affordable housing (65% as social rented and 35% as intermediate rented..
- A contribution of £379,826 towards secondary school education.
- A contribution of £[to be advised] towards primary school education
- A contribution of £11,250 towards health facilities
- The provision of on-site community youth facilities (inc MUGA) or a contribution of £75,000 towards off site provision.
- A contribution of £135,904 towards biodiversity off setting
- A contribution of £182,715 towards transport enhancements including bus services and travel planning
- A contribution of £159,302 towards adoption & maintenance of on-site open space
- A contribution of £158,935 [to be confirmed] towards maintenance of on-site SUDs

The S106 agreement is considered to include provisions which are directly related to the development, necessary to make the proposals acceptable and are fairly & reasonably related in scale and kind to the proposals. It would therefore be in accordance with the CIL regulations and paragraph 204 of the NPPF.

### CONCLUSION

This is a resubmitted application following refusal of an identical scheme in January 2014. This report has considered the material change in

circumstances that have occurred since that decision. All other considerations remain as set out in January and were either neutral in the planning balance or provided support for the proposals.

At that time the Council could demonstrate a five year land supply and therefore the proposals were considered premature on the basis of the phasing policy in the Local Plan. The successful challenge to the Local Plan that has occurred since then has resulted in a different housing requirement having to be used as the starting point for considering the five year land supply. This means that in order for the Council to demonstrate a five year land supply, sites from later phases of the plan are required. In these circumstances, their development ahead of their expected phasing is in accordance with policy 5 of the Local Plan.

The previous planning application was also refused due to the inadequacy of the technical work required in order to demonstrate no harm would arise as a result of the development due to drainage/flooding issues. This technical work has now been updated and uses a robust methodology that can also be used to assess the effects of the drainage from the adjacent site. This has now concluded that the development will not have a harmful effect on drainage/flooding in the area – indeed it will result in some betterment as a result of improvements to the culvert under Rumbush Lane which will result in less flooding of the highway.

It is considered that the two previous reasons for refusal have now been overcome and planning permission can be granted.

### **RECOMMENDATION**

For the reasons outlined above it is recommended that, subject to the applicants entering into a section 106 agreement, the application be approved subject to the following condition:

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

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

(2) Approval of the details of (a) the access; (b) appearance; © landscaping; (d) layout; and (e) scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Pursuant to Article 3 (4) of the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

(4) The development hereby permitted shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

(5) Before the development hereby approved is commenced details of Ordnance Datum of existing and proposed contours of the site, adjoining land and highways and finished floor levels of building/s shall be submitted to be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

To ensure a satisfactory layout and development of the site in accordance with policy P15 of the Solihull Local Plan 2013.

(6) Development shall not commence until a survey plan and report of all trees, hedgerows, large shrubs and other natural features on the land, has been submitted to and approved by the Local Planning Authority.

To safeguard as many natural features of the site as is reasonable for the proposed development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

(7) Before development hereby approved commences, a schedule of all those trees, hedgerows, shrubs or existing features of the land to be retained, removed and/or treated shall be submitted to and approved by the local planning authority. No tree, hedge or shrub on the site indicated in the approved schedule for retention shall be topped, felled, lopped or root pruned except with the prior written consent of the Local Planning Authority.

To safeguard as many natural features of the site as is reasonable for the proposed development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

(8) Prior to the commencement of work on site, all existing trees/hedges and large shrubs except those agreed for removal, shall be protected by barriers. Details of the type of fencing and its siting shall be submitted to and approved in writing by the Local Planning Authority, thereafter the tree barriers shall be implemented and maintained on site as approved. The protected areas shall be kept free of all materials, equipment and building activity during the site

development, and ground levels within the protected areas shall not be raised or lowered.

To minimise disturbance to existing vegetation during development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

(9) The development hereby approved shall not be occupied 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. These details shall include 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 structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration. 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.

(10) All hard and soft landscape works shall be carried out in accordance with the approved details. 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, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree 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.

(11) Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

To retain the character of the landscape in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

(12) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (131855-R1(1)-FRA) with Surface Water addendum (RSK Letter 131855-L15(3)-EA-JC dated 21/11/13) and Hydraulic Modelling Addendum (RSK report 131855 – R2(1) - FRA) and subsequent submitted information (email from Colin Whittingham 02/07/14), drawing 40-01-Proposed Site Layout (P10) and

drainage options and masterplan (Plan 007G) and the following mitigation measures detailed within the FRA: (1) Limiting the surface water run-off for storms up to and including the critical storm (1 in 100 year plus climate change) the greenfield QBAR rate of 9.55 l/s (for the outline developable area) and (2) Finished floor levels are set no lower than the 1 in 100 year plus climate change flood level plus 300 mm freeboard.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the residual risk of flooding to the proposed development and future occupants.

(13) The development hereby permitted shall not be commenced until such time as the detailed design of the scheme to manage the fluvial flows and associated storage through the site has been submitted to, and approved in writing by, the local planning authority. This should be based on the outline designs provided within the FRA Addendum Report, with preference to Option 2. The fluvial storage volumes and control structures are to be agreed with the local planning authority. This should include confirmation that the proposed mitigation does not increase flood risk to third parties for events ranging from the 1 in 2 year to the 1 in 1,000 year fluvial event. Testing of storm durations should also be undertaken. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements to be agreed, in writing, by the local planning authority.

To prevent flooding by ensuring the satisfactory management/storage of flood waters without increasing the flood risk elsewhere; to ensure safe access and egress from and to the site; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding on Rumbush Lane and safe access/egress to the site by ensuring that storage of flood water is provided; to reduce the risk of flooding to the proposed development and future users.

(14) The development hereby permitted shall not be commenced until such time as a scheme to manage the pluvial flows has been submitted to, and approved in writing by, the local planning authority. Such a scheme shall be implemented in accordance with a timetable to be included within the scheme.

To reduce the risk of flooding to the proposed development and future users.

(15) Construction works associated with the development hereby permitted shall not be commenced until the maintenance works required on the watercourse downstream of Rumbush Lane have been completed.

To prevent flooding by ensuring the satisfactory management/storage of flood waters without increasing the flood risk elsewhere.

(16) The development hereby permitted shall not be commenced until such time as a scheme to manage the surface water runoff from the development has been submitted to, and approved in writing by, the local planning authority, with no occupation until the scheme is operational. The scheme

shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements to be agreed, in writing, by the local planning authority.

To prevent flooding by ensuring the satisfactory management/storage of flood waters without increasing the flood risk elsewhere; to ensure safe access and egress from and to the site; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding on Rumbush Lane and safe access/egress to the site by ensuring that storage of flood water is provided; to reduce the risk of flooding to the proposed development and future users.

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within 4 m from the top of bank with the exception of the highway access across the watercourse as shown in the masterplan (007G).

To prevent the restriction of essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and / or improvement works.

(18) The development shall not commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for (i) the parking of vehicles of site operatives and visitors (ii) loading and unloading of plant and materials (iii) storage of plant and materials used in constructing the development (iv) the erection and maintenance of security hoarding including decorative displays (v) wheel washing facilities (vi) measures to control the emission of dust and dirt during construction (vii) details of Haul Routes (viii) before and after carriageway surveys of Haul Routes the extent of which to be agreed with the LPA (ix) contact details for the appointed site agent that can be contacted in the event of any problems arising during construction activities.

(19) The development shall not commence until Technical Approval on the off-site highway works and site accesses arrangements has been granted in accordance with the scheme set out on approved drawing number 13-024 / 02 Rev D. The scheme shall also include provision of a footpath link including uncontrolled crossing along Rumbush Lane to connect into existing footway infrastructure leading to Dickens Heath village centre. The Technically Approved scheme shall be implemented prior to any occupation of the development site.

(20) The development shall not commence until a residential travel plan has been submitted to and approved by the LPA. The approved residential travel plan shall be implemented upon first occupation and include (i) resident

surveys, (ii) the role of the travel plan coordinator over the life of the plan (iii) the implementation of travel plan measures over the life of the plan. The residential travel plan shall cover a period of 5 years and include financial incentives to promote sustainable modes of transport.

(21) The reserved matters to be submitted in accordance with condition 2 shall make provision for the market housing to be provided on the site to include a mix of smaller house types (2 bedrooms or less) that is in accordance with the Council's adopted SPD – Meeting Housing Needs (July 2014).

To comply with policy 5 of the Solihull Local Plan and paragraph 50 of the NPPF.

**NOTE 1: 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 8.00 am to 6.00 pm on Mondays to Fridays and 8.00 am to 1.00 pm 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 phases(s) may be prolonged or if work may be undertaken beyond the aforementioned hours. Please contact the Contact Centre (0121 704 8000) for further details.

**Burning of 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 on (0121 704 8000) for further details.

**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 2:** Under the terms of the Water Resources Act 1991, prior written consent of Solihull MBC is required for any proposed works or structures, within an ordinary watercourse.