

Our Ref: 10703 DSLPRSC HW

Policy & Delivery
Managed Growth and Communities Directorate
Solihull Metropolitan Borough Council
Council House
Manor Square
Solihull
B91 3QB

13th March 2019

Email: psp@solihull.gov.uk

Dear Sir/Madam,

Representations to the Draft Solihull Local Plan Review Supplementary Consultation: 'Oakleigh', 2440 Stratford Road and Firs Paddock, Stratford Road, Hockley Heath, Solihull B94 5NJ

(Included within Site Reference 14 in SMBC Site Assessment document, January 2019)

We write on behalf of our Client, Mr. James McBride, who owns 'Oakleigh', 2440 Stratford Road and Firs Paddock, Stratford Road, Hockley Heath, Solihull B94 5NJ.

This letter is submitted in response to the current Draft Solihull Local Plan Review Supplementary Consultation (DSLPRSC), as follows.

1. Our Client's land, which extends to approximately 0.54 ha, is identified on the enclosed plan number 10703(20)102. Approximately 0.1 ha of The Firs employment land lies within Stratford-on-Avon's administrative boundary. The local authority boundary is identified on the plan and the garden land is shown hatched 'blue' and the employment land is shown hatched 'red'.
2. The site is currently identified as part of a larger site (which includes the now developed rural exception affordable housing land to the north of our Client's site), in the 'Draft Local Plan Supplementary Consultation: Site Assessments' document, January 2019, as site 14. It is assessed as a 'red' site in the DSLPRSC.
3. Submissions have previously been made for identification of the previously developed area of the site extending to 0.36 ha (i.e. the house and garden beyond the settlement boundary plus Firs Paddock employment land), in the Brownfield Land

Register (BLR), under site reference BLR/043.

4. Whilst planning officers originally accepted in the Draft version of the BLR, that the 0.36 ha site promoted for inclusion in the BLR was brownfield previously developed land, this decision was overturned by Councilors who argued that the house and garden fall within the urban area and therefore the garden does not meet the National Planning Policy Framework (NPPF) Glossary definition of previously developed land.
5. A concept masterplans and an illustrative sketch plan have been prepared to demonstrate the scale of development which could be delivered if the site were to be developed in its entirety (i.e. 0.54 ha). The plan shows that approximately 15 dwellings could be provided at a density of 27 dwellings per ha. Plan numbers 107(SK)190307-01 and 107039(ALL)02 forming part of this submission, are therefore included for illustrative purposes only.

Summary of representations and objections

6. Our Clients welcome the opportunity to comment on the DSLPRSC. In making these representations we have had regard to:

Government directives,
National Planning Policy Framework (NPPF) (February 2019),
Planning Practice Guidance (PPG), and
The Joint Strategic Growth Study for the Housing Market Area (SGS) (February 2018).

7. Taken as a whole, central government makes clear the Local Plan should, as a minimum, aim to meet the objectively assessed development and infrastructure needs of the area including unmet needs of neighbouring areas (where consistent with NPPF as a whole). The Local Plan should be based upon relevant and adequate up-to-date proportionate evidence and informed by a Sustainability Appraisal (SA).
8. For the reasons set out in further detail below, our Client;
 - a) Contends that, despite use of Standard Methodology based on 2014 household projections, there is still no signed Statement of Common Ground, (contrary to NPPF), in consequence the proposed contribution towards the cross-boundary shortfall remains at 2,000 dwellings. This is despite new evidence highlighting the increased scale of the Housing Market Area's (HMA) unmet need to 2036.
 - b) **Supports** the proposed distribution of development set out in the DLPSC that seeks to distribute housing both within the urban area of the borough, and disperse across a number of identified settlements.

- c) **Supports** the decision to review Green Belt boundaries to accommodate the identified growth.
- d) **Objects** to the plan on the basis that there are insufficient deliverable residential site allocations identified which comply with SMBC's site selection criteria and national policy recommendations. More small and medium sized viable sites need to be allocated to ensure the step increase in annual housing delivery proposed can be achieved.
- e) **Objects** to the proposed allocations:

Balsall Common: Site 21 Pheasant Oak Farm – 100 units

Hampton-in-Arden: Site 6 Meriden Road (together with site 24 from the adopted Solihull Local Plan) – 210 units

Knowle: Site 8 Hampton Road – 300 units

Solihull: Site 17 Moat Lane/ Vulcan Rd – 200 units

Solihull: Site 18 Sharmans Cross – 100 units

Kingshurst: Site 7 Kingshurst Village Centre – 100 units

Smith's Wood: Site 15 Jenson house/Aukland Drive – 50 units

(figures taken from DSLPRSC and Masterplan Document)

Total of 1,060 units

In our judgement these all appear to be either inconsistent with SMBC's site selection methodology, and/or Green Belt requirements and/or policies for health and well being / loss of sports, or there are concerns in respect of deliverability thus contrary to national policies and guidance.

- f) Considers there are a number of inconsistencies and/or inaccuracies with some assessments upon which SMBC now bases its judgement to propose housing allocations in the local plan. In consequence there is a danger the local plan will propose to allocate sites to the detriment of other more deliverable or otherwise policy-compliant.
- g) Contends that, despite the numerous updated assessments, there remains an absence of necessary evidence reports risking the accusation that evidence reports will be produced driven by the need to justify decisions already made i.e. 'backfilling' decisions.
- h) In order to make up for the potential shortfall in deliverable housing sites arising from the above, we commend our clients site for allocation in the plan. Land at 'Oakleigh', 2440 Stratford Road and Firs Paddock, Stratford Road, Hockley Heath, satisfies SMBC's own criteria for site selection, and the need for sustainable brownfield development emphasised in the National Planning Policy Framework (NPPF), February 2019, and Planning Practice Guidance (PPG) and we contend it should be allocated for residential

development in the submission version of the DSLPRSC. The site is: partly brownfield; it makes a very limited contribution towards the purposes of including land within the Green Belt (scoring 5 in the assessment); there are clear physical defensible boundaries; it is in a sustainable location; there are no physical or legal constraints restricting development; and it could deliver approximately 15 dwellings within the first 5 years of the plan period.

- i) Considers it to be important for the DSLPRSC to make provision for 'safeguarded' land in order to meet longer-term development needs stretching well beyond the plan period. This is important in a Borough which has a large proportion of Green Belt land as it should speed up any future review which may prove necessary to meet more rigorous NPPF requirements.
- j) Considers it is appropriate for SMBC to re-assess the washed over Green Belt status of settlements and areas of ribbon development to ensure areas which do not make an 'important contribution' to openness are not, unnecessarily, included within the Green Belt (NPPF paragraph 140)
- k) Considers there is no guarantee all of the sites included in the housing land supply, listed on page 87 of the DSLPRSC consultation document, which are taken from the Strategic Housing Land Availability Assessment (SHLAA), 2012 and Strategic Housing and Employment Land Availability Assessment (SHELAA), 2016 will come forward within the plan period. For example, because there are existing employment sites and community uses on the land which would need to find suitable alternative premises.
- l) Raises concern that important strategic growth decisions are being made in the absence of necessary evidence reports (Paragraph 31 of the NPPF) risking the accusation that evidence reports will be produced driven by the need to justify decisions already made i.e. 'backfilling' decisions. This leaves the plan vulnerable at the Examination stage (Paragraph 35 b) of the NPPF)
- m) Considers the evidence reports on which the DSLPRSC site selection process has been based remain flawed in part and the range of documents incomplete. For example –
 - o No detailed landscape character assessments have been undertaken for the locations of preferred sites, contrary to the recommendation within the 2016 'Landscape Character Assessment'.
 - o No detailed ecological assessments have been published for the preferred site allocations and 'amber' second choice site allocations.
 - o No revisions have been made to the Infrastructure Delivery Plan (IDP)

since 2012, despite the proposed considerable increase in growth suggested in both the Draft Solihull Local Plan Review document, 2016 and the further increase proposed in the current DSLPRSC document.

- No viability assessment has been carried out, contrary to the requirements of the NPPF, and PPG. A Local Plan can only be found 'sound' if the viability and therefore the deliverability of proposed site allocations in Local Plans is proven by robust evidence.
- No feasibility and masterplan work has been published to meet the recommendations set out in the February 2018 'Greater Birmingham HMA Strategic Growth Study' (SGS) necessary to provide the basis for negotiations between the local authorities within the HMA to agree what proportion of the outstanding minimum shortfall of 60,900 dwellings to 2036 should be accommodated where.
- The Green Belt assessment has not been re-visited to assess additional 'Refined Parcels' to reflect the proposed additional 'green' and 'amber' site areas. Given that some of the preferred sites are within 'Broad Areas' of search where the conclusions will not reflect the site specific, local area characteristics of a smaller parcel of land, this is potentially misleading.

The context for our representations is set out below:

Duty to Cooperate

9. Under the terms of the NPPF paragraph 27 states, '27. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.' (Further guidance is provided in the Planning Practice Guidance (PPG) Paragraphs 001 and 002 Reference ID: 61-001-20180913 and ID: 61-002-20180913 Revision date: 13 09 2018.)
10. Currently there is no signed agreed Statement of Common Ground in respect of the housing land supply shortfall in the HMA, contrary to the requirements of the NPPF.
11. The Local Plan must be prepared in accordance with the Duty to Cooperate, which sets a legal duty for SMBC and other public bodies to engage constructively, actively and on an ongoing basis on planning issues which affect more than one local planning authority area. Paragraph 24 of the NPPF states, 'Local planning authorities...are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.'

12. It is therefore vital that the Strategic Growth Study (SGS), published February 2018, which was commissioned by all 14 local authorities within the Housing Market Area (HMA), is taken fully into consideration in terms of the unmet housing land supply and the recommendations for addressing this shortfall.
13. It is unclear how Solihull MBC has arrived at its proposed 2,000 dwelling contribution towards the wider HMA shortfall of 60,900 dwellings up to 2036, arising primarily from Birmingham City calculated in the SGS. The Draft Solihull Local Plan Review, published in 2016, proposed making provision for a 2,000 dwelling contribution towards Birmingham's unmet needs up to 2033. However, the Local Plan period has been extended by 2 years, and the housing shortfall figure published in the February 2018 SGS demonstrates a far greater shortfall than originally anticipated in 2016.
14. The figure of 2,000 dwellings proposed as a contribution towards the unmet need has not been justified, it has not been agreed and it does not therefore meet the requirements of national policy.

The need to review Local Plans

15. NPPF, paragraph 33, requires policies in local plans and spatial development strategies to be reviewed to assess whether they need updating at least once every five years. They should then be updated as necessary. Reviews should '...take into account changing circumstances affecting an area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.'
16. Therefore, it is important that the Local Plan should aim to 'future proof' their strategic policies and housing need figures as far as practicable to avoid the need to undertake a full plan update of policies at least every 5 years. **On this basis, we strongly recommend SMBC allocate land for more homes than recommended by the standard methodology plus any agreed cross-boundary housing growth.**
17. This approach would be in line with updated Planning Practice Guidance (PPG) paragraph 002 (Reference ID: 2a-002-20190220 Revision Date: 20 02 2019) on housing need assessment which makes it clear that the standard method is only a minimum starting point for housing need, it is not a housing requirement. Local authorities should be seeking to put in place the necessary mechanisms to boost housing delivery in line with government's ambitions to deliver 300,000 homes per annum by the mid-2020s. Providing a greater variety and choice of deliverable sites would also reduce the likelihood of SMBC being required to undertake an early review of the Plan.

The Greater Birmingham HMA Strategic Growth Study

18. The Greater Birmingham HMA Strategic Growth Study (produced by GL Hearn/Wood), published February 2018, was commissioned by the 14 local planning authority areas (including Solihull MBC) to establish the extent to which the Greater Birmingham and Black Country Housing Market Area (HMA) can meet its own housing market needs up to 2031 and 2036.
19. The Strategic Growth Study (SGS) concludes that with Birmingham HMA plus the unmet need arising from Coventry and Warwickshire HMA (which affects North Warwickshire and Stratford-on-Avon), there is a minimum unmet need for 208,000 dwellings to 2031 and 258,500 homes to 2036. After adjustments are made for windfall assumptions and non-implementation discounts and taking into account the developable land supply and proposed allocations in emerging plans, the SGS estimates an outstanding minimum shortfall of 28,150 dwellings to 2031 and 60,900 dwellings to 2036 across the Birmingham HMA.
20. The SGS applies a four-stage process which sequentially looks at potential solutions to the housing land shortfall recommending a standardised approach across the HMA. These include:
 1. increasing densities of residential development;
 2. identifying potential non Green Belt sites such as Urban Extensions (1500 – 7,500 dwellings); Employment-led Strategic Development (1,500 – 7,500 dwellings); and New Settlements (10,000 plus dwellings);
 3. Should a shortfall remain after undertaking tasks (1) and (2), consider the development potential and suitability of any large previously developed sites within the Green Belt that may lie in sustainable locations; and
 4. Should a shortfall remain after undertaking tasks (1) to (3), undertake a full strategic review of the Green Belt followed by consideration of distribution and broad locations, taking into account market capacity to deliver.
21. At paragraph 1.71 the SGS states,

'Ultimately the solution to meeting the housing need shortfall is likely to require a multi-faceted response, including not just maximising urban supply and accelerating the delivery of this, but the identification of further development land and the progression of local Green Belt reviews. This should reasonably include sites of a range of sizes including smaller extensions to settlements of less than 2,500 homes, together with the identification and delivery of larger strategic development locations.'
22. The SGS identifies a shortlist of potential Areas of Search for strategic development

locations across the HMA that it is recommended can be considered and assessed in further detail by individual councils through the preparation of local plans alongside further small and medium sized sites.

23. The SGS undertook a desk-based 'Strategic Green Belt Review' together with consideration of land use, character, topography, and settlement pattern and transport connectivity to identify potential 'Areas of Search for Strategic Development'. It identifies 6 'Areas of Search' for new settlements; 6 for 'Urban Extensions'; and 3 for employment-led development'. Paragraph 1.59 suggests that, in addition, a number of areas within the Green Belt have been identified where 'Proportionate Dispersal' might be appropriate, in terms of smaller scale developments (500 to 2,500) which would be identified through individual local plan processes.
24. The Study identifies 24 Areas of Search beyond and within the Green Belt. The potential for development in an area of search suggested in the report will depend on many factors, including deliverability. The report recommends that the 14 local authorities undertake more detailed technical analysis and evidence gathering.
25. However, Solihull MBC have not published evidence to suggest that the growth options put forward in the SGS have been investigated. The current DSLPRSC document states that a response will be made to the SGS at the submission stage. **Unfortunately, by this omission at the current consultation stage it appears that the full potential capacity of the Borough has not been objectively tested in accordance with the SGS recommendations.** Therefore, it is difficult to be confident that the full potential capacity of the Borough has been assessed and tested making it problematic for SMBC to resist accommodating more of the unmet need arising from the wide HMA.
26. Without the recommended further technical analysis and evidence gathering, it is not possible for Solihull MBC to demonstrate that existing constraints prevent them accommodating a larger proportion of the cross-boundary shortfall in housing land supply. This may have implications for the soundness of the proposed Solihull Local Plan Review.

Housing Delivery Test

27. The Government's Housing Delivery Test was published on 19th February 2019. In Solihull, the housing requirement is set out in the table as 616, 623 and 615 dwellings for the 3 years in question (2015 to 2018) with the actual delivery of homes being calculated as 2,009 dwellings. This equates to 109% delivery meaning no further action would be required by the SMBC.
28. However, this statistic is somewhat misleading given the High Court challenge to the Solihull Local Plan, adopted 2013, and the requirement to immediately review the plan to establish an objectively assessed need with commensurate supply and

delivery.

29. Set in the context of a need for a significant increase in the housing requirement, it seems likely that without a significant uplift in allocated deliverable sites and an increase in delivery rates, SMBC would be required to either prepare an 'Action Plan' or provide a 20% 'Buffer'.
30. By way of illustration, using the three year delivery rate figure of 2,009 dwellings (from between 2015 and 2018), an 'Action Plan' would be necessary based on the Draft Solihull Local Plan Review 2016 requirement of 719 dwellings per annum – equating to 93% delivery. If the current consultation annual housing requirement figure of 885 dwellings were used SMBC would be required to provide a 'Buffer' as it would equate to only 75.6% delivery.
31. It is therefore vital that a range of deliverable small and medium sized sites, as well as a number of larger sites, are identified. Paragraph 68 of the NPPF recognises that, 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly...' Sufficient choice is required to encourage house building at a rate necessary to achieve the step increase in growth identified in the emerging Local Plan.
32. Paragraph 68 of the NPPF explains that, '...To promote the development of a good mix of sites local planning authorities should, for example:
 - a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
 - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...'
33. If the current timetable for preparation and adoption of the Solihull Local Plan Review is achieved, it seems likely that next year's published Housing Delivery Test will use revised adopted annual housing figures for Solihull. However, unless there is a step increase in delivery generated by allocation of viable deliverable sites in the short, as well as medium term, with sufficient encouragement given to development of smaller sites, with willing landowners, there is a significant risk that SMBC will fall short of the Housing Delivery Test and fail to meet the requirements for such, set out in the NPPF.
34. **Our Client's small site of 0.54 ha would contribute towards SMBC's requirement to provide 10% of their housing land supply on sites no larger than 1 ha. It is immediately available for development and it would be ideally**

placed to contribute approximately 15 dwellings towards increasing the housing delivery rate for Solihull, if the land is removed from the Green Belt. Our Client has submitted two concept master plan options to demonstrate the feasibility of delivering the scale of development proposed.

Prioritising Development on Brownfield Sustainable Sites

35. The DSLPRSC, NPPF and the SGS prioritise the use of brownfield land in sustainable locations. The NPPF, paragraph 117 states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Paragraph 118, part d) emphasises that policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
36. SMBC accept that there are exceptional circumstances to justify the release of land currently lying within the Green Belt to accommodate the scale of development needed, particularly to meet the housing need. In order to minimise the adverse impact on the Green Belt and prevent urban sprawl by keeping land permanently open, it is logical that land within the Green Belt which is previously developed should be prioritised for removal from the Green Belt and allocated for more intensive sustainable development. This will ensure the scale of greenfield Green Belt land required to meet the growth needs for the Borough are kept to a minimum and the impact on the Green Belt minimised.
37. **Our Client's site offers the opportunity to direct development towards partly previously developed land in the Green Belt comprising a house and employment estate. It is a site which is in a medium to highly sustainable location in a residential area with strong defensible boundaries where the land makes a minimal contribution towards Green Belt purposes and openness, and residential development affords the opportunity to remove a potential 'nuisance neighbour' employment use.**

Viability and Deliverability

38. Viability has been given greater prominence in the plan-making and decision-taking process in recent revisions to national policy guidance. Guidance on viability in plan making and decision taking was updated in the PPG on 24th July 2018 in line with the NPPF, July 2018. The PPG confirms that the role for viability assessment is primarily at the plan making stage. Viability assessment should be used to ensure that policies are realistic and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. The onus is on the local planning authority to demonstrate that the policies in the plan are deliverable and viable.
39. PPG Paragraph: 002 Reference ID: 10-002-20180724 states that it is the

responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies. It is the responsibility of site promoters to engage in plan making, take into account any costs including their own profit expectations and risks and ensure that proposals for development are policy compliant. The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan.

40. Whilst the PPG states that assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable, with site typologies being acceptable to determine viability at the plan making stage, there is still clearly responsibility for local planning authorities to have undertaken viability assessments prior to identification of growth areas and preferred sites. Without this work, it is difficult to be certain that the Draft Solihull Local Plan Review growth strategy and the cumulative costs of associated necessary infrastructure improvements is deliverable.
41. **In respect of our Client's site, the feasibility of the site to accommodate approximately 15 dwellings has been tested through the preparation of the enclosed illustrative layout and it would be possible for planning permission to be sought for policy compliant development. There are no known remediation or ground condition costs which would render the site unviable.**

Potential Deliverability Issues for Some of the Preferred Sites

42. Some of the 'green' sites highlighted by SMBC as preferred development allocations have significant question marks over their deliverability, compliance with national policy and/or impact on sustainable communities such as the potential loss of existing sport and recreation facilities.
43. It is also important to re-emphasise that there is: no published evidence to demonstrate viability for the 'green' sites; no published detailed ecological or landscape assessment evidence to highlight areas of potential constraints; there are errors within the site assessment work which have undermined the robustness and reliability of some documents; and there is concern that application of the SMBC's site selection methodology and interpretation of national policy has been inconsistent.
44. It is fundamental to the deliverability of SMBC's spatial strategy that sufficient suitable, available and viable land is identified and allocated for development. The housing requirement identified in the DSLPRSC is very much a starting point and minimum figure for the housing land supply. A choice of sizes and locations of sites needs to be provided to encourage the necessary step increase in housing delivery over the next 15 years to achieve the minimum target. It is therefore vital that site allocations are based on sound evidence and their viability, deliverability and compliance with national and local plan policies is carefully considered.

45. A few examples of sites with deliverability concerns are highlighted in response to the specific site questions within the DSLPRSC document below, but this is by no means an exhaustive list.

The Need for Robust Evidence

46. Paragraph 31 of the NPF requires that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals. There are a number of omissions and errors in the evidence base published to date in support of the DSLPRSC. These include the following:
- The Landscape Assessment report, 2016, recognised that findings were based on an assessment of large areas stating that it '...should be used as a guide only, and it will be re-assessed once details of any proposed development and site location are known...' Therefore, now the preferred locations of site allocations have been progressed, we contend that more detailed landscape assessments should be undertaken to provide a more meaningful assessment of the impact on the landscape of residential development.
 - The Infrastructure Delivery Plan (IDP) has not been updated since 2012. There has been no revision to accompany the DSLPRSC. Whilst the DSLPRSC document highlights a number of potential infrastructure requirements, it is clear that not all infrastructure providers, such as health providers and emergency services, have been consulted. It is vital that the full implications of the level of proposed growth is assessed to ensure that appropriate levels of infrastructure provision are provided and maintained. This is an important factor necessary to feed into the viability assessment for sites to demonstrate that they are viable and deliverable.
 - The February 2018 the 'Greater Birmingham HMA Strategic Growth Study' evidence document, commissioned by the 14 local authorities comprising the Greater Birmingham and Black Country Housing Market Area, recommended each local authority undertake further detailed housing land supply assessment work. This technical work is necessary to provide the basis for negotiations between the local authorities within the HMA to agree what proportion of the outstanding minimum shortfall of 60,900 dwellings to 2036 should be accommodated where. However, this evidence work has not been published.

Detailed comments are set out below in response to the questions raised in the DSLPRSC document as follows:

Question 2: Do you agree with the methodology of the site selection process,

if not why not and what alternative/amendment would you suggest?

47. Our Clients are concerned that the 'Step 2 – Refinement Criteria' for site selection provides too much opportunity for sites to be allocated contrary to the intentions of national policy. For example, paragraph 139 part f) of the NPPF states that, when defining Green Belt boundaries, plans should define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. It does not suggest it is appropriate for council's to introduce physical features in otherwise open areas of Green Belt to justify a site allocation.
48. We suggest that the methodology should set out the preferred criteria for defining a clear physical defensible Green Belt boundary, which might include the following: an existing road edge; a pathway, stream, canal, ridge, or built physical feature, such as a car park; or a hedgerow, tree line or woodland.
49. There is evidence in the 'Site Assessments' document, 2019, that many 'red' sites have been ruled out for consideration as potential site allocations on the basis that they do not have clear defensible physical boundaries. However, there is also evidence that some of the preferred 'green' sites have been proposed for allocation with the caveat that a physical boundary will be created.
50. The Methodology needs to be amended as detailed above to ensure greater conformity with national planning policy and to ensure sites are assessed on an equal and transparent basis.
51. In addition, **we would suggest this is not only about whether the site selection process is sound and national planning policy compliant, but also that the application of the methodology is consistently and logically applied across all sites.**

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

52. Identification of the partly brownfield 12ha Pheasant Oak Farm site for approximately 100 dwellings does not meet the requirements of national policy or meet the policy selection methodology priorities set out in the DSLPRSC.
53. NPPF paragraph 139 requires local authorities to define Green Belt boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Contrary to this requirement, there is no clearly defined physical boundary along the eastern edge of the proposed site allocation – indeed, the land edged red on the masterplans (page 33), does not even follow the field boundaries for over half of the eastern boundary and there are not even any hedges of trees along the boundary.

54. The DSLPRSC states that the 'alignment of the by-pass will provide the new Green Belt boundary'. There are many problems with this approach, summarised as follows:

- SMBC has rightly rejected many sites proposed for allocation where there are no existing on the ground physical features that are readily recognisable and likely to be permanent to be used as the line of a new defensible Green Belt boundary. All sites need to be assessed on the same basis for consistency and to be in-line with national policy.
- A proposed route of the Balsall Common by-pass was defined in the Solihull Unitary Development Plan in 2006, however, this infrastructure project has not been started and it was removed from the 2013 Solihull Local Plan. The 'Solihull Connected Transport Strategy' 2016 – 2036 suggests that with HS2 and the proposed growth in Balsall Common, the case for reinstating the by-pass should be reviewed as part of the Local Plan Review process. The DSLPRSC document, page 22, discusses 'What is required for the Settlement in the Future?' and here it refers to 'emerging work' indicating the route of the Balsall Common by-pass. There is currently no evidence that the route or the funding stream have been agreed.
- If the by-pass shown on the 2006 Unitary Development Plan Proposals Map was constructed, it would be a considerable distance from the boundary of Pheasant Oak Farm site. If the route of the by-pass is amended and extended to follow the line shown on the 'Illustrative Emerging Concept Masterplan for Site 1 Barretts Farm' (page 14), then it seems likely that the proposed new road would pass even further to the east of Site 23. The bypass would therefore not fulfilling SMBC's stated aim of providing a Green Belt boundary for the site.
 - It is contrary to the spirit of national policy to introduce a new artificial physical boundary to define a revised Green Belt boundary.
 - It is unacceptable to propose a site without a strong defensible physical boundary – even if the proposed by-pass is constructed, it would not provide a Green Belt boundary for Pheasant Oak Farm.

55. The 'Site Assessment' document, January 2019, states that the site has '...a low level of accessibility...' and the Sustainability Appraisal identifies only 3 positive effects of development on the land with 6 negative effects, including 2 significant negative effects. Only approximately a third of the site is included in the Brownfield Land Register. The eastern part of the site lies within a high performing broad area in the Green Belt Assessment and it is attributed the maximum possible score of 12.

56. Given this assessment of the site – i.e. it is only partly brownfield, the eastern part of

- the site makes the highest possible contribution towards the Green Belt purposes, a significant number of negative effects would result from development, and it has a low level of accessibility, with no defensible boundary to the east – we contend it is incorrect for the 'Site Selection Step 1' assessment to conclude that the site is a category 3 priority (generally considered suitable for inclusion in the plan) i.e. 'Brownfield in accessible Green Belt location – Green Belt PDL in highly/moderately accessible location (i.e. located on edge of or in close proximity to urban edge/settlement boundary.)'
57. Under the terms of the SMBC's Site Selection Methodology, Step 1 – Site Hierarchy Criteria, we suggest that Pheasant Oak Farm should not be considered suitable for inclusion in the Local Plan as it is more closely matched in terms of the brownfield area to Priority 8 'Brownfield in isolated Green Belt location' and the rest of the site to Priority 10 'Greenfield in isolated highly performing Green Belt'. Under the terms of SMBC's methodology, sites that fall within priorities 8 and 10 should be considered unsuitable for inclusion unless there is an exceptional justification.
58. In the case of Pheasant Oak Farm, the lack of a physical defensible boundary close to the eastern site edge, should also exclude it from consideration as a site allocation as it would not accord with the NPPF.
59. SMBC's Step 2 – Refinement Criteria in the 'Site Assessment' document includes within the 'Factors Against' allocation:
- 'Sites that would not use or create a strong defensible boundary'- as is the case on the eastern boundary;
 - 'Sites that would breach a strong defensible boundary to the Green Belt' - as this site would, it would breach the strong defensible boundaries of Windmill Lane to the west and Waste Lane to the north;
 - 'If finer grain analysis shows the site (or part to be included) is not accessible' - which the site assessment does as it concludes the site has a low level of accessibility; and
 - 'If the SA appraisal identifies significant harmful effects' - which is the case here as this site has 6 negative effects, including 2 significant negative effects.
60. The proposed Pheasant Oak Farm allocation needs to be removed from the Solihull Local Plan Review and a deliverable alternative site, or sites, need to be identified to accommodate approximately **100** dwellings.

Question 14: Do you believe that Site 12 south of Dog Kennel Lane should be included as an allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site? and

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

the draft concept masterplan for the site?

61. In response to questions 14 and 15, it is proposed that Site 12 would accommodate approximately 1,000 dwellings on a site area extended eastwards towards Creynolds Lane, beyond the indicative boundary in the Draft Solihull Local Plan Review 2016 consultation. Site 26, between Whitlock's End Farm and Dicken's Heath road represents a smaller allocation than that proposed in the Draft Solihull Local Plan Review, 2016, reducing it from a capacity of approximately 600 to 300 dwellings.
62. There are a number of concerns relating to the proposed allocation of these sites, in particular, the lack of a clear defensible physical boundary and concern that there will be pressure for further development up to the Stratford Canal, as shown on the promoter's masterplan submission for site 26. There is therefore a significant risk that the purposes of including land within the Green Belt will be severely compromised, in particular: purposes a) to c) under paragraph 134 of the NPPF i.e. a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; and c) to assist in safeguarding the countryside from encroachment.
63. NPPF paragraph 139 requires local authorities to define Green Belt boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Contrary to this requirement, there is no clearly defined physical boundary along the southern edge of sites 12 and 26. SMBC have rightly rejected many sites proposed for allocation where there are no existing on the ground physical features that are readily recognisable and likely to be permanent to be used as the line of a new defensible Green Belt boundary. All sites need to be assessed on the same basis for consistency and to be in-line with National policy.
64. We therefore contend that **the sites need to be re-evaluated to better reflect on the ground physical features, rather than relying upon the proposal to create a physical Green Belt boundary.** There is doubt over whether the **1,300** dwellings anticipated on the sites can be delivered in a manner which is compliant with national policies and local strategic objectives.

Question 17: Do you believe that Site 6 Meriden Road should be included as an allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

65. In the 2013 Solihull Local Plan a 2.79 ha site allocation, referred to as site 24, Land off Meriden Road, Hampton in Arden, was defined for residential development. It was anticipated that it would deliver approximately **110** dwellings with the following reasons and conditions statement, 'This site has been released in special circumstances. Development of the site will be conditional on reclaiming the ammunition depot for open space, or in the event the ammunition depot is unavailable, some alternative development solution delivering additional open space.'

66. The justification provided in the 'Draft Concept Masterplans' document, January 2019, for the site not being brought forward for development was the 'poor neighbour' of the Arden Wood Shavings operation to the east and south of the 2013 site allocation. For this reason, and because it would provide an opportunity to re-use the former ammunitions depot SMBC are now proposing to also allocate the 4.2ha site of the Arden Woods Shaving operation for residential development of approximately **100** dwellings.
67. However, the 'Draft Concept Masterplan' document, January 2019, acknowledges that alternative premises would need to be found for the wood shaving operation to enable the residential development of both sites. This is likely to be problematic given the 'bad neighbour' characteristics of the use. In addition, the site preparation works necessary on the brownfield element of the site may mean that it is unviable – something which has not been tested, but could make the allocation unsound.
68. Therefore the deliverability of both sites 24 (as referenced in the 2013 adopted plan) and 6 is questionable and there is significant concern that the **210** dwellings proposed for these sites could not be achieved within the plan period. With such doubt over the deliverability of the proposed allocations, we contend they should be removed from the housing delivery calculation.

Question 23: Do you believe that Site 8 Hampton Road should be included as an allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

69. Identification of the two parcels of greenfield and land in community sports use off Hampton Road totalling approximately 13 ha for approximately 300 dwellings does not meet the requirements of national policy or meet the policy selection methodology priorities set out in the DSLPRSC.
70. NPPF paragraph 139 requires local authorities to define Green Belt boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Contrary to this requirement, there is no clearly defined physical boundary along the northern edge of the larger of the proposed site allocations on the north western side of Hampton Road. This parcel of land, edged red on the masterplans document (page 64), does not even follow the field boundary for two-thirds of the site boundary so there are not even any hedges or trees along this section of the north eastern boundary.
71. SMBC have rightly rejected many sites proposed for allocation where there are no existing on the ground physical features that are readily recognisable and likely to be permanent to be used as the line of a new defensible Green Belt boundary. All sites need to be assessed on the same basis for consistency and to be in-line with National policy.

72. There are a number of other constraints which together raise doubts over the desirability of allocating both the northern and southern sites for residential development. These include:
- a height differential of 17 metres between the lowest levels adjacent to Purnell's Brook and the highpoint close to Hampton Road meaning development is likely to be more visually intrusive in the Green Belt and impact more on openness and views than the existing lower lying existing residential development to the south west and north west;
 - a portion of the northern parcel of land incorporates Purnell's Brook Woodland Local Wildlife and NPPF paragraph 170 requires planning policies and decisions to contribute to and enhance the natural and local environment by, for example, a) protecting and enhancing sites of biodiversity and d) minimising impacts on and providing net gains for biodiversity.
 - There are a number of group TPOs covering the site which would need to be protected.
 - Public Right of Way SL12 crosses the site and would need to be re-routed or the route and setting protected.
 - the proximity of Grimshaw Hall, a Grade I Listed building means great care must be taken to protect the setting;
 - the southern site is currently occupied by Knowle Football Club which is well used, though facilities need upgrading.
73. The Masterplan work suggests that a 'Sports Hub' could be constructed in the Green Belt to the north east of the northern parcel of land up to the Grand Union Canal, however, very special circumstances would need to be demonstrated to justify such a large 'urbanising' intrusion into the Green Belt.
74. There is concern that the promoters propose development of not only the Knowle Football Club site, but also the cricket pitches to the south east (identified by SMBC for 'potential future development'), and the densely wooded area to the north east of the Knowle Football Club site. The woodland currently provides an important screen and setting for the Grade I Listed Hall.
75. The 'Site Assessment' document, January 2019, states that the northern site (reference 213) has overall medium to high accessibility, though no existing footway. In terms of Green Belt, it has been assessed as moderately performing with a combined score of 7 but highly performing in terms of checking the unrestricted sprawl of large built-up areas.
76. The southern site (reference 166), which includes consideration of the cricket club and woodland area as well as the Knowle Football Club land, is a higher performing parcel in terms of Green Belt scoring 11 out of a potential top score of 12. It performs particularly highly in terms of its role: to check the unrestricted sprawl of large built-up areas; to assist in safeguarding the countryside from encroachment; and to preserve the setting and special character of historic towns. Whilst it is highly

accessible, it also has no existing footway.

77. Given this assessment of the site – i.e.: it is greenfield and partly in community playing field use; the southern parcel of the site makes virtually the highest possible contribution towards the Green Belt purposes and the rest makes a moderate contribution; there is no defensible boundary to the north east of the northern plot; and there are a significant number of physical constraints – we agree it is appropriate for the 'Site Selection Step 1' assessment to conclude that the site is a category 6 and 7 priority i.e. greenfield in accessible moderately and highly performing Green Belt location.
78. Under SMBC's Site Hierarchy Criteria Step 1 sites which fall within priorities 5 to 7 are considered to have potential for inclusion in the plan as site allocations but should not be considered to be 'impact free' and those which are priority 6 and 7 sites are 'unlikely inclusions'. i.e. site 8 Hampton Road, is therefore an unlikely inclusion in the Plan.
79. The Step 2 Refinement Criteria refines results from Step 1 and requires more significant justification for sites performing less well in the hierarchy – which would include the Hampton Road sites. In this assessment within the 'Factors Against' is the criteria, 'Sites that would not use or create a strong defensible boundary.'
80. In summary, we contend that the site should be removed from the Solihull Local Plan Review as a potential residential allocation due to the following reasons: the lack of a physical defensible boundary along the north east boundary of the northern plot; loss of community playing fields; pressure within the Green Belt for alternative and additional 'urbanising' sports facilities; the adverse impact on sensitive issues such as highly performing Green Belt, heritage assets, and ecology. Given the constraints, there is no evidence that, were the site to come forward for development, it could be delivered in a viable manner.
81. Therefore, we contend that **proposed site allocation 8, Hampton road, should be removed from the Solihull Local Plan Review and a deliverable alternative site, or sites, identified to accommodate approximately 300 dwellings.**

Question 27: Do you believe that Site 17 Moat Lane/Vulcan Road should be included as an allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

82. The 5 ha urban site is expected to deliver approximately 200 dwellings. However, the viability of the site for residential development has not been tested and the potential land contamination on the site is unknown. There is also a recommendation in the masterplan document that consideration should be given to the relocation or removal of the telecommunications mast if possible.
83. Given that there are likely to be significant site preparation costs, it seems

inappropriate for the site to be allocated for development for **200** dwellings without a detailed viability assessment. Until this evidence work has been carried out, we contend that the site does not satisfy the national policy requirements and, until such time as it can be demonstrated that the site is deliverable during the plan period, it should not be allocated in the Solihull Local Plan Review.

Question 28: Do you believe that Site 18 Sharman's Cross Road should be included as an allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

84. The 2.8 ha site with an estimated capacity of 100 dwellings currently accommodates disused rugby pitches with associated club facilities. It lies adjacent to the popular Solihull Arden Tennis Club, which also accommodates a number of other sporting activities such as squash, gym, and hot pod yoga.
85. There is concern that the permanent loss of community playing field facilities in an area identified in SMBC's Playing Field study, 2017, as being deficient in this area runs counter to the strategic objective of protecting and promoting healthy sustainable communities. There is no information contained in the DSLPRSC document to suggest that an alternative venue has been identified to replace the facility to serve the local community. Indeed, the 'Site Assessment' report states, '...includes the existing playing pitch which is not currently in beneficial use, However, it will need to be replaced as the evidence base identifies that pitches are not in surplus.'
86. NPPF paragraph 92 states that planning policies should guard against loss of valued facilities and plan positively for recreational and sports facilities in order to plan for healthy communities. Paragraph 97 states that 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'
87. We contend that it does not conform with national policy for site 18 to be allocated in the Solihull Local Plan Review until such time as replacement playing pitches can be provided to serve the local community to compensate for the loss. **Therefore, under the terms of national policies, the site should be removed from the Solihull Local Plan Review and alternative site or sites found to accommodate the estimated 100 dwellings.**

Question 32: Do you believe that Site 7 Kingshurst Village Centre should be included as an allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

88. The regeneration objectives of the Kingshurst Centre proposal are laudable, including the proposal to accommodate **100** dwellings, however, the 'Draft Concept Masterplan' states that CBRE believe there are viability issues with the site's redevelopment and there is concern that no profit would be generated. Given that the NPPF and PPG are clear in their requirement for all allocated sites to be viable, it seems inappropriate for this site to be included in the Solihull Local Plan Review and counted towards the housing requirement.
89. NPPF Glossary defines developable sites as follows, 'To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.'
- 90. We therefore recommend that site 7 is not relied upon as an allocation for housing.**

Question 33: Do you believe that Site 15 Jenson House/Aukland Drive should be included as an allocated site, if not why not? Do you have any comments on the draft concept masterplan for the site?

91. The text accompanying the illustrative emerging masterplan for site 15, Jensen House, (page 92) of the masterplan document, states, 'Work is currently in progress to determine whether and to what extent this site may be available to accommodate residential development.' Given this stated uncertainty about deliverability of the estimated **50** dwellings, and given the national policy requirement for allocated sites to be deliverable, it is inappropriate and unsound for site 15 to be included in the Solihull Local Plan Review.
92. NPPF paragraph 16 states that Plans should be prepared positively, in a way that is aspirational but 'deliverable'. **To be considered deliverable the NPPF Glossary (as recently amended in the February 2019 version of the NPPF) states that, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.**

Question 21: Do you have any comments to make on the Green Belt boundary north of School Road that would result in the removal of the 'washed over' Green Belt from this ribbon of development?

93. As part of the Green Belt review, our Client considers it appropriate for the SMBC to critically examine whether it is still in line with national and local plan strategic policies for the larger, more sustainable settlements, which make a limited contribution towards openness, to have areas of 'ribbon' development on the edge of the settlement washed over by Green Belt.

94. In the case of Hockley Heath, our Client contends that it would be unreasonable and unjustified to limit this re-assessment of the Green Belt boundary to consideration of only the Green Belt boundary north of School Lane. Given that 19 new dwellings have recently been constructed south of the settlement for affordable housing as a rural exception site, and given that this site, on Stratford Road, lies adjacent to our Client's house, garden and employment site, we formally request that the same 'washed over' Green Belt ribbon development assessment be carried out south of Hockley Heath along Stratford Road, in addition to land north of School Lane.
95. NPPF paragraph 133 sets out the fundamental aim of Green Belt policy as being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 explains that, 'Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'
96. NPPF paragraph 138 explains that when reviewing Green Belt boundaries, it is necessary to consider promoting sustainable patterns of development. Plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.
97. NPPF paragraph 139 requires, 'when defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.'
98. Paragraph 140 of the NPPF states that, 'If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included

in the Green Belt...' Therefore, conversely, it must be assumed that it would be inappropriate to include a village (or presumably edge of a settlement development) within the Green Belt which does not make an 'important contribution' towards the openness of the Green Belt.

99. NPPF paragraph 68 requires local planning authorities to identify small and medium sized sites as they can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should, amongst other approaches, identify, 'a)...land to accommodate at least 10% of their housing requirement on sites no larger than one hectare;'...and 'c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...'
100. Planning Practice Guidance (PPG) paragraph 002 (Reference ID: 2a-002-20190220 Revision Date: 20 02 2019) on housing need assessment makes it clear that the standard method is only a minimum starting point for housing need, it is not a housing requirement. Local authorities should be seeking to put in place the necessary mechanisms to boost housing delivery, including ensuring land which it is not necessary to keep permanently open is removed from the Green Belt as part of any review and adjustment to boundaries.
101. For the following reasons, the washed over Green Belt designation for our Client's land should be removed - in accordance with the aspirations of national, local strategic plan policies and the survey results for the direction of development preferences of Hockley Heath Parish Council (June 2018) - and a new boundary defined:
 - a) Our Client's site does not have an 'open character' which makes an 'important contribution' towards the openness of the Green Belt. This is supported by SMBC's Green Belt Assessment published in July 2016, which concluded that it had a combined score of 5 (out of a possible maximum score of 12).
 - b) Development here would cause less harm to openness and the purposes of including land within the Green Belt than many of the proposed site allocations which score more highly in the Green Belt Assessment.
 - c) The site is immediately adjacent to existing development and represents a natural extension of the village being viewed very much as part of the built form – ribbon development. This interpretation of the status of the site is endorsed by comments in response to the BLR submission, at the CPH Managed Growth Decision Session meeting on Friday 22nd March 2018, when it was noted that, '...whilst the site is within the Green Belt, it forms part of a

continuation of built development in Hockley Heath. It is therefore considered to be part of the built up area of the settlement, despite being within the Green Belt and on the edge of the settlement.'

- d) Much of the site is previously developed land which is a priority for development required in the Green Belt - being in employment and residential use.
- e) The site has clear defensible boundaries comprising existing residential development to the north, Stratford Road (A3400) to the east, a mature and dense hedge and tree line along the south and part of the western boundary, with Nuthurst Lane delineating the northern section of the western boundary.
- f) The site is in a sustainable location with access to local services such as the King George Memorial Hall, a dentist, Post Office, butcher, hot food takeaways, pubs and a convenience store, which are all between approximately 0.3 and 0.6 km away. In addition to these services and facilities situated along Stratford Road to the north; St Thomas Church lies on Nuthurst Lane to the west of the site and Hockley Heath Primary School lies approximately 0.6 km to the north on School Lane.
- g) The site is well served by public transport. Stratford Road (A3400) is a bus corridor with services (X20, 220 and S20 and S3) linking the village to Birmingham, Stratford-upon-Avon, Solihull and Dorridge. Bus stops are located within approximately 300 m of the site to the north and only 100 m to the south along Stratford Road, clearly both are within easy walking distance.
- h) There is an existing pedestrian footpath which benefits from street lighting along the eastern side of Stratford Road. The speed restriction along Stratford Road is reduced from 50 mph to 30 mph midway along the eastern boundary of the site. Road markings requiring traffic to slow down to the 30 mph maximum speed extend well beyond the southern limit of the site boundary. Therefore, the site is fully integrated into the settlement.
- i) The existing employment and residential uses on the site currently generate a significant number of vehicular movements, including from larger vehicles associated with the employment use. Redevelopment for residential use is likely to reduce the number of movements into and out of the site would be an improvement highway safety (subject to an expert highway assessment) and improve the sustainability credentials of the site by reducing the carbon footprint.

- j) The site, which extends to approximately 0.54 ha, will contribute towards the requirement for SMBC to accommodate at least 10% of their housing requirement on sites of 1 ha or less. With an amendment to the Green Belt boundary, the site could come forward for development as a windfall site, or it could be identified and allocated within the Local Plan.
- k) The Hockley Heath Parish Neighbourhood Plan Survey Results Report, published June 2018, was based on a 49% response rate. In response to the question, 'Should these areas of the village be protected from development?' out of the seven areas proposed, the 'Area heading south towards Henley-in-Arden, along or behind the A3400 had the least resistance to development with only 27% (133 respondents) considering it should be protected from development. Therefore, the implication is that there would be greater support from the local community for development on our Client's site than on any of the alternative areas proposed.

102. Extending the settlement boundary of Hockley Heath to the south to include our Client's site within the urban area, would:

- formalise the extent of the village;
- remove an area of land which is partly brownfield and which has been assessed to contribute little to the Green Belt purposes;
- direct development towards a small site which would be available to come forward for development in the next 5 years in accordance with national requirements;
- direct development towards a highly sustainable site;
- direct development towards land where there is least resistance towards development expressed by the local community; and
- direct development towards a site which has clear physical permanent defensible boundaries suitable for defining a new Green Belt boundary.

103. Clearly, it is important that all Green Belt boundaries are assessed against the same criteria and, where appropriate and justified (as is the case for our Client's site), the Green Belt boundaries are amended to better reflect national policy requirements. It is recognised that approximately 0.1 ha of our Client's site lies within Stratford-on-Avon District administrative area, (the south west corner of the employment area), however, this should not be a reason to dismiss the site and reject an amendment to the Green Belt boundary. Local authorities have a legal duty to cooperate and we can see no reason why Stratford-on-Avon District Council would oppose a minor adjustment of the boundary within their administrative area to more closely follow the on the ground physical features with the new Green Belt boundary delineated by the existing hedge and trees. We therefore formally request that SMBC seek

agreement to the proposed realignment of the Green Belt boundary to the south of Hockley Heath.

104. Whilst our Client supports the removal of the washed over Green Belt status of the ribbon development at Hockley Heath, including his land, he firmly believes that the site should be allocated for development and removed from the Green Belt even if the settlement boundary is not adjusted elsewhere. This is because the site meets all the national and local site selection criteria, details of which are highlighted within this letter.

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

The Case for Allocation of 'Oakleigh', 2440 Stratford Road and Firs Paddock, Stratford Road, Hockley Heath, Solihull B94 5NJ (Site Assessment Reference: 14)

Summary of the Site Characteristics

105. Our Client's site, 'Oakleigh', 2440 Stratford Road and Firs Paddock, Stratford Road, Hockley Heath, which extends to an area of approx. 0.54 ha, currently lies within the Green Belt on the southern edge of the large village of Hockley Heath forming ribbon development. The aerial photograph taken from Google Earth (copyright) includes an approximate delineation of the site boundary.
106. The site comprises a sizeable and extended residential dwelling, in the north east section of the site, which has a substantial curtilage garden with garaging and swimming pool. The Firs Paddock is a local employment site consisting of 6 no. units, access and car parking. Access to the site is currently taken from Stratford Road via an individual residential drive serving 'Oakleigh' as well as a separate long access road serving the Firs Paddock employment area.
107. The site lies close to the southern limit of Hockley Heath village inset boundary. Between the site and the village boundary, an affordable housing development for 19 dwellings has been permitted as a Green Belt exception site under application number PL/2016/00723/PPFL, granted permission in February 2017. The affordable houses have now been completed.
108. The site is in a sustainable location within approximately 700m of local services such as the King George Memorial Hall, a dentist, Post Office, butcher, hot food takeaways, pubs and a convenience store situated along Stratford Road to the north. Stratford Road (A3400) is also a bus corridor with services (X20, 220 and S20 and S3) linking the village to Birmingham, Stratford-upon-Avon, Solihull and Dorridge. Bus stops are located within approximately 100m of the site, to the south along Stratford Road.



Approximate site boundary shown by 'orange' line with local authority administrative boundary shown in green. (Copyright Google Earth)

109. 'Oakleigh' is sandwiched between the new affordable housing development and Fir Paddock employment area representing a ribbon of development along the west side of Stratford Road on the southern edge of Hockley Heath.
110. There is an existing pedestrian footpath which benefits from street lighting along the eastern side of Stratford Road, along the opposite side of the road from the site frontage, linking the site to the local services and facilities. The site is adjacent to the 30 mph speed limit reduction sign showing that it is within the area perceived as part of the village.
111. **SMBC's CPH Managed Growth Decision Session meeting on Friday 22nd March 2018 confirmed that, '...whilst the site is within the Green Belt, it forms part of a continuation of built development in Hockley Heath. It is therefore considered to be part of the built up area of the settlement, despite being within the Green Belt and on the edge of the settlement.'**
112. The site is largely screened from view by existing buildings (to the north) and dense tree and hedging and it makes little contribution to the openness of the Green Belt. Furthermore, the commercial nature of the lawful employment use at Fir Paddock has potential for nuisance to neighbouring residents. The residential traffic associated with the use of the site is likely to have less of an impact on the Green

Belt and sustainable development objectives than the site's lawful use as an employment estate.

113. There are a number of mature trees and hedging along all the site boundaries. These would be retained and the south and west line of trees could form a clear physical defensible boundary for a new Green Belt boundary. The residential use of the site would have a negligible impact upon the openness of the Green Belt due to its strong defensible boundaries and containment.
114. The site is not located within an area liable to the risk of flooding as shown on the Environment Agency Flood Risk Map. None of the existing buildings are of any special architectural significance and the site does not lie within or near a Conservation Area. The nearest Listed building is the Church of St. Thomas, Nuthurst Lane, which is Grade II Listed and lies to the north west of the site, largely screened from view by mature trees and hedging.
115. Residential development on our Client's site forms a logical use of partly previously developed land within/on the edge of the settlement of Hockley Heath. This would require only a minor adjustment to the Green Belt boundary which would be unlikely to have a significant impact on the purposes of including land in the Green Belt. NPPF Paragraph 139 bullet point b) confirms that plans should not include land which it is unnecessary to keep permanently open.
116. SMBS's Green Belt Assessment, 2016 confirms that the site is lower performing against the Green Belt purposes scoring an overall combined total of only 5 out of a possible 12. The 'Site Assessments' Document, January 2019, confirms that the site is in a medium to highly accessible location.
117. However, our Client challenges the statement in the 'Site Assessment' document that, '...removal of the site from the Green Belt would extend the settlement where it would be difficult to establish a strong and defensible boundary to prevent further encroachment into the countryside...' Unlike many of the sites proposed by SMBC for removal from the Green Belt and allocation for development, this site does already have a strong physical defensible boundary on the ground formed by mature trees and hedging. Clearly, those trees which are not already protected by Tree Preservation Orders could be included in a protection order (where appropriate) and any planning permission conditioned to ensure retention of the existing site boundary vegetation together with a condition to strengthen this boundary treatment with additional native tree planting. Consequently, we object to the 'Site Assessment' conclusion in this regard and consider the statement relating to a lack of a defensible boundary to be incorrect and wholly misleading.
118. Similarly, our Client strongly objects to the erroneous application of the Site Selection Methodology. According to the 'Site Assessment' document, the site has been attributed a priority score of 6 in the Site Selection Step 1 Site Hierarchy Criteria. This means that the site is considered by SMBC to be 'Greenfield in an

accessible moderately performing Green Belt location.' The additional description of priority 6 sites states, 'Green Belt non PDL in accessible location. Moderately performing Green Belt will generally have a combined score of 6 or 7 in the GBA.'

119. However, this description clearly does not accord with the characteristics of our Client's site which scored only 5 in the Green Belt Assessment and includes a proportion of brownfield previously developed land. An analysis of the Step 1 Hierarchy Criteria shows that the site more closely fits within priorities 3 and 5 as reproduced below:

- Priority 3: 'Brownfield in accessible Green Belt location – Green Belt PDL in highly/moderately accessible location (i.e. located on the edge of or in close proximity to urban edge/settlement boundary.)' and
- Priority 5: 'Greenfield in accessible lower performing Green Belt location – Green Belt non PDL in accessible location. Lower performing Green belt will generally have a combined score of 5 or less in the Strategic Green Belt Assessment.'

120. As set out above, our Client's site is more accurately classified as a Priority 3 and 5 site, the methodology states that '...sites that fall within priorities 1 to 4 should generally be considered suitable for inclusion in the plan...Sites that fall within priorities 5 to 7 re considered to have potential to be included...priority 5 sites as potential inclusions and priority 6 and 7 sites as unlikely inclusions...' It is therefore reasonable to argue that our Client's site should generally be considered suitable for allocation for development and there would need to be more significant harmful impacts when undertaking the 'Step 2 – Refinement Criteria' assessment for the site to be excluded from the plan as an allocated development site.

121. Step 2 of the site selection methodology, 'Refinement Criteria' sets out a number of factors in favour of a site's selection and factors against. Our Client's site satisfies all the stated factors in favour of the site being brought forward for allocation and it does not meet any of the factors which are set out as counting against allocation of the site. **Therefore, we contend that our Client's site fully satisfies SMBC's site selection criteria and it should be identified in the Local plan for residential development.**

122. The Hockley Heath Parish Neighbourhood Plan Survey Results Report, published June 2018, based on a 49% response rate, prioritised the area heading south towards Henley-in-Arden, along or behind the A3400, as having the least local resistance to development. Only 27% (133 respondents) considered this area should be protected from development. Therefore, **there is clearly a lack of local opposition for development on our Client's site when compared to any of the alternative areas proposed for development on the edge of Hockley Heath.**

123. There are no known environmental, legal or physical infrastructure constraints which would prevent residential redevelopment of this partly brownfield site. There is a

willing landowner keen to bring the site forward for development within the next 5 years which would make a valuable contribution towards the requirement to substantially increase the annual housing delivery rate. It would also meet NPPF directives to promote development on sites of less than 1 ha in size which are deliverable.

124. At a density of 27 dwellings per hectare, the site would be capable of accommodating approximately 15 dwellings, as illustrated by the accompanying concept master plan and illustrative sketch.
125. Any residential redevelopment scheme could comprise a mix of market and affordable houses, apartments/flats, bungalows and/or supported housing dependant on need, viability and market demand. Development with a mix of housing types will be socially sustainable and the future occupants of the new dwellings are likely to use the local services and facilities contributing towards their future viability. The construction of the housing will provide employment and demand for goods which will also contribute towards the local economy.
126. **For the reasons set out above, we therefore formally request that our Clients' site is identified as a site allocated for residential development in the Solihull Local Plan Review submission document.**

Summary

127. Our Client seeks a revision of the Green Belt boundary to remove their land from the Green Belt and allocate it for residential development. Development on our Clients' land would meet national and local plan objectives of sustainable development. Our Client's site would:
 - make a short-term impact on the shortfall in housing land supply with housing deliverable within the first 5 years by willing landowners;
 - direct development towards a sustainable site on the edge of the large village of Hockley Heath located only approximately 100 m from a bus stop with frequent services thereby meeting the requirements of prioritising development in high frequency public transport corridors and by contributing limited expansion of a sustainable village;
 - provide a mixed tenure development with a mix of dwelling sizes to meet local needs for smaller dwellings and affordable and starter homes in line with policy objectives;
 - make efficient re-use of a partly brownfield previously developed site which is a priority for development according to national and local plan policies;
 - direct development towards a site which does not have any heritage assets or community assets, such as sports pitches, within its boundary which would be threatened or lost as a result of development;
 - not require the loss of any significant mature trees covered by Tree

Preservation Orders;

- have a minimal impact on the landscape character and visual importance of the area because it is a relatively small-scale development proposal on a largely enclosed and screened site with existing built development, roads and trees and vegetation along its boundaries;
- result in the loss of an area of Green Belt which currently makes a low to more moderate contribution towards the purposes of including land within the Green Belt, achieving a total Green Belt score of only 5;
- provide new strong physical enduring Green Belt boundaries in accordance with the requirements of national policy; and
- deliver a site in line with the Government objective to bring forward small size sites, to diversify and reduce the dependence on a small number of house builders.

128. Our Clients' site performs better against the DSLPRSC, 2019, development criteria objectives than many of the sites currently being proposed by SMBC for allocation. It is a site which could come forward for development now, as there are no known legal or physical constraints. This would not be the case for many of the larger sites, as set out in response to the site specific questions within this letter of representation, where some of the restrictions, constraints and non-conformity with policies, are highlighted.
129. Development on land at 'Oakleigh', 2440, Stratford Road and Fir Paddock would have less impact on the four purposes of including land within the Green Belt than many of the sites currently proposed for allocation for residential.
130. Development on this site would accord with national planning policy principles of prioritising sustainable development on brownfield land. The proposed amendment to the Green Belt boundary here would contribute towards meeting the objectively assessed housing need, including any cross-boundary shortfall in the Housing Market Area, on a site which contributes only moderately towards the purposes of including land within the Green Belt. Development on our Clients' site could be readily integrated into the existing settlement of Hockley Heath being a natural residential extension with clear strong defensible boundaries, as required by national policy.
131. Whilst there would be a requirement for SMBC to agree the revised Green Belt boundary with Stratford-on-Avon council as it crosses slightly into their administrative area, this is an administrative issue and should be possible under the terms of the legal Duty to Cooperate between local authorities.

Question 44: Are there any other comments you wish to make on the Draft Local Plan Supplementary Consultation?

SHLAA and SHELAA Sites

132. St. George and Teresa School, site 155, with an identified capacity of 31 dwellings, is currently in educational use therefore an alternative site for education use would need to be found before this site could be released for residential redevelopment.
133. There is no evidence within the DSLPRSC to show that suitable alternative land has been secured to accommodate existing displaced uses such as Dorridge/Knowle St George and Teresa School. Whilst the Masterplan work suggests one option might be to relocate the school onto the Arden Triangle land, this is far from certain. Deliverability on this site to provide a total of **31** dwellings is therefore uncertain and should not be included in SMBC's housing delivery calculation.

The Priorities for a Green Belt Boundary Review

134. SMBC have demonstrated that exceptional circumstances exist for some land to be released from the Green Belt to accommodate the Borough's own needs and a contribution to the unmet needs arising from the wider HMA as it is clear that the need cannot be accommodated simply by increasing densities and directing development towards non Green Belt land.
135. The NPPF is clear, at paragraph 138, that when reviewing Green Belt boundaries, sustainable patterns of development should be promoted. Consideration should be given to the consequences for sustainable development of channeling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.
136. Paragraph 139 goes on to set out what factors need to be taken into consideration when defining Green belt boundaries. These include:
 - a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

137. Our Client's site meets the priority criteria set out in national policy for reviewing and redefining Green Belt boundaries - it is partly brownfield previously developed land; it is in a sustainable location well served by public transport; there are clearly defined, readily recognisable, permanent physical boundaries in the form of existing development, roads and, mature tree/hedges; and the site contributes little to the purposes of including land within the Green Belt and it is therefore unnecessary to keep it permanently open.

The need for Safeguarded Sites

138. Identification of safeguarded land would be in accordance with paragraph 139 of the NPPF, bullet point c) which states that where necessary, plans should identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.
139. Our Clients accept that the Solihull Local Plan Review should aim to allocate sites sufficient to meet, as a minimum, the needs identified over the next 15 years to 2035, however, given that Solihull is covered by a significant area of Green Belt, they also consider it prudent for 'safeguarded' Green Belt sites to be identified to meet future need.
140. It is recommend that 'safeguarded' Green Belt sites are identified in the Solihull Local Plan Review to ensure that, should the future housing requirement necessitate an early review of the Local Plan, in accordance with paragraph 33 of the NPPF, the allocation of additional sites can be achieved as quickly as practicable without the need to undertake a full review of the Green Belt boundary. This will ensure that the Green Belt boundaries will not need to be altered at the end of the plan period – beyond those areas identified through the safeguarding policy approach. It will also provide greater certainty for developers and reduce the opportunity for 'planning by appeal' by minimising the time when planning policies which are most important for determining a residential planning application are out-of-date (paragraph 11 d) of the NPPF).
141. For the avoidance of doubt, paragraph 33 of the NPPF states, 'Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.'

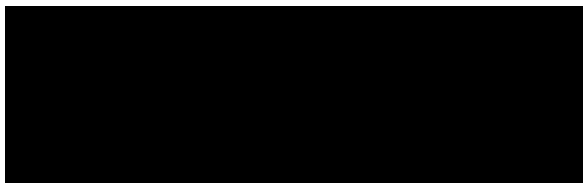
In summary, we firmly believe that it would be in accordance with national and local plan policies for our Clients' site to be allocated for residential development in the forthcoming

Draft Solihull Local Plan Supplementary Consultation
'Oakleigh' 2440 Stratford Road and Firs Paddock, Stratford Road, Hockley Heath, B94 5NJ
TPP Ref: 10703 DSLPRSC HW
March 2019

Submission version of the Solihull Local Plan Review. We commend the site to you for removal from the Green Belt and allocation for residential development.

We should be grateful if you would confirm receipt of this letter of representation.

Yours faithfully,



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Enclosures

Development Concept 10703(SK)190307-01
Location/Layout Plan 10703(ALL)02
BLR Ind and Resi Areas Identified 10703(20)102