

Our Ref: 10607 DSLPRSC JD/HW
15th March 2019.

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

Email: psp@solihull.gov.uk

Dear Sir/Madam,

Representations to the Draft Solihull Local Plan Review Supplementary Consultation (DSLPRSC).

In relation to proposed Allocated Housing Site 22 - Trevallion Stud, Wootton Green Lane, Balsall Common CV7 7BQ

Also including consideration of land west of No. 32 Wootton Green Lane Site Reference 160 in the 'Site Assessment' document, January 2019 assessed as a 'green' site.

We write on behalf of our various Clients, who jointly own land described above.

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

Representations have previously been submitted: in February 2017 in response to the DSLPR (this included a Landscape Character Assessment Response document written by landscape architects, Landscape Matters); and in January 2016 in response to the Scope, Issues and Options consultation. We have also made representations to the Brownfield Land Register consultation document (February 2018).

We write in support of the proposed Green Belt boundary review which proposes to remove the Trevallion Stud site from The Green Belt. We also support the proposed allocation of our Clients' site in the Solihull Local Plan Review for housing which is estimated could deliver around 300 dwellings within the revised plan period to 2035. In addition, we request that 'Site Assessment' Site reference 160, land west of No. 32 Wootton Green Lane, be included within an extended site boundary for proposed allocated Site 22 Trevallion Stud, on the basis that the landowner has joined the collective of landowners make up Site Ref: 22, to put it forward for

development as part of this larger site. The enclosed concept masterplan drawing demonstrates that inclusion of land west of 32 Wootton Green Lane could increase the estimated capacity of Site 22 by approximately six dwellings and also provide an additional point of vehicular access.

1. Included with, and forming part of this submission, are the following reports and plans:
 - Revised illustrative concept masterplan drawing no. 10607- (MP)02 Rev A. This shows a slightly modified layout taking into consideration the need for public open space (POS)/play areas (LEAP/LEP) and also including land west of 32 Wootton Green Lane (Site 160)
 - Site plan showing land west of 32 Wootton Green Lane (Site 160) edged 'red' and the proposed Allocation Site 22 edged 'blue', plan number 10607(OS)03
 - Copies for your information, of the representations which we have made to Balsall Common NDP Pre-submission Consultation Document (letter ref: '10607 Balsall Common NDP (Jan 2019) HW') and accompanying 'Proposed Residential Development Noise Assessment' (25th January 2019) prepared by Sharps Redmore Acoustic Consultants.
2. In addition, this letter of representation also addresses the following questions as set out in the current consultation document: Questions 8,10,14,15,17,23,27,28,32,33,34 and 44.

Summary of representations and objections

3. 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).
4. 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).
5. For the reasons set out in further detail below, our Clients;

- a) Contend 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) **Support** the proposed distribution of development set out in the DSLPRSC that seeks to distribute housing both within the urban area of the borough, and disperse across a number of identified settlements.
- c) **Support** the decision to review Green Belt boundaries to accommodate the identified growth.
- d) **Object** 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 wellbeing/loss of sports, or there are concerns in respect of deliverability thus contrary to national policies and guidance.

- e) Given the two aspects mentioned above in relation to the potential under-estimation of housing numbers, and the suggested removal of a number of the proposed housing allocations, it becomes more important that sites such as Trevallion Stud site be retained in the Local Plan.

Duty to Cooperate

- 6. Under the terms of the NPPF, paragraph 27 states: '27. In order to demonstrate effective and on-going joint working, strategic policy-making 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.)

7. Currently there is no signed agreed Statement of Common Ground in respect of the housing land supply shortfall in the HMA, contrary to NPPF requirements.
8. 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.'
9. 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.
10. It is unclear how Solihull MBC has arrived at its proposed 2,000 dwelling contribution towards the wider HMA shortfall of 60,900 dwellings up to 2036, arising primarily from Birmingham City calculated in the SGS. The Draft Solihull Local Plan Review, published in 2016, proposed making provision for a 2,000 dwelling contribution towards Birmingham's unmet needs up to 2033. However, the Local Plan period has been extended by 2 years in the current consultation, and the housing shortfall figure published in the February 2018 SGS demonstrates a far greater shortfall than originally anticipated in 2016.
11. 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

12. 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.'
13. 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.

14. 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

15. 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.
16. 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.
17. 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.
18. 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.’

19. 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.
20. 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.
21. 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.
22. However, Solihull MBC has 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.
23. 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

24. 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.
25. 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.
26. 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'.
27. 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.
28. 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 DSLPRSC.
29. 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...
30. 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.

Prioritising Development on Brownfield Sustainable Sites

31. 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.
32. Solihull MBC 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.
33. **Our Clients' site offers the opportunity to direct development towards largely previously developed land in the Green Belt on a site which is in a sustainable location in a residential area with strong defensible boundaries and where the land makes a minimal contribution towards openness.**

Promotion of Sustainable Development in Rural Areas

34. Paragraph 78 of the NPPF recognises the need to promote sustainable development in rural areas, suggesting that housing should be located where it will enhance or maintain the vitality of rural communities. Development in or close to one village or smaller settlement may support services in a village nearby.

Viability and Deliverability

35. 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 NNPF, 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.

36. 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.
37. 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.
38. Residential development on the Trevallion Farm land as a proposed housing site could, for example, provide the full 40% contribution towards affordable housing, CIL contributions, and other required developer contributions in line with council requirements.

Potential Deliverability Issues for Some of the Preferred Sites

39. Some of the other '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.
40. 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.
41. 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.

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

The Need for Robust Evidence

43. Paragraph 31 of the NPPF 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.

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 site?

44. Identification of the partly brownfield 12ha Pheasant Oak Farm - Site 21 (albeit it appears in the proposed schedule of allocated sites table as 'site 23') for approximately 100 dwellings does not meet the requirements of national policy or meet the policy selection methodology priorities set out in the DSLPRSC.
45. 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 or trees along the boundary.
46. 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 fulfil 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.
47. 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.
48. 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).'
49. 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.
50. 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.
51. 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.
52. 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 8: Do you believe that Site 22 Trevallion Stud, 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 site?

53. As promoters of this site, yes, we believe this site should be allocated as a housing site and the Green Belt boundary amended accordingly. The site has strong defensible boundaries (Wootton Green Lane and Kenilworth Road) and it would not be necessary to keep the land permanently open (thus justified by NPPF para 139 b) and e) – f)).
54. Additionally, it is previously developed land and would be well served by public transport (thus NPPF, paragraphs 117, 137, 138 compliant).
55. We have already made detailed representations in response to previous Local Plan Review consultations, call for sites etc (SHELAA, and the 2016 and 2017, and Brownfield Land Register), and welcome SMBC's acknowledgement as to this site's suitability for housing based upon its sustainability credentials. As such we do not propose to repeat them here.
56. The aerial photograph below taken from Google Earth (copyright), has been annotated to show the approximate boundary of land west of no. 32 Wootton Green Lane (also shown on enclosed plan number 10607(OS)03), which is formally proposed for inclusion within the defined boundary of Site 22 Trevallion Stud. The roughly rectangular site, bounded on the southern side by Wootton Green Lane, extends to approximately 0.22 ha. The landowner is willing and has joined the collective of landowners that form proposed Site Allocation 22, Trevallion Stud, to bring the site forward as part of the larger development site.

57. The 'Green Belt Assessment', 2016, assesses that the site, land west of No. 32 Wootton Green Lane, as lying within a moderately performing parcel, scoring a cumulative total of 7. However, this score is likely to have been reduced had the Green Belt area under consideration been restricted to a more appropriate 'refined parcel' (i.e. edge of settlement assessment), rather than the actual 'broad area' within which it was assessment. The 'Site Assessment' document, 2019, concludes that the site has '...a medium level of accessibility...' and confirms that site '...could be considered (for residential development) as part of a larger site.'
58. The 'Site Assessment' document estimates that the site has a capacity of approximately 8 dwellings, whilst the concept masterplan enclosed with this submission (plan number 10607(MP)02-B), illustrates that approximately 6 dwellings could be provided, together with a new vehicular access to serve the wider development site. Alternatively the land could be swapped for use as amenity or public open space with dwellings located on the larger site.
59. We contend that it is entirely appropriate for land west of Wootton Green Lane to be identified for residential development as part of the larger proposed Site 22 allocation. It exhibits similar characteristics to the larger site and it is similarly suitable and appropriate for it to be brought forward in the first phase of the plan for housing delivery by a willing landowner.



Aerial photograph of land west of No. 32 Wootton Green Lane (copyright Google Earth)

60. The Trevallion Stud site, together with land west of No. 32 Wootton Green Lane, would offer a logical, more organic extension to the north of the village and which would have easy access to the services & facilities of the village; perhaps more so than the other sites now proposed for the village.
61. NPPF, paragraph 139 (f) confirms that, in defining Green Belt Boundaries, plans should define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. The redrawing of the Green Belt boundary to accommodate Proposed Site 22, together with land west of no. 32 Wootton Green

Lane, would thus be in accordance with NPPF.

62. Accompanying this representation is a revised proposed draft Masterplan (TPP drawing no. 10607 (MP) 02 - A) in which we have considered further the need to allow for sufficient Public Open Space (POS) in line with SMBC's proposed standards, and amended the layout accordingly.
63. Additionally, we attach copies of representations made to the Balsall Common Neighbourhood Development Plan (Neighbourhood Development Plan) 2018 – 2033 Pre- Submission Regulation 14 Consultation. That document proposed a blanket restriction on residential development suggested by proposed NDP Policy NE.5 for land which lies within the noise preferential route corridors either side of the Standard Instrument Departure (SID) flight paths or below arrival flight paths from Birmingham Airport.
64. Our response to the emerging NPD included an expert noise report undertaken by Sharps Redmore Acoustic Consultants (copy enclosed with this letter) which assesses the aircraft noise environment beneath the flight paths on site Trevellian Stud and surrounding land. The report notes in the Executive Summary that *'...It was found that noise levels from aircraft at the site would be below either of the two SOAEL values which might be applied. The results therefore demonstrate that it would be unnecessary for there to be a blanket ban on residential development across the site area...'*
65. Instead of a blanket ban on residential development on the site, the report suggests residential development could be made acceptable with noise mitigation measures. The Executive Summary concludes, *'...since noise levels across the site would be above the lowest observable effect level (LOAEL), noise mitigation would be required to reduce levels, so far as can reasonably be achieved. Reasonable internal noise levels could be achieved using conventional acoustic glazing and alternative means of ventilation with appropriate acoustic performance...'*
66. We note this now proposed Site 22 had been included as a constituent part of the January 2017 Sustainability Appraisal (SA) (site ref: 'AECOM 79'). For some unknown reason, that SA assessment also included other separate parcels of land to the south of Wootton Green Lane and to the east of Kenilworth Road. These separate parcels of land have no relation (functional or legal) with the now proposed Site 22, and are not part of the now proposed allocation. The more recent updated version (AECOM January 2019) has not included the actual Site 22 site area, but we note the other proposed allocations for the village (Site 21 Lavender Hall, and Site 3 Windmill Lane) have been subject to the Jan 2019 SA. This omission is of concern as it does not allow Site 22 to be properly compared to the other sites in terms of sustainability credentials.
67. For this reason, we suggest the correct parcel of land which now comprises Site 22, including land west of No. 32 Wootton Green Lane, is subject to a revised SA assessment.

68. Overall we do not believe there are any sound planning reasons why Site 22, which we propose should also include land west of No. 32 Wootton Green Lane, should not be included in the revised plan.

Question 10: ‘Do you have any comments to make on the potential changes to the Green Belt boundary east of the settlement that would result in the removal of the ‘washed over’ Green Belt from those areas not covered by a formal allocation?’

69. There appears to be no planning logic for the suggested change to the Green Belt boundary east of Balsall Common. We do not think it would be appropriate for the Green Belt boundary to be amended and Green Belt designation removed from land between Windmill Lane and the proposed new bypass. This area is very highly performing area of Green Belt in terms of some of the five purposes of Green Belt (particularly NPPF paragraph 134 b) – prevention of towns merging into one another).

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?

70. 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.
71. 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.
72. 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 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.

73. 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?

74. 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.'
75. 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.
76. 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.
77. 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?

78. 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.
79. 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.
80. 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.
81. 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.
82. 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.
83. 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. 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.'

89. 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.
90. 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?

91. 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.
92. 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?

93. 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.
94. 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.'

95. 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.'
96. 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?

97. 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.
98. 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.'
99. **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/Auckland 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?

100. 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.
101. 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?

102. As part of the Green Belt review, our Clients consider it appropriate for 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.
103. 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.

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

SHLAA and SHELAA Sites

104. St. George and Teresa School, site 155, with an identified capacity of 31 dwellings, is currently in educational use therefore an alternative site for would need to be found before this site could be released for residential redevelopment.
105. There is no evidence within the DSLPRSC to show that suitable alternative land has

been secured to accommodate existing displaced uses such as the 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 approx. 31 dwellings is therefore uncertain and should not be included in SMBC's housing delivery calculation.

The Priorities for a Green Belt Boundary Review

106. 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.
107. 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.
108. 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.

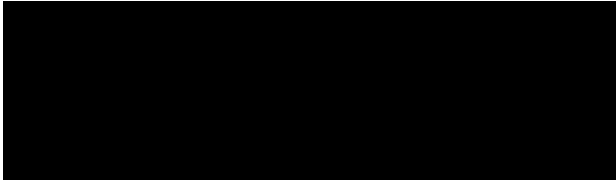
Summary

109. In summary, we firmly believe that it would be in accordance with national and local plan policies for our Clients' site to be allocated for residential development in the forthcoming Submission version of the Solihull Local Plan Review. We commend the

site to you for removal from the Green Belt and allocation for residential development.

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

Yours faithfully,



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



Enclosures

Revised illustrative concept masterplan drawing no. 10607- (MP)02 Rev A. This shows a slightly modified layout taking into consideration the need for public open space (POS)/play areas and inclusion of land west of 32 Wootton Green Lane prepared by Tyler-Parkes Partnership.

Copy of the representations which we have previously made to:
Balsall Common NDP Pre-submission Consultation Document (letter ref: '10607 Balsall Common NDP (Jan 2019) HW') and accompanying Noise Report prepared by Sharps Redmore Acoustic Consultants 'Proposed Residential Development Noise Assessment' (25th January 2019).