

Policy & Spatial Planning
Solihull MBC
Council House
Manor Square
Solihull
B91 3QB

VIA EMAIL

28232/A3/MAS/JB/sw

15th March 2019

Dear Sir/Madam,

**REPRESENTATIONS TO THE SOLIHULL DRAFT LOCAL PLAN SUPPLEMENTARY REGULATION
18 CONSULTATION – LAND AT FULFORD HALL ROAD: SITE REFERENCE 404**

Barton Willmore LLP is instructed by Rainier Developments Ltd (the 'Client') to submit representations to Solihull Metropolitan Borough Council's Draft Local Plan Regulation 18 Supplementary consultation (the 'draft Plan') in relation to their land interests at Tidbury Green. This is referenced within the Plan as 'Land at Fulford Hall Road', Tidbury Green and is referenced in the Council's Site Assessments document as 404 (hereafter referred to as the 'site').

Whilst we appreciate that this is a non-statutory consultation and it does not seek to deal with Birmingham's unmet needs, this is clearly a significant factor in the overall housing requirement for Solihull which should be considered properly now. If, as numerous parties have identified, the overall numbers increase through the Regulation 19 consultation, additional sites will need to be identified in the coming months before consultation in summer 2019, and certainly before submission of the draft Plan in autumn 2019. As we will set out in this response, our Client's site is particularly well placed to address this need. Our main concern however lies with the way in which the site has been assessed by the Council.

We set out below our comments and responses to the questions we consider are relevant to our Client's land interests.

Question 1: Do you believe that that there are exceptional circumstances that would justify the Council using an existing alternative approach, if so, what are the exceptional circumstances and what should the alternative approach be?

Given the findings of the Employment Land Review (2017), we query whether there is adequate evidence regarding employment needs to answer this question. There is scope for an uplift in the housing requirement as a result of the HS2-related growth, as well as the potential to capitalise on the clear need for wider than local employment growth identified through evidence such as the 2015 West Midlands Strategic Employment Site Study (WMSESS), which identifies the M42 corridor as the area of highest demand for strategic industrial and commercial uses (Area A). The forthcoming new



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WMSESS is likely to be published before the draft Plan is adopted. On top of Birmingham's unmet housing needs, the potential for higher housing numbers as a result of these points is something we consider could be an exceptional circumstance to justify an uplift beyond the standard method minimum (which we currently calculate to be 777 dwellings per annum).

Question 2: Do you agree with the methodology of the site selection process, if not why not and what alternative/amendment would you suggest?

We broadly agree with the methodology but raise issues with the manner in which it has been applied to the site assessment process. We object to the manner in which our site (site assessment reference 404) has been assessed as 'red'. We do not agree with the conclusion that it will have 'severe or widespread impacts that are not outweighed by the benefits of the proposal'.

Given the geographic similarities, we make a direct comparison to site 41, Land at Whitlock's End Farm; and site 176, Land to the West of Dickens Heath, both of which are assessed as 'green' sites and are identified as draft allocations (draft Plan sites 26 and 4 respectively).

Accessibility Study

Our site is assessed as having low accessibility to the primary school, despite Tidbury Green Primary School being adjacent to the site. It appears that the Council have assumed that residents will need to walk along Rumbush Lane, Norton Lane and Fulford Hall Road. This is incorrect. As set out in our Call for Sites submission (29th March 2018), the Vision Document and the subsequent Call for Sites update (10th December 2018), our Client has a formal agreement with Bellway to create footpath linkages through the adjacent site, which significantly reduces the time taken to walk to the school. As shown on the appended Connectivity Plan, the walking distance to the school is 9 minutes. As per the Institution of Highways and Transportation (IHT) publication 'Guidelines for Providing for Journeys on Foot', this is considered an acceptable walking distance. **Suggested change – Primary School: Very High.**

Public transport is incorrectly assessed as being 'low/medium'. For the same reasons as above, the site should score much higher in this respect due to the links to either Wythall Station or Whitlock's End Station. As shown on the appended Connectivity Plan, the walking distance to Wythall Station is 17 minutes. This is acceptable. **Suggested change – Public Transport: Very High.**

The assessment also states that there is no existing footway. As we have set out, a new footpath will be provided southwards along Rumbush Lane. Alongside the formal links through the Bellway site (under construction), the assessment should look upon this favourably. In addition, the linkages to Dickens Heath are not reliant on a footpath, as established in the appeal decision for the Bellway site – see below. **Suggested change – Access: Footpaths existing and proposed.**

The above conclusions on accessibility are supported further by the recovered appeal decision for the adjacent Bellway site (APP/Q4625/A/14/2220892), within which the Secretary of State notes:

"14. The Secretary of State has carefully considered the Inspector's reasoning (IR78-90) and agrees with his conclusions (IR91) that the proposal complies with Local Plan policies P7 and P8 relating to accessibility and sustainable modes of transport. He notes that although the scheme does not comply entirely with some of the accessibility criteria on policy P7 the policy allows for consideration of local circumstances and for investment in local public transport measures as proposed in the appeal scheme. He gives the matter moderate weight in favour of the proposal."

In terms of a more detailed assessment of services and facilities, including accessibility via sustainable transport modes, the Inspector notes:

"81. Tidbury Green itself, given the relatively small scale of the settlement, has a reasonable level of facilities in easy walking and cycling distance of the appeal site. In particular it has two churches, a sports and social club, a car dealership and workshop, a restaurant, a primary school and a village hall. However there is no surgery or a shop selling fresh food. Moving further afield, Dickens Heath provides the next level of services, along with other settlements in the area. For the widest range of facilities, employment and services, one would look to Solihull or Birmingham.

82. In terms of buses, there are stops on Dickens Heath Road and Fulford Hall Road, around 400 metres from the site access. The main bus service (leaving aside term time buses) is the S3, which provides hourly services in both directions to Whitlock's End Station, Dickens Heath, and Solihull. The Planning Obligation provides a contribution towards the improvement in the frequency of these services. Access to these bus stops on foot is perfectly adequate, and would be improved as part of the package of off-site highway works. The bus service represents a reasonable level of provision, which would be improved if the appeal scheme went ahead.

83. There is a choice of railway stations which can be accessed on foot, by bus (in the case of Whitlock's End) or by bicycle. Whitlock's End station (1.6km from the site) provides a 20 minute service to Kidderminster, Worcester, Birmingham and Stratford-on-Avon. Wythall station (1.1km from the site) provides hourly services to Stourbridge Junction, Birmingham and Stratford-on-Avon.

84. Residents explained that the recently extended car park at Whitlock's End station is often full during the morning peak and beyond. That is not doubted, but the station is within convenient walking and cycling distance from the site (around 20 minutes on foot). The S3 bus service serves the station, and there is no need to access the station by car. Wythall station has no parking (aside from cycle parking), but is also within reasonable walking and cycling distance (around 13 minutes on foot).

85. The local centre in Dickens Heath can be reached by pedestrians in less than 20 minutes and by cyclists in around 6 minutes.

86. It is appreciated that the width of the pedestrian footways is limited in some locations due to overgrown vegetation, but in no area are the footpaths approaching impassable, and where this is an issue it can be addressed by the highway authority. Some limited parts of the relevant footways do not have street lighting, but there is no requirement to provide this.

90. The Framework, whilst seeking to maximise the use of sustainable transport, recognises that solutions will vary from urban to rural areas. In this case the opportunities for the use and encouragement of sustainable transport modes have been taken into account in the selection of the site and the details of the scheme. Sustainability is not an absolute concept and covers a wide range of topics. It would be unrealistic to consider a potential development as being sustainable only if it complied absolutely with every facet of sustainability. If that were the case, there would be very developments which could be considered sustainable.

91. Overall, the proposal complies with LP policies P7 and P8 related to accessibility and sustainable modes of transport (although this does not equate to the totality of sustainability). Although the site does not comply entirely with some of the accessibility criteria in policy P7, the policy itself allows for the consideration of local circumstances and for investment in local public transport and cycling/walking measures – as are proposed in the appeal scheme. The development also complies with the approach of the Framework. This matter weighs in favour of the proposal.”

In light of the above, it is clear that the adjacent Bellway site, and therefore our Client’s site, is close to a variety of services and facilities in Tidbury Green and Dickens Heath, with a number of sustainable transport options available, including the two nearby train stations and the bus service, which will be improved through the now implemented Bellway scheme. Our scheme has the potential to improve this service further in the same way via a planning obligation. Even without the committed bus improvements, accessibility to and from the site is excellent, as we have demonstrated on the appended Connectivity Plan.

Green Belt Assessment

The Council’s assessment of the site against the purposes of the Green Belt results in a combined score of 7; noting that it performs highly against purposes 2 and 3. Site 176 has a combined score of 7, scoring highly against purpose 1. Site 41 has a combined score of 6 (on the eastern, less sensitive portion), scoring highly against purpose 2.

Even by the Council’s own assessment, the site is similar to the proposed draft allocations in terms of their contribution to the purposes of the Green Belt.

Notwithstanding this, Barton Willmore Landscape have produced a Green Belt Review as part of the Call for Sites submission (29th March 2018) which assesses the site in a much more detailed manner. This includes the opportunity to extend the existing areas of woodland within the site to reduce visual permeability and prevent the visual merger of the two settlements. Our own combined score of the site against the purposes of the Green Belt is included below, as taken from Chapter 7 of the Green Belt Review:

Purpose	Critique	Contribution	Contribution using Solihull Methodology
Check the unrestricted sprawl of large built-up areas	The site is bordered by a development site to the west, by existing residential development to the south, ancient woodland to the north and Rumbush Lane with hedgerows and tree belt to the south-east, all of which are strong defensible boundaries. The area to the north-east comprises an area of sports facilities. The north-eastern boundary is moderately defensible, comprising a hedgerow between the Site and the sports pitches.	Limited	1
Prevent neighbouring towns from merging	Development within the Site would not cause erosion of the separation between Solihull / Birmingham and Redditch (the closest town) and	Limited	1

	<p>does not therefore perform this role as defined within the NPPF, which refers to the merger of 'towns'. The distance between Birmingham and Redditch at this point is 9.3km from edge to edge. However, it is acknowledged that development within the Site would bring the edge of Tidbury Green closer to the edge of Dickens Heath (approximately 350m at their closest points). The two settlements are visually separated by existing hedgerows with mature trees and there would be limited intervisibility during winter months. There would be a clear sense of leaving one settlement before entering the other when travelling along Rumbush Lane.</p>		
<p>Assist in safeguarding the countryside from encroachment</p>	<p>Development within the site would not bring the edge of Tidbury Green any further east than is currently the case along Norton and Rumbush Lanes. The Site is surrounded by development on two sides and by a containing road on the third. There are two additional dwellings in the easternmost area of the Site. Development within the Site would comprise further consolidation of the settlement with the development along Norton and Rumbush Lanes. Visual encroachment would be limited due to the strong visual containment by the mature hedgerow trees.</p>	Limited	<p>1 (development present to immediate south, south-east and east)</p>
<p>Preserve the setting and special character of historic towns</p>	<p>There is no intervisibility between the site and a historic town.</p>	None	0
Overall		Limited	3

Accordingly, we request that the site is re-assessed on the basis of the evidence we have provided above.

Landscape

The site has been assessed by the Council as lying 'within a landscape character of high sensitivity, medium landscape value and very low capacity to accommodate change'. The landscape character assessment for sites 176 and 41 is identical. There is little to be taken from the conclusions of this high-level assessment, but to assist, Barton Willmore Landscape have undertaken a Landscape and

Visual Appraisal (included within Call for Sites submission). This concludes that the site can accommodate development which is of a type and scale that reflects the existing development within Tidbury Green and the surrounding area. Full consideration has been given to the protection and enhancement of trees and hedgerows to respond to the landscape features, policy and landscape guidance. Mitigation is proposed to reduce visual permeability to ensure that the development can be accommodated without undermining the function of the Green Belt and without causing harm to the landscape.

As such, we do not consider that landscape should be a reason to object to the principle of development on this site.

Commentary

The commentary for our site concludes that 'the development would result in an unacceptable incursion into the countryside and cause coalescence by narrowing the gap between Dickens Heath and Tidbury Green'. As presented in our Green Belt Review and Landscape and Visual Appraisal, we disagree with this conclusion given the development proposes a logical rounding-off of Tidbury Green, with substantial landscaping planting also proposed. There is nothing in the Council's evidence that places a higher protection of the area between Dickens Heath and Tidbury Green (for our site) than between Dickens Heath and Shirley (for the draft allocation at Whitlock's End Farm). In addition, the Council's approach to the assessment in this respect is inconsistent as paragraph 159 of the draft Plan indicates that for Whitlock's End Farm, the proposed 300m gap 'should be seen as the minimum necessary to provide a meaningful gap'. The gap between the edge of development on our site and the nearest development in Dickens Heath (Cleobury Lane) is at least 350m. In terms of the Green Belt harm as a result of the Whitlock's End allocation, the justification within the draft Plan is that it 'represents a trade off with the higher accessibility of the site being located on the urban edge close to where need arises' (paragraph 158 of the draft Plan). As set out above, our site is highly accessible and is within walking distance of two train stations with regular services to Solihull and Birmingham. It is also less harmful in Green Belt and landscape terms as it effectively rounds off the urban edge of Tidbury Green, rather than breaking the strong defensible boundary of Bills Lane south of Shirley. As such, the Council's site assessment process is not considered consistent.

Step 2 – Refinement Criteria

In terms of the factors set out in the table at paragraph 75 of the draft Plan, we have assessed the site as follows:

Factors	Response
In accordance with the spatial strategy	We consider that Tidbury Green is a sustainable location for additional housing growth as it is within walking distance of Dickens Heath which has a good range of services and facilities, including a primary school - see Inspector's comments referenced above in respect of the adjacent appeal. As part of this appeal, further contributions were made to improve the bus service in Tidbury Green, and there are two train stations within close proximity to the village, which provide regular services to larger settlements and areas of employment.
Any hard constraints only affect a small proportion of the site and/or can be mitigated	As we have identified within the Vision Document previously submitted, there are no constraints which cannot be mitigated against. We have also provided evidence, including through a landscape-led masterplan, which

	demonstrates how the proposed development would not adversely impact upon the character of the settlement.
Site would not breach a strong defensible boundary to the Green Belt	As above, the site is well enclosed by defensible boundaries, with a new strong landscape buffer proposed to the north. We have provided a Green Belt Review which addresses this point in detail.
Any identified wider planning gain over and above what would normally be expected	As set out in our response to question 37, we are proposing a number of compensatory measures which will offset the loss of the Green Belt here. In addition, we have identified the potential for land for sports provision within the site and adjacent to Dickens Heath Sports Club, if required. This is particularly important given the findings of the Council's Playing Pitch Strategy (published January 2019). We note that that draft allocation at Site 4 Land west of Dickens Heath may result in the loss of playing pitches.
Sites that would use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt	As above – defensible boundaries exist and can be established.
If finer grain accessibility analysis shows the site (or the part to be included) is accessible	As shown on the appended Connectivity Plan, the site is within close proximity to two train stations and bus services, which will further be improved as a result of committed development. There are a large range of services and facilities within walking distance at Dickens Heath – see Inspector's findings above.

Site assessment conclusions

Fundamentally, the Council appear to have scored our site poorly on the basis of accessibility, which stems from a misunderstanding regarding the legally agreed footpath linkages through the Bellway site to the primary school etc. This is emphasised on the appended Connectivity Plan. Clearly, when considering this and the other matters above, an objective assessment of the site's suitability for development would result in the site being considered 'green' and therefore suitable as a draft allocation.

Questions 4 to 9: Balsall Common sites

Whilst we agree with the spatial approach to development in Balsall Common, we query whether there is evidence on the deliverability of some sites, for instance Barratts Farm (site 1), which has over 10 landowners within the allocation and relies on significant infrastructure for its delivery. Evidence is required to demonstrate delivery and the build rate will be crucial in the Regulation 19 Plan. Sites that have less land assembly issues that are available for development now (such as our Client's) are much more deliverable in the early years of the Plan, as demonstrated by the adjacent Bellway scheme.

Question 12: Do you believe that Site 4 Land west of Dickens Heath should be included as allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

Given the amount of detail that is provided, our main concern at this stage is with the loss of the playing fields and whether the allocation has reference to the recently published Solihull Playing Pitch Strategy (January 2019). Further evidence is required to establish whether the relocated provision is in a suitable location and deliverable. In the absence of this evidence, our Client's site would be more appropriate, particularly given it is adjacent to Dickens Heath Sports Club and could feasibly contribute to the identified shortfall in provision.

Question 15: Do you believe that Site 26 Whitlock's End Farm should be included as allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

As noted in our response to question 2, we have concerns with the site selection process and the conclusions raised regarding this site, when compared to our Client's site at Tidbury Green.

Question 30: Do you believe that Site 10 west of Meriden should be included as allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

Whilst we have no objection to Site 10 (west of Meriden), we understand that this site is being promoted by McCarthy and Stone, and we question whether these 100 dwellings are Class C2 or C3. If this site is intended to be delivered as C2, what contribution does this make towards meeting the Council's overall housing requirement and what contribution, if any, it will make the overall affordable housing requirement?

Question 34: Should the washed over Green Belt status of these settlements/areas be removed, and if so what should the new boundaries be? If not why do you think the washed over status of the settlement should remain?

In terms of Tidbury Green, yes, its washed over Green Belt should be removed. Further to this, given the matters we have raised above, we consider there are also exceptional circumstances to justify our Client's site being removed from the Green Belt. We suggest that the new Green Belt boundary runs along Rumbush Lane to the east and along the line of Big Dickens Wood and the new landscape buffer proposed between our site and Dickens Heath Sports Club.

Question 37: What compensatory provision should be made for land being removed from the Green Belt? Where relevant please give examples that are specific to individual sites proposed for allocation.

In our letter of 10th December 2018, we set out how our proposals can respond to paragraph 138 of the NPPF. The proposed offsetting comprises:

Improvements to Environmental Quality

- Enhancement and strengthening of Green Infrastructure and wildlife corridors, e.g. hedgerows.
- Net gain of trees, including planting new woodland to the north east of the site.
- Management of ancient woodland.
- Provision of public open space.

Improvements to accessibility of the Green Belt

- Improved access between Tidbury Green and the surrounding area to the east, including new footpath along Rumbush Lane.

- Reduction in walking time between village and the Cricket Club (i.e. through the site and along Rumbush Lane); and between the houses to the south east of Tidbury Green and the school and other facilities in the village.
- Provision of open space comprising either informal play or playing field or natural area of play with potential to foster outdoor learning.
- The potential to provide a further playing field adjacent to Dickens Heath Sports Club, if required.

Question 38: Do you have any comments on these amber sites, i.e. is it right they should be omitted, or do you believe they should be included, if so why?

There appear to be inconsistencies in the way that the amber sites have been assessed, e.g. sites 49 and 328 were assessed as amber within the Appendix D to the report to 17th January 2019 Cabinet meeting, which agreed the document for consultation. However the Site Assessment document itself now concludes that these sites are 'green'. This should be clarified.

Question 39: Are there any red sites omitted which you believe should be included; if so which one(s) and why?

As above, if re-assessed and taking into consideration the matters set out above and in earlier submissions, we strongly believe that our Client's site (reference 404) should be included as a 'green' site.

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

No. This approach would cause uncertainty for developers and the Council and is not likely to work in practice. It would not be clear how much affordable housing will be delivered through the draft Plan. If the Council allocate sufficient sites which have proportionate evidence regarding their viability and deliverability, this would be the best way of addressing the delivery of much-needed affordable housing.

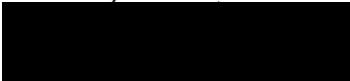
Conclusion

As detailed above, our Client's concern relates to the manner in which their site at Tidbury Green has been assessed. Tidbury Green is clearly a sustainable settlement for growth, as identified within the appeal decision for the adjacent Bellway site. Furthermore, we are concerned with the inconsistencies between the assessments, for instance in comparison to the two nearby draft allocations. The Green Belt Review and Landscape and Visual Appraisal produced by Barton Willmore Landscape emphasises the development potential of the site. If the pedestrian linkages through the adjacent Bellway layout are addressed and our assessment of the Client's site is accepted, this would result in the site being assessed as 'green' and should therefore be included in the draft Plan as an allocation.

The site is available now and offers a suitable location for development that is achievable. It is in an area of high demand for housing with a realistic prospect that housing will be delivered within five years, as demonstrated through the adjacent Bellway site. As such this site can be considered deliverable in terms of the definition within the NPPF. Through the Vision Document and further supporting information we have provided to date, development on the site can come forward in a sustainable and high quality manner that will contribute to the Borough's housing needs in the early years of the forthcoming Plan. Given the proximity of the site within reasonable walking distance of two train stations, this will also make a clear contribution to Birmingham's unmet housing needs.

We would welcome the opportunity to discuss these matters further and would be grateful if you could consider our comments when reassessing our Client's site. If you have any queries regarding the above, please do not hesitate to contact James Bonner or me.

Yours faithfully



MARK SITCH
Senior Partner

Enc.



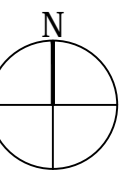
LEGEND

- Site Boundary
- Walking and Cycling Routes to Local Facilities (walking times in brackets)
- Indicative Distance from the site
- Bus Stop + Walking Route
- A4 Regular Half Hourly Service to Wythall, Dickens Heath and Solihull Town Centre
- 823 School Bus Service (AM +PM) to Alderbrook School, Tudor Grange Academy, St Peter's R.C. School and St Augustines Catholic Primary School

Project
TIDBURY GREEN

Drawing Title
Connectivity Plan

Date 14.03.19	Scale NTS	Drawn by AS	Check by L.H.
Project No 28232	Drawing No RG-M-19	Revision -	



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