

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

VIA EMAIL

29138/A3/MAS/JB

15th March 2019

Dear Sir/Madam,

REPRESENTATIONS TO THE SOLIHULL DRAFT LOCAL PLAN SUPPLEMENTARY REGULATION 18 CONSULTATION – LAND FRONTING WASTE LANE, BALSALL COMMON: SITE REFERENCE 79

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 Balsall Common. This is referenced within the Plan as 'Land fronting Waste Lane, Balsall Common' and is referenced in the Council's Site Assessments document as site 79 (hereafter referred to as the 'site'). It is identified as being part of the wider allocation at Pheasant Oak Farm (site allocation 21).

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, for instance North Warwickshire Borough Council, 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 and as such we support the identification of this site within the wider allocation. Our primary concern relates to the capacity that has been suggested by the Council for this site. Specifically, 100 dwellings are considered too low for this site as it clearly has a greater capacity for development. Our Client's land interests within the allocation can accommodate up to 16 dwellings. This has been informed by a detailed masterplanning exercise, including full consideration of the site's constraints and opportunities and the policy requirements.

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



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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 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 note there are issues with the manner in which it has been applied to the site assessment process across the Borough. Whilst we support the positive assessment of this site, we would query the Council's conclusions that the site has a 'low level of accessibility'. By the Council's own criteria on page 18 of the draft Plan, the site is accessible as it is 'on the edge of an urban area' and 'on the edge of a settlement that has a wide range of services including a primary school and a range of retail facilities'. The site is around 15 minutes' walk from Balsall Common Primary School.

Question 3: Do you agree with the infrastructure requirements identified for Balsall Common, if not why not; or do you believe there are any other matters that should be included?

Broadly speaking yes. As noted in our response to question 7, we consider that the identified capacity of the allocation for site 21 of 100 dwellings is significantly underestimated and as such the increase in housing on this site should be considered by the Council in terms of the phasing of infrastructure required. Our Client's land is available now and can provide proportionate contributions to infrastructure early in the Plan period, as required.

Questions 4 to 9: Balsall Common sites

Whilst we agree with the spatial approach to development in Balsall Common, we would 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 assumed built rate will be crucial in the Regulation 19 Plan. Our Client's land is available now and can be delivered early in the Plan period.

Question 7: Do you believe that Site 21 Pheasant Oak Farm should be included as allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

Yes, we agree that this is a sustainable location for new housing on the edge of an urban area which has variety of facilities and services, including a station with regular links to Birmingham. The site is also adjacent to a bus stop with a regular service to Solihull and Coventry.

Within the recent GL Hearn Greater Birmingham HMA Strategic Growth Study, Balsall Common is identified as a broad location for a strategic development given it is free from nationally significant constraints. Whilst the Council are yet to respond to the strategic growth study, the findings indicate the importance of Balsall Common in helping to address both Solihull's housing needs and Birmingham's unmet need. Smaller developments such as this site could support the strategic growth options such as Barratts Farm by contributing to a steady supply of deliverable housing in the early years of the Plan, given the long lead-in times of strategic developments.

The allocation is within the wider land proposed to be removed from the Green Belt along the new boundary following HS2. In terms of landscape character, the Balsall Common Eastern Fringe is a different landscape character area than the rest of the area to the north (Berkswell Landscape Character Area 4 Rural Centre, Sub Area 4D). The area to the east of Balsall Common (within the Eastern Fringe) is generally flat and is heavily influenced by the adjacent settlement, with the Landscape Character Guide (November 2016) stating:

"Being in close proximity to Balsall Common the area therefore is heavily influenced by the settlement bringing in strong elements of suburbia. This is particularly noticeable around Catchems Corner and Carol Green introducing manicured lanes, close mown grass verges,

footways and overhead cables. The strong influence of Balsall Common on the rural character of the area has led to the loss of the definitive edge between the urban area and countryside beyond.”

As a result of the above, the draft allocation would be relatively unconstrained in landscape terms and could assist in providing a definitive edge to the urban area.

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	Development on this site is in accordance with the spatial strategy as Balsall Common is identified as a sustainable location for new growth.
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.
Site would not breach a strong defensible boundary to the Green Belt	The site will be well enclosed by the planned bypass for Balsall Common. Notwithstanding this, the site performs poorly in terms of both the Green Belt and landscape character and a more defined urban edge is needed.
Any identified wider planning gain over and above what would normally be expected	As set out in our response to question 37, compensatory measures will be provided to offset the loss of the Green Belt. In addition, the site has the potential to provide a financial contribution (e.g. via CIL) towards the bypass. As such, increasing the capacity of the site will further enhance the viability of the road.
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 will be established.
If finer grain accessibility analysis shows the site (or the part to be included) is accessible	As set out above, the site is well located in terms of walking and cycling to local services and facilities in Balsall Common, including a primary school. It is also adjacent to a bus stop for regular connections to wider employment opportunities, for instance in Solihull and Coventry.

The draft allocation of 100 dwellings is made up of the following:

- Site reference 79 – N.B. suggested capacity (SHELAA) of 24 dwellings; and
- Site reference 414 – N.B. suggested capacity (SHELAA) of 298 dwellings.

The NPPF is clear about making efficient use of land (paragraph 122), particularly in areas well served by public transport (paragraph 123). This is reflected in the Strategic Growth Study, which seeks to increase densities across the Housing Market Area. The draft Plan needs to respond positively to this and currently we do not see

what evidence or justification there is for reducing the capacity of the allocation from 332 to 100 – a 70% decrease from the SHELAA capacity. There is nothing within the draft Concept Masterplans document (January 2019), including the Site Analysis, to suggest a reason for this. Our Client is committed to working collaboratively with the Council and the other landowner to demonstrate how the site can be developed sensitively for a more realistic capacity, i.e. at least 332 as per the SHELAA. We append three indicative masterplans showing how our Client's site sits within the wider allocation.

Suggested change: increase the capacity of the allocation to at least 332 dwellings to reflect its relatively unconstrained nature and the need to make efficient use of land.

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 and 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, will it make towards the overall affordable housing requirement?

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.

The allocation has the potential to reinforce the urban edge as set out in the Solihull Borough Local Character Guide and to enhance Green Infrastructure and habitat corridors where possible. There are also opportunities to link into the existing public right of way to the north.

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 authorised the document for consultation. However the Site Assessment document itself now concludes that these sites are 'green'. This should be clarified.

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.

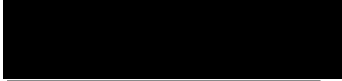
Conclusion

We agree with the Council's positive assessment of the site and its inclusion within the draft Plan as a housing allocation alongside the land to the east. However, we raise concerns regarding the suggested capacity of the site, which does not appear to be consistent with the Council's own assessment within the SHELAA, or the NPPF in respect of the need to make efficient use of land.

This is a deliverable site in a sustainable location on the edge of an identified growth area, with no insurmountable constraints. It has the potential to make an early contribution to the Borough's housing needs and to Birmingham's unmet needs, including much needed affordable housing.

We would welcome the opportunity to discuss these matters further and would be grateful if you could consider our comments when reassessing the capacity of the 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.



The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
-	-	-	-

 Red Line Boundary 0.71ha

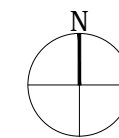
Residential Use 0.53ha

Attenuation Area 0.05ha

Public Open Space 0.13ha

Project
**Land South of Waste Lane,
 Balsall Common**

Drawing Title
Illustrative Concept Plan



Date	Scale	Drawn by	Check by
08.03.19	1:500 @A3	AS	LH

Project No	Drawing No	Revision
29138	BM-M-05	F

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Footpath and cycle route to Berkswell railway station and potential new school

Millennium Way Pedestrian route

Footpath and cycle route to the centre of Balsall Common village



- KEY**
-  Site Boundary
 -  Boundary of adjacent land allocation sites
Land allocation site 1 - Barretts Farm and
Land allocation site 3 - Windmill Lane
 -  Propose Site Access.
Primary Access of Waste Lane
and Secondary access off Hob Lane
 -  Footpath routes through site link to existing routes
and routes through the adjacent Barretts Farm site to
the railway station and potential new school
 -  New crossing and footpath improvements on Waste
Lane, improving connection to existing pedestrian and
cycle routes
 -  Existing bus stops, these could be relocated closer
to the proposed site access to provide an increased
level of public transport accessibility
 -  Potential pedestrian and/or vehicular access points
 -  Varied areas of public open space (including SuDs
features) offers walking and cycling routes and areas
for play
 -  Indicative route of proposed new by-pass
forming clear edge to the green belt
 -  Proposed development area (8.6ha)
 -  Listed Buildings
 -  Retained Landscape feature
 -  Planting to eastern boundary

bhb
architects

Balsall Common
Barwood Land







3444-02
Illustrative Master Plan
12/03/2019
Rev C.

Footpath and cycle route to
Berkswell railway station and
potential new school

Millennium Way
Pedestrian route

Footpath and cycle
route to the centre
of Balsall Common
village



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29138 - BM-M-07 -
ILLUSTRATIVE COMPOSITE MASTERPLAN



Balsall Common
Barwood Land
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12/03/2019
Rev C.