
ARDEN GREEN

Representations to SMBC Draft Local Plan Supplementary Consultation

On Behalf of David Wilson Homes Ltd

March 2019

Draft Representations to SMBC Draft Local Plan Supplementary Consultation

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1.0 INTRODUCTION

- 1.1 We are instructed by our client, David Wilson Homes Ltd, to submit representations to the supplementary consultation on the Draft Local Plan Review in relation to their interests at their site at Tidbury Green Golf Club (known as Arden Green).
- 1.2 The Site has been submitted through the call for sites process, which included a vision document that sets out the vision for the site and its attributes. SMBC have provided a Site Assessment of the Site under the reference '209' as part of the supplementary consultation.

2.0 QUESTION 1 – HOUSING NEED

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?

- 2.1 We provide a separate report to answer this question which should be read as part of this submission.

3.0 QUESTION 2: SITE SELECTION PROCESS / QUESTION 39

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

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

Site Assessment Criteria

- 3.1 We strongly object to the way in which Site 209 has been assessed in the site selection process for the reasons which are set out below – and on that basis, object to the inconsistent application of the methodology.
- 3.2 Firstly, in assessing Site 209 – the Council has deemed that the site has not passed ‘Step 1’ – which is the initial, high-level sieving process. Sites which are not taken forward at this stage are then not subject to the more refined ‘Step 2’ analysis. We consider that this process is fundamentally flawed and have carried out our own assessment (using the Council’s own analysis) to demonstrate that the site should not have been discounted at Step 1.

STEP 1

- 3.3 The first stage in the sieving process is a high level look at the following:
- (i) Brownfield vs greenfield
 - (ii) Urban areas vs Green Belt
 - (iii) Accessibility
- 3.4 Sites can be rated from Priority 1 (brownfield in urban area or settlement) to Priority 10 (greenfield in isolated highly performing Green Belt location). A traffic light rating is then applied – sites which falls within Priority 1 to Priority 4 are green sites; Priority 5 sites are yellow; Priority 6, 6b and 7 sites are blue; and Priority 8, 9 and 10 sites are red. Red sites fail Step 1 and are not taken forward to Step 2 for assessment. Site 209 was identified as a Priority 9 red site and was not therefore taken forward to Step 2.
- 3.5 In summary, Site 209 is a greenfield and Green Belt site. However, it is accessible and also within an area with a GB score of 4. Therefore, it should be allocated a maximum score of Priority 5 status (yellow). We review below the way in which the initial sieving assessment was flawed - taking Site 209 step by step through the same assessment process as the Council.

Green Belt

- 3.6 In the Green Belt Assessment 2016, Site 209 is identified as part of Refined Parcel RP72 which has a combined score of 4, within a range from the highest performing Green Belt sites (12) to the lowest performing sites, scoring as low as 0. With a score of 4, site 209 is clearly a lower performing site. The starting point for consideration as a Priority 5 site is a score of 5 or lower in the Green Belt – Site 209 falls into that category.

Accessibility

- 3.7 The second part of the criteria relates to accessibility and to achieve a Priority 5 ranking, the site is required to be in an accessible location. This is defined as:
- (a) On the edge of the urban area or
 - (b) On the edge of a settlement which has a wide range of services and facilities including a primary school and a range of retail facilities.
- 3.8 Geographically, the site lies between Whitlocks End, Tidbury Green and Dickens Heath. The site immediately adjoins Whitlocks End to the north. The Accessibility Study carried out by Atkins in 2016 identified that the site has good access to a primary school; very good access to public transport; and lower levels of accessibility to a GP surgery and a food store. However overall the site is identified as have medium / high accessibility. Indeed, when reviewing Figure 6A of the Accessibility Study, the accessibility of Site 209 is the same as for Sites 126 / 176 / 122 and 130 – all of which have passed through the Step 1 sieve and been taken forward to Step 2. This is despite those sites having the same level of accessibility and being located on land adjoining Site 209. Therefore, the conclusion that Site 209 is different from adjacent sites is clearly flawed.
- 3.9 The starting point for the assessment of Site 209 is therefore that it should be a Priority 5 yellow site and move to Step 2 (Refined Criteria) for a more detailed review. On this basis, we review the Site against Step 2 below. We note that Step 2 has no scoring or weighting attributed and is a qualitative process.

STEP 2 – REFINEMENT CRITERIA**FACTORS IN FAVOUR**

***In accordance with the spatial strategy
(including only proportional additions to lower order settlements (i.e. those without a secondary school or not located close to the urban edge).***

The current consultation document does not include any Spatial Strategy – we have therefore turned to the 2016 document to establish what we should assume to be the current proposed Spatial Strategy. Within this document, paragraph 87 identifies that Dickens Heath, Tidbury Green and Blythe Valley will have accommodated ‘significant new development’. This fits with Growth Option G – a preferred option – which includes significant expansion of rural settlements.

It is abundantly clear that geographically Site 209 is located close to the urban edge of the Borough. Indeed, it is far closer than many of the preferred sites adjoining settlements which are further from the central urban area. The site is located in close proximity to Dickens Heath, Whitlocks End and Tidbury Green.

It is clear from the fact that the Council have chosen to allocate land just the other side of the road from Site 209 - sites which score the same in terms of accessibility, but are higher performing in term of Green Belt - that Site 209 must be considered to be in accordance with the Spatial Strategy.

We also highlight a significant failure of the Accessibility Study, this being the lack of consideration of cross boundary services and facilities. In the case of Site 209, Woodrush High School is located in Wythall, only 3km from the site. There are few settlements beyond the main urban area which contain a Secondary School, however there are also few sites which lie as close to a secondary school as Site 209.

Any hard constraints only affect a small proportion of the site and/or can be mitigated.

The SHELAA identifies TPO trees along the southern boundary, however the development area proposed does not extend to the southern boundary and as such the TPO trees will be unaffected.

The site would not breach a strong defensible boundary to the Green Belt.

The site has existing defensible boundaries to the north, west and east. There are existing hedgerows to the south which the site does not breach, and which can be further strengthened. Existing strong boundaries would not be breached. The site is already identified as a lower performing Green Belt parcel in the refined assessment and confirms that it does not breach strong defensible boundaries.

Any identified wider planning gain over and above that which would normally be expected.

The site will deliver a significant area of amenity open space (over and above that required by policy) to the south which will remain as such in perpetuity to ensure long term maintenance of a gap between Whitlocks End and Tidbury Green.

Sites that would use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.

The site has strong existing and defensible boundaries on all sides that will define the extent of the land to be removed from the Green Belt, a railway and flood zone to the west, buildings to the north and south and a road to the east. In addition, an amenity area will be created and maintained along the southern boundary thus ensuring continued separation between settlements.

If finer grain accessibility analysis (including output from the Accessibility Study) shows the site (or the part to be included) is accessible.

The Accessibility Study shows Site 209 falls within the Medium / High Accessibility category and as such the site is considered accessible within the study. This conclusion is reached, even without consideration of existing facilities in Wythall, including local shops and services, schools and a train station.

FACTORS AGAINST

Not in accordance with the Spatial Strategy

As set out above, the development of Site 209 is in accordance with the Spatial Strategy

Overriding hard constraints that cannot be mitigated.

The SHELAA identifies TPO trees along the southern boundary, however the development area proposed does not extend to the southern boundary and as such the TPO trees will be unaffected.

SHELAA Category 3 sites unless demonstrated that concerns can be overcome.

The site is identified as a SHELAA Category 3 site. The reason for this is that the site scores '0' in the 'Contaminated Land / Historic Landfill Site' section. As this is an underlined category; i.e. one which is of particular importance, the site can only achieve a maximum suitability score of '1' – despite the total scoring for the site actually being '3' which would otherwise mean that the site is suitable and could contribute to the 5 year supply.

Therefore, if it can be demonstrated that this issue of contamination can be dealt with and does not adversely affect the site, then the site becomes a suitable site for development.

In this case, it is noted that the SHELAA submission plan includes a wider area than would be utilised for development and the area of historic landfill occupies a small proportion of the overall site. Furthermore, subsequent to the publication of the SHELAA, the Council have granted planning permission for a small group of dwellings which are actually within the area of landfill. To this end, we will supply further details which demonstrate that the delivery of homes at Site 209 is not affected by the historic landfill activities.

We therefore request that this scoring be amended to reflect the actual position and the extent of development being promoted. This element of the score should therefore be moved to a '5' as the development would not lie within this constraint. This would change the total from 39 to 44 points.

In addition, it is noted that the site is scored down as up to 24% of the site is located within Flood Zone 3. The submitted Vision Document shows that no development is proposed within Flood Zone 3 – this area of the site is being left open. On that basis, we enclose a revised SHELAA assessment plan which excludes all the flood zone 3 land from the assessment. This area would form part of the amenity space for a future application, which is an acceptable use within the Green Belt and would not therefore need to be included within the site allocation in order to fulfil an amenity space function for the site. This therefore alters the SHELAA score for this section from 2 to 5; and means that the total score increases from 44 to 46 points.

As a result of this re-assessment, the site now scores 46 out of 50.

When combined with the Green Belt scoring and the Accessibility Scoring, there is simply no credible reason as to why Site 209 should not be allocated for development.

Future more, with regard to the category into which Site 209 is placed , we have demonstrated that the site should not be scored as a Category 3 site, it should actually be a Category 1 site making it suitable, achievable and available for development within 5 years.

Sites that would not use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt.

As already confirmed, the site benefits from existing defensible boundaries which define the extent of the land to be removed from the Green belt.

If finer grain analysis shows the site (or the part to be included) is not accessible.

As previously confirmed, the finer grain analysis carried out by the Council shows the site to be of medium / high accessibility.

If the site is in a landscape character area that has a very low landscape capacity rating.

It is wholly unreasonable for this criterion to be used to discount Site 209. According to the Council's Landscape Character Study (December 2016) Site 209 falls within Landscape Character Area (LCA) 2 – which covers Tidbury Green, Whitlock's End, Dickens Heath and Balsall Common – yet significant Green Belt release is proposed in these areas. With one blanket 'very low' landscape capacity conclusion for such a wide area it cannot be used to discount some sites and not others – there must be parity in assessment. Furthermore, the study itself (page 25 – text adjoining Table 8) confirmed that it is not possible to establish a baseline sensitivity to change without having details of a given development proposal and therefore the conclusions should be taken as a guide only. On this basis, we do not consider it appropriate to use this criterion as a basis to discount sites given sites with the same assessment have been given a 'green' score'.

If the SA appraisal identifies significant harmful impacts.

The SA does not identify any significant harm impacts.

In summary:

- 3.10 The site has medium / high accessibility – at the same level as nearby 'green sites' identified in the Draft Plan. The Site Assessment recognises that there is high accessibility to public transport. The Site is within walking distance to public transport links with Whitlocks End railway station located 0.5km (walking distance) to the north and Wythall railway station located 1.4km (walking distance) to the south west. There is also a bus

service running along Tilehouse Lane that provides an hourly service into Solihull. It is also recognised that there is an existing footway providing links to these facilities as well as into Dickens Heath. The Site scores very high for the proximity to the nearest primary school, which is 0.63km walking distance. The Site scores low for proximity to a food store, and low/medium for proximity to a GP surgery, however, a Tesco Express and GP surgery at The Jacey Practice are located within Dickens Heath approximately 1.8km to the north of the site (this is based on the route down Tilehouse Lane and Dickens Heath Road with formal footpath connections). Although, the 1.8km distance to a convenience store does not meet the Sustainability Appraisal criteria it should be noted that 1.8km along a formal route is a reasonable distance to walk or cycle.

3.11 In addition:

- The site is a lower performing Green Belt parcel than neighbouring 'green sites' in the plan.
- The site has defensible Green Belt boundaries.
- The site has no constraints within the proposed development area that cannot be mitigated in the normal way.
- The site has the same landscape character as other nearby 'green sites'.

3.12 It is not, therefore, credible for Site 209 to be categorised as a 'red' site while neighbouring land is categorised as 'green', especially when Site 209 actually scores more highly than those sites.

3.13 For this reason, we consider the score for Site 209 should be corrected and re-assessed / re-consulted upon.

4.0 QUESTION 3 – QUESTION 10

(BALSALL COMMON SITES)

- 4.1 We note that close to 1,700 new homes are proposed for Balsall Common with the sole justification seemingly being that it contains both a primary and secondary school and has a full range of retail and associated facilities. However, it is still described as a rural settlement with no significant areas of employment and the distribution strategy remains one of “proportional distribution”. 1,700 dwellings to a single rural village appears to be completely disproportionate and, indeed, this appeared to be the feedback at the consultation events. There is discussion in the document regarding delivery of a by-pass; provision a station car park; improved public transport and a new primary school. However, there is no discussion as to how these are to be funded / delivered relative to the level of growth identified. In addition, there is discussion regarding the scope to enhance the existing local centre and the provision of a village centre masterplan. However this land is in multiple ownerships and there are no proposals for what these enhancements could entail or how they could function – particularly with a by-pass in place which could actually draw trade away from the existing centre.
- 4.2 There does not appear to be any assessment of the ability of Balsall Common to deliver this level of growth in such a small area. Whilst clearly some sites (i.e. Barratts Farm) will be able to have multiple outlets, the ability of the market to absorb and deliver multiple sites at any one time in a rural location should be reviewed; particular when (as flagged in paragraph 103 of the document) Balsall Common will be acutely affected by HS2 – both in terms of the physical construction of the line and the disruption and uncertainty that this will bring; but also in terms of market desirability until such time as the line is constructed.
- 4.3 We also note that Barratts Farm is in multiple ownerships and these are described as “complex” in paragraph 101. This is the single largest site and the one which is proposed to deliver the by-pass. It is noted that this site will only be taken forward if the landowners can demonstrate that they are working on a collaborate and comprehensive basis. We question how this can be demonstrated to the Council – a jointly produced masterplan does not equate to collaboration and / or equalisation across parcels.
- 4.4 At this stage, we consider the level of growth attributed to Balsall Common to be disproportionate and that inadequate research has been undertaken into the deliverability of this level of growth and the associated aspirations; and the ability of the market to deliver this level of growth in a rural area is considered to be unrealistic.

- 4.5 We consider that a more dispersed growth option should be considered and, as set out previously, consider that the land at Arden Green is an appropriate alternative.

5.0 QUESTION 11 – QUESTION 15

(BLYTHE SITES)

- 5.1 Our key concern here relates to Site 4 (West of Dickens Heath). Site 4 proposes the redevelopment of existing sports pitches, which are well used, without appropriate plans in place for the re-provision of this local facility. It is noted that the identification of a Local Wildlife Site within the site hampers re-provision within the site itself and therefore alternative options will need to be pursued. We consider that these alternatives should be considered now as clearly, as it currently stands, the pitches will be lost with no alternative in place (and therefore no guarantee of any re-provision). This is all the more important given that the land in the area is all located within the Green Belt and therefore any proposals which may, for example, include floodlighting, will have to be carefully considered against the Green Belt 'tests'. We understand that the loss of these facilities is causing significant local concern particularly with no proposals for replacement.
- 5.2 Given the near identical scoring between Site 209 and Site 4 (when Site 209 is assessed correctly), it is not clear why Site 4 (which performs a higher Green Belt function) has been selected over Site 209 – when the distance between the two sites amounts to the width of a road and Site 209 does not include building on playing pitches for which no alternative has yet been found; does not impact on a Local Wildlife Site; does not contain any remnant Ancient Woodland; does not impact on the viability and vitality of an established business (the Akamba Garden Centre adjoins Site 4); and has no 'hard constraints' at all and no 'soft constraints' which impact on development.

6.0 QUESTION 17

(MOAT LANE)

- 6.1 As shown on the 'Masterplan Document' published with the consultation, David Wilson Homes had some previous involvement with the Moat Lane site and were working actively with the Council to assemble the landowners and drive the project forward. Unfortunately, they are no longer actively involved with this site due the difficulties in land assembly and the aspirations of landowners which meant that they could not deliver a commercially viable scheme. These discussions concluded only 9 months ago and we are not aware of any progress being made with the site since that date. Indeed, the scheme layouts included within the Masterplan Document are those produced by David Wilson Homes. On the basis of the detailed knowledge of the site held by David Wilson Homes, we do not consider this site to be a deliverable site and it should therefore removed from the draft Plan.

7.0 QUESTION 34

(QUESTION 34: SHOULD THE WASHED OVER GREEN BELT BOUNDARIES OF THESE SETTLEMENTS [TO INCLUDE TIDBURY GREEN AND WHITLOCKS END] BE REMOVED AND IF SO, WHAT SHOULD THE NEW BOUNDARIES BE?)

- 7.1 This proposal is supported. Significant areas of growth are now proposed for these settlements with the likely result being small pockets of land which no longer fulfil a Green Belt function. For this reason, we do not consider it appropriate to remove just the built-up areas of the settlements themselves but to review the Green Belt boundaries as a whole in this area. Green Belt is a function and if adjoining parcels of land no longer serve that function then they should be removed from the Green Belt – adequate protection can be provided without the need for a formal Green Belt designation.
- 7.2 Given that the allocation of sites has yet to be settled as this is a non-statutory consultation, it is not possible to determine at this time where the precise boundaries should be drawn however the principle is supported and any review should go hand in hand with the identification and allocation of sites.

8.0 QUESTION 40 – QUESTION 43

(QUESTION 40 – 43: AFFORDABLE MIX / HOUSING MIX)

- 8.1 The proposal to switch from a percentage based affordable housing calculation to a floorspace percentage calculation is not supported. The justification for this is given as a need to drive up the proportion of smaller properties being delivered. However, the Council has not published any analysis of its assumptions which underpin the comments made in this section; and appears to be confusing matters relating to housing mix; housing size and matters relating to affordable housing provision. These are separate matters.
- 8.2 There is no evidence that amending the affordable housing policy, and basing it upon a calculation of floorspace percentage, will drive up provision of smaller market housing. The use of a floorspace calculation will not provide certainty to developers and landowners at the point of site acquisition because the amount of affordable housing to be provided (which impacts on the value to be paid for the land) cannot be determined until the layout (and each and every house type) is fixed which will not be until the end of the full planning / reserved matters process. Unfortunately, commitments in terms of land value, in many cases, need to be made at a far earlier stage. This is one of the reasons that Stratford District, who used to operate such a policy, moved away from this policy to a standard percentage of units-based policy, which was supported during their last Local Plan review.
- 8.3 This change in approach will inevitably slow down the planning application process as every change to a layout or to a house type has a knock on effect on affordable housing provision with floorspace calculations needing to be revisited. This is likely to bring viability matters in to play more frequently as the percentage of affordable housing will be unknown at an early stage and, based on evidence from Stratford District, often means an affordable housing percentage (in terms of unit numbers) of greater than 40% - which has yet to be assessed in the Council's viability work also.
- 8.4 As a final point, we also note that this approach would run counter to the WMS on affordable housing which does not seek contributions on sites of 10 dwellings or fewer (i.e. based on dwelling numbers and not floorspace calculations).
- 8.5 With regard to any incentives to developers to encourage provision of smaller market housing. The NPPF encourages provision of balanced and mixed communities catering for a wider range of the population. Individual sites should cater for a wide range of housing types and sizes. Provision of only small dwellings on sites will not develop long term sustainable communities. Instead it will result in a transient community where people will

not be able to form long term neighbourhoods as they will need to move on as their circumstances change if there are insufficient homes of the right size on a site to accommodate them. We do not consider that this represents good planning and consider that the focus should be on building strong healthy communities which can cater for all rather than simply planning for short term ownership.