

Our ref: 44178

14 March 2019

Policy and Delivery
Solihull MBC
Council House
Manor Square
Solihull
B91 3QB.

Dear Sir/Madam

**SOLIHULL LOCAL PLAN REVIEW. DRAFT LOCAL PLAN SUPPLEMENTARY CONSULTATION
JANUARY 2019.
PROPOSED HOUSING ALLOCATION: SITE 21 PHEASANT OAK FARM, BALSALL COMMON.**

On behalf of our client Barwood Development Securities Ltd. ('Barwood Land'), we are pleased to make representations to the above consultation document.

Our client controls a large part of the proposed housing allocation site 21 Pheasant Oak Farm, together with additional land immediately to the east. We support the proposed allocation but consider that it should be increased in size and should be identified to accommodate some 350 dwellings, for the reasons described below and within the attached Vision Document.

The site is in a sustainable location close to key services, with opportunities to enhance accessibility potentially including new and improved footpaths, cycle facilities and bus services.

We can provide further technical evidence in due course, but we confirm that the draft allocation, extended to include the land within Barwood Land's control, is a deliverable and viable opportunity with the potential for significant material public benefits: it is available now and has the potential to make a meaningful contribution to the Borough's housing land supply over the next 5 years; it is suitable, with no in principle constraints that cannot be mitigated to support a development of the scale identified, including in respect of;

- Transport;
- Flooding, drainage and utilities;
- Ground conditions;
- Noise and air quality;
- Landscape, visual impact and ecology; and
- Archaeology and heritage.

Planning Context

The Council's Supplementary Consultation document acknowledges the need for substantial housing growth in Solihull in coming years, both to meet the Borough's own housing needs and to help meet the needs of the Greater Birmingham area.

It is therefore necessary to identify and allocate sites for new homes in the most sustainable locations within the Borough. As confirmed in paragraphs 84 and 87 of the document, Balsall Common has been selected as one such location in view of its strategic position and wide range of existing services and facilities, including shops, primary and secondary schools, railway station and bus services. Pheasant Oak Farm is one of a number of sites around Balsall Common identified as draft housing allocations in this context.

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Vision Document

The land within Barwood Land's control is 12.67 hectares in area and the attached Vision Document demonstrates that it is eminently suitable, achievable and deliverable for sustainable residential development. In conjunction with the adjoining field on the north west frontage to Waste Lane, which is also within the draft allocation area but is in separate ownership, the whole site is capable of accommodating some 350 dwellings. It is envisaged that the site will be developed at an average net density of 38 dwellings per hectare and incorporate a range of dwellings to reflect local housing need and demand, from 1 – 5 bedrooms and including affordable housing, starter homes, homes for the elderly and bungalows.

The Vision Document also describes:

- why the site is ideal for housing, in view of its sustainable location and opportunities for environmental improvements and the creation of a defensible, long term Green Belt boundary;
- that there are no technical or environmental constraints to its development which cannot be overcome through careful design; and
- how Barwood Land's concept masterplan will evolve in discussion with stakeholders and the community to ensure that the site delivers not only a high quality, distinctive development but significant social, economic and environmental benefits for Balsall Common and Solihull as a whole.

Our representations in this letter complement the Vision Document and relate specifically to relevant questions in 'Chapter 5 Balsall Common' of the Supplementary Consultation document, as follows.

Consultation question 3: Do you agree with the infrastructure requirements identified for Balsall Common?

We agree, subject to the following:

- there being robust evidence to justify that the requirements conform with the CIL Regulations; and
- in respect of the Balsall Common By-pass (paragraph 88, page 22), confirmation is needed that the route will follow the line previously identified (in the 2006 Unitary Development Plan and later documents including the West Midlands Local Transport Plan 2011-2026). This route is also shown on the Council's Emerging Concept Masterplan for Site 1 Barrett's Farm and our attached Vision Document indicates where the by-pass would run to the east of the land that is currently within Barwood Land's control.

Consultation question 7: Do you believe that Site 21 Pheasant Oak Farm should be included as an allocated site?

We do, subject it to being extended to include the whole of the land within Barwood Land's control, including for the following reasons.

Inaccuracies and Inconsistencies in the Supplementary Consultation documents

We have noted a number of inaccurate or inconsistent statements in the consultation documents, as follows:

- Pages 32 – 34 of the 'Draft Concept Masterplans' document indicate that Site 21 is 12 hectares in size. However, by our calculations, the red line area shown on page 33 is in fact only some 9.56 hectares in size.
- Paragraph 113 of the Supplementary Consultation document suggests that the proposed allocation of Site 21 will allow a strong and logical new Green Belt boundary to be formed. However, the eastern boundary of the proposed allocation cuts through fields and does not follow existing physical features on the ground. Furthermore, paragraph 114 suggests that the by-pass, the previously

identified route of which runs some distance to the east, would be an appropriate boundary rather than the site allocation boundary.

- The Council has used a general net density figure of 35 dph yet allocates Site 21 for only 100 dwellings, which is well below this density and would not make the most efficient use of the land as required by paragraph 117 of the NPPF.
- The Barwood Land site is identified as site 414 in the 'Site Assessments' document and the document confirms that its mainly brownfield nature means the site could make a contribution to new housing and is therefore marked green in the site selection process, suggesting it should be included as an allocation. Indeed, the site's redevelopment presents an opportunity to deliver meaningful visual and residential amenity benefits.
- The Barwood Land site (414) is also shown in green on the 'Site Assessments Key Plan' and in the table at page 103 of the Supplementary Consultation document.

Justification for Allocation of a Larger Site

As we show in the attached Vision Document, extending the draft allocation to include the whole Barwood Land site and allocating it for some 350 dwellings would rectify the above anomalies, provide for effective use of largely brownfield land and result in a highly sustainable form of development having the following significant social, economic and environmental benefits:

1. The provision of much needed housing for all ages, in accordance with paragraphs 87 and 102 of the Consultation document. This would include affordable homes and a mix of house types and sizes, to help meet the needs of the Borough and contribute to the wider housing needs of the Greater Birmingham area;
2. By following existing field boundaries and hedgerows, a logical, strong and defensible boundary to the Green Belt and the settlement would be created, in line with paragraph 97 of the Consultation document and NPPF advice. As described at paragraph 389 of the Supplementary Consultation document, paragraph 139 of the NPPF states that when defining Green Belt boundaries local plans should:

“define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”

In this regard, the eastern boundary of the Barwood Land site, defined as it is by existing field boundaries along which are existing mature hedgerows and trees, is considerably stronger and more defensible as a Green Belt and settlement boundary than the eastern boundary of the Ste 21 allocation as currently drafted;

3. Development of the site would provide for a substantial undeveloped 'green buffer' between new housing and the potential future by-pass for the village;
4. Significant environmental improvements would result from removal of the site's existing unsightly buildings and uses, leading also to enhanced enjoyment for users of the public right of way (Millennium Walk) through the site;
5. There would be the opportunity for widespread use by future residents of the existing good footpath and cycle connections to adjoining proposed allocations, Berkswell rail station and key facilities such as existing schools, the proposed new school within Barrett's Farm, village centre shops and the village health centre;
6. A net gain in biodiversity across the site would be achieved, together with provision of an attractive network of well-connected green infrastructure, open space and children's play;
7. Economic benefits would arise, both during the construction phase and in the long term, derived from increased population and spending on local businesses and services; and

8. There would be the potential, subject to compliance with the CIL Regulations, for CIL payments and Section 106 contributions to help improve local infrastructure, in line with paragraph 101 of the Consultation document, and enable environmental enhancements to be made to the village centre, as set out in paragraph 89 of the Consultation document.

We also confirm that Barwood Land is committed to working with the Council and other key stakeholders, including the local community, to develop the concept masterplan to secure a high quality development of the site and ensure that the benefits, including those described above, are maximised and achieved at the earliest opportunity. We have also had discussions with Rainier, which is promoting the small field in the north east corner of the draft allocation in order to ensure that a comprehensive approach to masterplanning has been taken so far.

With this in mind we look forward to working with officers over coming months to refine and develop our emerging masterplan and vision and provide further technical, environmental and planning assessments and information as required.

Consultation Question 40: Would requiring affordable housing contributions of 40% of total square meterage or habitable rooms/floorspace incentivise developers to build more smaller market housing?

We agree that the delivery of smaller homes as part of a balanced mix of housing is important. However, requiring affordable housing as requirement based on a proportion of net residential floorspace would not incentivise the delivery of smaller market homes. In fact, it could act to discourage the delivery of some types of homes. For example, a block of small apartments can have a higher net residential floor area than the equivalent land-take for family homes. It would require a greater amount of affordable housing but with less revenue resulting from the sale of the market homes on the site and therefore could have implications for economic viability which would conflict with paragraph 67 of the NPPF.

Instead, to support the delivery of smaller homes as part of a balanced housing mix that meets identified needs, reflects market demand and makes effective use of land, we encourage the Council to be flexible about average densities for different sites, as required by paragraphs 117, 122 and 123 of the NPPF.

On our client's land, for example, an average density of c. 38dph is considered appropriate as this would encourage a range of densities across the site to respect the local setting and vernacular but also enable a mix of all housing types and sizes to be delivered, ranging from 1-bed apartments, family homes, smaller houses suitable for first-time buyers and bungalows.

Most importantly, placing too much emphasis on the delivery of smaller homes or requiring affordable housing as a proportion of net residential floorspace would not achieve the policy objective to meet in full the identified housing requirements in terms of numbers, sizes, tenures and types. As such, it is not an effective, justified or sound policy basis to ensure that the identified housing requirement will be met in full over the plan period. Paragraph 60 of the NPPF confirms that there should be an evidence-based approach to housing requirements to determine the minimum number of homes that are needed. Paragraph 61 goes on to set out that:

*“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including **but not limited to**, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes” (our emphasis).*

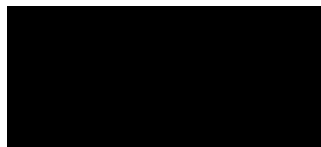
An affordable policy requirement based on a proportion of net residential floor area could also make it difficult for the LPA to properly review the effectiveness of the Local Plan and ensure the policies remain up-to-date, as is required by Regulation 10A of the Town & Country Planning (Local Planning) (England) Regulations 2012 and Paragraph 33 of the NPPF.

Ensuring flexibility in the wording of policies is important to ensure that they can adapt to updated evidence on changing housing needs in the area over the Plan-period and also reflect housing supply and market signals.

When considering the wording of any affordable housing policy, the LPA should also take into account the updated and wider definition of affordable housing as set out in Annex 2 of the NPPF and ensure that the implications of any policy on viability are tested.

We hope these representations are useful at this stage and look forward to further involvement in the Local Plan review process over coming months.

Yours sincerely



Tim Coleby
Senior Associate Planner

For and on behalf of
PETER BRETT ASSOCIATES LLP