

Our Ref: 10455 DSLPRSC HW

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

13th March 2019

Email: [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk)

Dear Sir/Madam,

**Representations to the Draft Solihull Local Plan Review Supplementary Consultation (DSLPRSC): Land to the rear of 575a to 601 Tanworth Lane and Numbers 587 to 601 Tanworth Lane, Cheswick Green, Solihull B90 4JE.**

**(Site Reference 78 and 345 in SMBC Site Assessment document, January 2019. Approximately 1.24 ha site (land excluding no 601 Tanworth Lane) is identified as an 'amber' site in the DSLPRSC document.)**

We write on behalf of our Client, Belle Homes Limited in respect of Land to the rear of 575a to 601 Tanworth Lane and Numbers 587 to 601 Tanworth Lane, Cheswick Green, Solihull B90 4JE. This letter is submitted in response to the current Draft Solihull Local Plan Review Supplementary Consultation (DSLPRSC), as follows.

1. Our Client's land interest, which extends to approximately 1.55 ha, is identified on the enclosed plan edged 'red', plan number 10455-02B.
2. Representations have previously been submitted in February 2017, in response to the Draft Solihull Local Plan Review, and in January 2016, in response to the Scope, Issues and Options consultation.
3. The site was promoted for consideration in the Strategic Housing and Economic Land Availability Assessment (SHELAA) Review 'Call for Sites' and:
  - Land to the rear of 579 to 585 Tanworth Lane, was considered in the 2012

- SHELAA, where it was identified as site reference 37.
- Land to rear 575A and 587 Tanworth Lane, was identified in the Peter Brett SHELAA, published December 2016, as site 1004.
  - Land to the r/o 575a to 587 Tanworth Lane and land at 587 to 597 Tanworth Lane was identified as site 78 in the 'Site Assessment' document, January 2019 and
  - Land to the r/o 575a to 587 Tanworth Lane and land at 587 to 597 Tanworth Lane, plus the garage to the south number 601 Tanworth Lane, was assessed as site reference 345 in the 'Site Assessment' document, January 2019.
4. Following submission of site details to the January 2016 'Call for Sites', the site boundary was extended to also include land at 601 Tanworth Lane, as shown on the enclosed plan, number 10455-02B, edged 'red'. Our Client proposes the extended revised site area, which extends to approximately 1.55 ha, for removal from the Green Belt and allocation in the SLPR as a housing site.
5. Included with this letter, and forming part of this submission, are the following plans and supporting documents:
- Plan showing our Client's site in red (10455-02B); and
  - Transport Statement prepared by PTB Transport.

## 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 Client's site for allocation in the plan. Land to the rear of 575a to 601 Tanworth Lane and Numbers 587 to 601 Tanworth Lane, Cheswick Green, satisfies SMBC's own criteria for site selection, and the need for sustainable 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: makes little, if any, contribution towards the purposes of including land within the Green Belt (Cheswick Green was omitted from the Green Belt Assessment as it was considered to be within the urban area meaning the site has a score of zero); there are clear physical defensible boundaries; it is in a very sustainable location; there are no physical or legal constraints restricting development; it is partly brownfield; and it could deliver between 30 and 40 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 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 or community uses 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 –

- No detailed landscape character assessments have been undertaken for the locations of preferred sites, contrary to the recommendation within the 2016 'Landscape Character Assessment'.
- No detailed ecological assessments have been published for the preferred site allocations and 'amber' second choice site allocations.
- 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. Paragraph 27 of the NPPF 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 have 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 to medium sized site of 1.55 ha would contribute towards SMBC's requirement to provide /encourage small and medium sites to be brought forward. It is immediately available for development and it would be ideally placed to contribute between 30 and 40 additional dwellings towards increasing the housing delivery rate for Solihull, if the land is removed from the Green Belt.**

### 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 four and Crossroads Service Station with its large parking and hardstanding area to the rear. It is a site which is in a highly sustainable location in a residential area with strong defensible boundaries where, according to the Green Belt Assessment, the land makes nil contribution towards Green Belt purposes and openness.**

### 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 land is predominantly garden land within an existing residential area. Based on SMBC's preferred density of development within urban areas of 30 to 40 dwellings per ha, it is reasonable to assume that this site will accommodate at least 46 additional dwellings, although using the density of development proposed for this site in the DSLPRSC of approximately 29 dph, the site should still be capable of providing 43 dwellings. Our Client can see no viability reasons why it would not be possible for any 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 34: Should the washed over Green Belt status of these settlements/areas be removed, and if so what should the new boundaries be? If not why do you think the washed over status of the settlement should remain?**

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 be washed over by Green Belt.
94. 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 within the Green Belt which does not make an 'important contribution' towards the openness of the Green Belt.
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. 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...'
99. 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.
100. 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 and local strategic plan policies and an inset 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, together with the rest of Cheswick Green had a combined score of zero (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/all of the proposed site allocations which score more highly in the Green Belt Assessment.
  - c) The site is surrounded on three sides by existing development and very much forms part of the village. Tanworth Lane, to the west of the site, provides a firm physical defensible boundary for the Green Belt. The site comprises existing residential dwellings, a garage and the rear gardens of dwellings facing on to Tanworth Lane.
  - d) Part of the site is previously developed land, which is a priority for development when land is required, under exceptional circumstances, to be

removed from the Green Belt to accommodate growth. The brownfield, previously developed land comprises Crossroads Service Station with its large parking and hardstanding area to the rear and four residential dwellings.

- e) The site is located in a very sustainable location and ideally located to access a range of local services, retail and community facilities which are approximately 0.8 km (10 minute walk) to the south east. Cheswick Green Village includes a post office, two convenience stores selling household goods and food, a pharmacy, doctor's surgery, the Saxon Public House and children's playground. Cheswick Green Primary School lies approximately 1.1 km away (15 minute walk) on Cheswick Way. A public footpath set well back from the highway edge runs along Tanworth Lane providing safe pedestrian access to all facilities.
- f) The site is within easy walking distance of bus stops, the nearest being on Cheswick Way in the village centre. From here the S4 service operates every 30minutes between 6.30am and 7pm into Solihull Town Centre with a journey time of 15 minutes. Solihull Town Centre offers a vast range of employment, retail, community and social services and facilities.
- g) The site, which extends to approximately 1.55 ha, will contribute towards the requirement for SMBC to provide small and medium sized sites. With an amendment to the Green Belt boundary, or removal of Cheswick Green from the 'washed over' Green Belt, the site could come forward for development as a windfall site, or it could be identified and allocated within the Local Plan.

101. Providing an inset settlement boundary for Cheswick Green to include our Client's site would:

- remove an area of land which is partly brownfield and which has been assessed to contribute nothing to the Green Belt purposes;
- direct development towards a small to medium sized 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 residential development towards a site which is surrounded by existing residential development; and
- direct development towards a site which has clear physical permanent defensible boundaries suitable for defining a new Green Belt boundary.

102. For the above reasons, for Cheswick Green at least, the 'washed over' Green Belt designation should be removed and new inset boundary defined. Our Client does not consider the 'open character of the village' of Cheswick Green makes an 'important contribution' towards the openness of the Green Belt. This is supported by the Green Belt Assessment published in July 2016, which scores the area zero

out of a possible 12 i.e. it makes no contribution towards the purposes of including land within the Green Belt.

103. Cheswick Green therefore makes a much less significant contribution towards the purposes of including land within the Green Belt when compared to all other sites the Borough proposed for removal from the Green Belt to facilitate residential development. Consequently, it would be entirely appropriate and in line with the directives of national planning policies for Cheswick Green to be removed from being 'washed over' by the Green Belt.
104. Development within a new inset boundary, rather than being limited to purely 'infill' development, would cause less harm to openness and the purposes of including land within the Green Belt than many/all of the proposed site allocations.
105. 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, '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...'
106. Introducing an inset Green Belt settlement boundary for Cheswick Green would allow small and medium sized windfall sites to be brought forward within the new boundary for residential development in this very sustainable larger village, in accordance with NPPF recommendations.
107. Whilst our Client supports the removal of the 'washed over' status of Cheswick Green settlement, which would remove any Green Belt policy objection to the principle of a windfall planning application for residential development, he firmly believes that the site should be allocated for development and removed from the Green Belt even if the settlement as a whole is not provided with an inset settlement boundary. This is because the site meets all the national and local site selection criteria.
108. For example, our Client's site is in a very sustainable location within easy reach of a range of services and facilities. The site represents infill development within an area surrounded by existing dwellings. Development of the site would make more efficient use of brownfield, previously developed land, as well as garden land, within the built-up boundary of the larger rural settlement of Cheswick Green. Tanworth Lane and the boundaries of surrounding gardens and woodland provide strong defensible boundaries.
109. Our Client's site is preferable in many respects to most of the sites currently being proposed for development, particularly given its zero Green Belt score. Many of the proposed sites for allocation are situated in areas which make a moderate to high

contribution towards the Green Belt purposes, have landscapes sensitive to development, have a rural character, and have other constraints, such as existing playing fields, heritage assets of areas of high ecological importance – none of these constraints restrict development on our Client's site.

110. Our Client welcomes the recognition in paragraph 378, first bullet point, of the DSLPRSC document, that land to the r/o 575-587 Tanworth Lane, could potentially come forward for development if the settlement were to be removed from the Green Belt.
111. However, our Client questions the site parameters quoted in paragraph 378 and footnote 56 which states, 'That subject to an appropriate layout could provide approximately 30 dwellings'. This proposed site area and density of development does not accord with the estimated capacity for the 'amber' site listed on page 92 of the DSLPRSC, 'Schedule of Assessed Sites', Appendix E. This schedule references not only land to the r/o 575a to 587 Tanworth Lane, but also, correctly includes land at 587 to 597 Tanworth Lane. The gross area of the site is estimated to be 1.24 ha and the indicative estimated capacity listed as 36 dwellings (i.e. approximately 29 dph).
112. It is important to note that the site area promoted by our Client in response to the 2016 SHELAA assessment and in response to the Draft Solihull Local Plan Review consultation, February 2017, extends to approximately 1.55 ha and also includes No. 601, the Garage. Therefore, the Submission version of the Solihull local Plan Review should be corrected to include the revised site area of 1.55 ha and an indicative capacity of 43 dwellings (based on the 29 dph), subject to detailed layout. This would potentially contribute an additional 13 dwellings (above the quoted 30 dwellings in paragraph 378) in the first 5 years of the plan period towards SMBC's significant increase in annual housing requirement.
113. We therefore formally request that our Client's site be removed from the Green Belt and allocated for residential development.

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

**The Case for Allocation of Land to the r/o 575a to 587 Tanworth Lane, and land at 587 to 601 Tanworth Lane.**

#### Summary of the Site Characteristics

114. Our Client's site comprises land at 587 to 601 Tanworth Lane and land to the rear of 575A – 601 Tanworth Lane, a roughly L-shaped site extending to an area of approx. 1.55 hectares. It lies on the north east side of Tanworth Lane, Cheswick Green which is washed over by Green Belt. The site includes: four residential properties



and their entire rear gardens; the Crossroads Service Station; and part of the rear gardens of seven properties fronting Tanworth Lane.

115. The site comprises partly previously developed 'brownfield' land, namely the four residential properties (numbers 587 to 597 Tanworth Lane), and the Crossroads Service Station (number 601 Tanworth Lane) with its large parking and hardstanding area to the rear - together with the grassed areas of land and part of the extensive rear gardens of properties fronting Tanworth Lane.
116. The site is bounded to the north east by land at Mount Dairy Farm which was granted outline planning consent for 220 dwelling under application reference PL/2014/01985/OLM, a resubmission of 2013/1679. A further application for an additional 54 dwellings as part of Phase II of the development, under application PL/2016/02759/PPFL, was approved in March 2017. The site at Mount Dairy Farm has been taken out of the Green Belt in the Draft SLPR and development is currently under construction.
117. A track providing access to the long rear gardens of properties fronting Tanworth Lane separates the site from the Mount Dairy Farm development land. Beyond the track and within the Mount Dairy Farm application site is a broadleaved semi-natural woodland which would provide an attractive natural setting for the proposed residential properties on our Client's site.
118. To the south and west within the site lies the Crossroads Service station and car parking area beyond which are the rear gardens of properties fronting Coppice Walk. To the north of the site is residential property number 573 Tanworth Lane which is set back from the road, in line with the proposed development area. On the south west side of Tanworth Lane, opposite numbers 587 to 601 there are residential properties and agricultural land.
119. The majority of the site comprises grassed garden land with a number of trees and shrubs. It would of course be possible and desired to design a layout which retained any significant trees.
120. Residential development on our Client's site would provide the opportunity to infill an area of land within the existing built-up area of the village, entirely surrounded by residential development, by making the most efficient use of previously developed land and extensive garden land to the rear of the large detached residential properties and the Crossroads Service Station fronting Tanworth Lane.
121. Safe vehicular access could be achieved from Tanworth Lane (B4102), which has a 40mph speed limit, by demolishing property 587, Tanworth Lane to create a new road to access the proposed residential development scheme. The accompanying transport statement confirms that safe and suitable access can be provided to the development land with precise details of visibility to be provided on the basis of topographical and speed surveys at any subsequent planning application stage.

Alternatively, access could be provided via Crossroads Service Station land.

122. The site is located in a very sustainable location and ideally located to access a range of local services, retail and community facilities which are approximately 0.8 km (10 minute walk) to the south east. Cheswick Green Village includes a post office, two convenience stores selling household goods and food, a pharmacy, doctor's surgery, the Saxon Public House and children's playground. Cheswick Green Primary School lies approximately 1.1 km away (15 minute walk) on Cheswick Way. A public footpath set well back from the highway edge runs along Tanworth Lane providing safe pedestrian access to all facilities. The 'Site Assessment' report, January 2019, confirms that the site has 'high accessibility'.
123. With the scheme at Mount Dairy Farm currently under construction, there will be further opportunities for our Client's site to be better linked with the village centre of Cheswick Green.
124. The site is within easy walking distance of bus stops, the nearest being on Cheswick Way in the village centre. From here the S4 service operates every 30 minutes between 6.30am and 7pm into Solihull Town Centre, with a journey time of 15 minutes. Solihull Town Centre offers a vast range of employment, retail, community and social services and facilities.
125. The nearest railway stations are located at Whitlock's End and Widney Manor which both lie approximately 2.5 km to the north west and north east respectively. However, with the excellent bus service to Solihull Station, this may prove a more attractive railway station for those living in Cheswick Green using public transport. Solihull railway station operates regular train services to, for example, Dorridge, Acocks Green, Birmingham, Stourbridge and London Marylebone.
126. 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 dwellings or any dwellings within the vicinity are of any special architectural significance and the site does not lie within a Conservation Area.
127. Residential development on our Client's site forms a logical infill to an existing built-up residential area which is surrounded on three sides by residential development, both existing and under construction. Development would only require a minor amendment to the existing Green Belt boundary in order to allocate the site, or alternatively, Tanworth Lane would provide a clear physical defensible boundary if Cheswick Green were to be provided with an inset boundary rather than being 'washed over' by Green Belt .
128. Using the site for residential development would have no impact on the purposes of including land within the Green Belt. The adjacent site at Mount Dairy Farm has already been taken out of the Green Belt and our Client's site forms a logical extension to the approved development area. The Green Belt assessment has

concluded that the site makes zero contribution towards the purposes of including land within the Green Belt and the land was not considered suitable for inclusion in the Landscape Character assessment.

129. At a density of approximately 29 dph this 1.55 ha site could accommodate approximately 43 dwellings, subject to detailed design and layout.

Inaccurate and misleading site information within the SMBC's Evidence and incorrect application of Site selection methodology.

130. The 'Site Assessment' document, January 2019, continues to perpetuate the erroneous conclusion in the SHELAA that it is a Category 2 site with 'some achievability constraints.' As previously stated in our February 2017 representations in response to the Draft Solihull Local Plan Review, our Client objects to the score of 2 rather than 3 for 'achievability' of development and the overall conclusion that it is a 'Category 2' site (ie. likely to be potentially 'developable' over the next ten years but development is unlikely to commence in the first 5 years) rather than a 'Category 1' site (ie. theoretically it is deliverable and development could commence within the first 5 years). This is because the potential problems highlighted in the SHELAA, were shown to be surmountable or not an issue as summarized below:

- There are no access and infrastructure access constraints - There are no problems associated with achieving a new point of access into the site which will meet all highway standards with appropriate visibility splays, as demonstrated in the submitted transport statement prepared by PTB Transport. This report concludes that safe and suitable access can be provided to the development land (with precise details of visibility to be provided on the basis of topographical and speed surveys at any subsequent planning application stage). It is also confirmed that the site is very well located with regard to local facilities and public transport.
- The comment that the site has 'bad neighbours with potential for mitigation is factually incorrect. The only potential 'bad neighbour' in the vicinity of the site is the Crossroads Service Station. However, the entire Crossroads Service Station is included within the site proposed for housing allocation and the redevelopment would remove the bad neighbour constraint in its entirety.
- The comment that 25% to 50% of the site is within a Local Wildlife Site is incorrect. There is no evidence of an allocated Local Wildlife Site within our Client's site.
- The comment that the site has moderate marketability and/or viability (unlikely to come forward within first five years) and that development would

involve the loss of existing residential dwellings, which impacts on the viability of proposals, is misleading. The development may only require the demolition and loss of one existing dwelling to provide access into the site, or the alternative is that the site is accessed through Crossroad service station site. The net gain in terms of additional new houses (approximately 43 dwellings total) would far outweigh the potential loss of 1 or more of the 4 dwellings included in the site area which would have no adverse impact on overall viability of the scheme as a whole.

- Development on the site would not 'represent inappropriate backland development' as well-conceived development on substantial sites to the rear of existing properties has been accepted by Solihull MBC as appropriate, indeed, number 573, Tanworth Lane on the north boundary of the site, is itself located to the rear of 575, Tanworth Lane. The acceptability of the principle of well designed 'backland' development is demonstrated by recent planning consents, including the planning approval at 193 Tanworth Lane in Shirley for the demolition of the existing building and the erection of 12 no. dwellings in 2011 (PL/2011/01979/FULM) or the permission for 12 new dwellings to the rear of 23 & 25 Welford Road in 2005 (PL/2004/03015/FULM).
131. Our Client therefore contends that **the site should be classified as a 'Category 1' site meaning it is 'deliverable', available now, offers a suitable location for housing and there is a reasonable prospect that housing will be delivered on the site within five years from the date of adoption of the plan.**
132. Our Client objects to the narrow application of the Site Selection Methodology. According to the 'Site Assessment' document, January 2019, the site has been attributed a priority score of 5 in the Site Selection Step 1 Site Hierarchy Criteria. This means that the site is considered by SMBC to be 'Greenfield in an accessible lower performing Green Belt location.' The additional description of priority 5 sites states, 'Green Belt non PDL in accessible location. Lower performing Green Belt will generally have a combined score of 5 or less in the GBA.'
133. However, our Client's site includes a proportion of brownfield previously developed land. An analysis of the Step 1 Hierarchy Criteria shows that the site more closely fits within both priorities 3 and 5. Priority 3 sites are '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.)'
134. SMBC's 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.

135. 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.**
136. Our Client's site was not included in the interim Sustainability Appraisal published in January 2017, and it has not been included in the Sustainability Appraisal produced in January 2019. This omission does not meet national policy requirements, paragraph 32 of the NPPF states, 'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements...'
137. Representations submitted in response to the Draft Solihull Local Plan review consultation, February 2017, pointed out that the Interim Sustainability Appraisal report erroneously excluded our Client's site from assessment. The criteria for prioritising site assessments stated that some isolated site options were discarded, as they would not contribute to any of the alternative spatial options for housing. However, our Client's site appears to fall within Priority 3 and Priority 5. Therefore **our Client's site should be a priority for assessment in the Sustainability Assessment, not least because it is now identified as a potentially suitable windfall site if the 'washed over' status of Cheswick Green is removed.**
138. Our Client objects to these omissions and errors in the evidence reports and formally requests that the evidence documents be updated to include an accurate assessment of their site, including in the Sustainability Appraisal at the Submission stage of the Solihull Local Plan Review.

### Summary

139. Residential development on our Clients' site forms a logical use of partly previously developed land within the settlement of Cheswick Green. 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.
140. Our Client seeks a revision of the Green Belt boundary to remove numbers 587 to 601 and land to the rear of 575a to 601 Tanworth Lane from the Green Belt and allocate it for residential development. Development on our Client's site meets national and local plan objectives of sustainable development and it would perform

better than the majority of the proposed Green Belt Housing Allocations. Residential development on our Client's site would:

- a. direct development towards a very sustainable site within the built-up boundary of the larger rural settlement of Cheswick Green, infilling an underdeveloped area surrounded by existing (and under construction) residential development, in accordance with national sustainable development objectives;
- b. make a short-term impact on the shortfall in housing land supply, with housing deliverable within the first 5 years by willing landowners in a location where there are no known legal or physical constraints. This will meet the requirements of NPPF paragraph 68 which 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;
- c. 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 local and national policy objectives;
- d. represent release of a partly previously developed Green Belt site and remove a bad neighbour constraint. Development of brownfield land in the Green Belt is encouraged by national and local plan policies (NPPF paragraph 117) which seeks to make effective use of previously developed land;
- e. direct development towards a site which does not have any ecological, heritage or community assets, such as sports pitches, which would be threatened or lost as a result of development.
- f. ensure retention and protection of significant mature trees, not result in loss of land of high ecological or agricultural importance, achieve a safe access which meets highway standards, and directs development towards an area not liable to the risk of flooding;
- g. have a minimal impact on the landscape character and visual importance of the area because it is a relatively small-scale development proposal on an enclosed site which is well screened by existing residential development, and trees and vegetation;
- h. result in the loss of an area of Green Belt which currently makes no contribution towards the main 4 purposes of including land within the Green Belt, achieving a total Green Belt score of 0 which compares extremely favourably to all sites proposed for Housing Allocation in the DSLPRSC;
- i. protect existing strong physical enduring Green Belt boundaries in



accordance with the requirements of national policy;

- j. direct development towards the large sustainable rural settlement of Cheswick Green in accordance with local and national strategic objectives of directing development towards the most sustainable locations.
  - k. From an economic perspective, the proposed development would create jobs and a 'New Homes Bonus' would be payable by the government to support local communities. The spending of the future occupants of any new dwellings would benefit the economy of the area and help support local services and facilities.
  - l. At a density of 29 dwellings per hectare, the site would be capable of accommodating approximately 43 dwellings which would make a valuable contribution towards the step increase in the annual housing need identified in the DSLPRSC.
141. Our Client has the agreement of the landowners who are keen to bring the sites forward for development. The site is available now, offers a suitable and sustainable location for infill development within an existing settlement and has a realistic prospect that housing could be delivered on the site within the next 5 years following allocation. There are no known legal or physical constraints which would prevent development on the land.
142. Development on this site would accord with national planning policy principles of prioritising sustainable development. 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 nothing towards the four assessed purposes of including land within the Green Belt. Development on our Client's site could be readily integrated into the existing settlement of Cheswick Green being a logical 'infill' site within the existing urban area with clear strong defensible boundaries, as required by national policy and will see the delivery of a small to medium size site in line with national requirements.
143. 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.

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

SHLAA and SHELAA Sites

144. St. George and Teresa School, site 155, with an identified capacity of 31 dwellings, is currently in educational use therefore an alternative sits for education use would

need to be found before this site could be released for residential redevelopment.

145. 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

146. 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.
147. 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.
148. 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.
149. 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

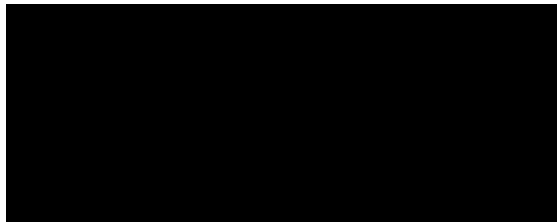
150. Identification of safeguarded land would be in accordance with paragraph 139 of the NPPF, bullet point c) which states that where necessary, plans should identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.
151. 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.
152. 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).
153. 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 Client's site to be allocated for residential development in the forthcoming 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.

Draft Solihull Local Plan Supplementary Consultation  
Land to the rear of 575a to 601 Tanworth Lane and Number 587 to 601 Tanworth Lane, Cheswick Green,  
Solihull, B90 4JE  
TPP Ref: 10455 DSLPRSC HW  
March 2019

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

Yours faithfully,



Glenda J Parkes, Dip.TP.,MRTPI  
Director  
The Tyler-Parkes Partnership Ltd



Enclosures

Site plan number 10455-02B

Transport Assessment Ref: T17527 Prepared by PTB Transport Planning Ltd dated 15/2/2017