

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

15th March 2019

083 SMBC 150319 KC

psp@solihull.gov.uk

Dear Sir / Madam

**SOLIHULL METROPOLITAN BOROUGH COUNCIL DRAFT LOCAL PLAN SUPPLEMENTARY CONSULTATION:
WILLIAM DAVIS LIMITED: LAND AT OLD STATION ROAD, HAMPTON IN ARDEN**

I write on behalf of my client William Davis Limited (WDL) who welcome the preparation of the Local Plan Review and support the intention to positively plan for sustainable development and growth in the Borough in the period to 2035. WDL also welcome the opportunity to comment further on the questions raised within this Draft Local Plan Supplementary Consultation (DLPSC) as set out below.

Local Housing Need

Question 1: Do you believe that there are exceptional circumstances that would justify the Council using an alternative approach, if so what are the exceptional circumstances and what should the alternative approach be?

In considering the approach to establishing local housing need (LHN), there is no clear justification for taking an alternative approach to the standard methodology set out in NPPF 2019. Indeed, using the 2014 based household projections, as proposed by the methodology, the minimum annual housing figure of 767 dwellings omitting any contribution to the HMA shortfall (DLPSC para 47) is well in excess of the OAN for the Borough of 689 dwellings per annum previously identified in the SHMA for the period 2014-2033.

The DLPSC clearly acknowledges that SMBC must look to accommodate Solihull's housing needs as well as helping to address the housing shortfall occurring in the wider Housing Market Area. However, para 5 states that this consultation is not seeking to revise the contribution that the Council is making towards the HMA shortfall, which will be considered through the draft submission version of the plan in due course.

Significantly, the DLPSC (para 27) does concede that "there is a clear expectation from other HMA authorities (and other interested parties) that (a) there is no clear justification why 2,000 was chosen as the figure Solihull would make towards the HMA shortfall and (b) there is opportunity to make a greater contribution." WDL wholly support the view that there is no justification for this figure and an underestimation in the contribution that the Borough could make towards meeting the unmet needs of the wider HMA could significantly undermine the approach to robustly considering suitable sites to support delivery of housing over the plan period.

Overall, it is essential to acknowledge that this LHN figure is a “minimum” and only a starting point for SMBC to identify the full housing needs that should and can be met within the Borough. As set out in response to the further questions below, it is clear that there are other sustainable opportunities to make a greater contribution to meeting the unmet needs from elsewhere within the wider HMA, which are in addition to the LHN figure, and which in turn will further support economic growth and deliver affordable housing. It is, therefore, absolutely imperative that there is a comprehensive review of SMBC’s contribution to meeting the HMA shortfall, taking on board the recommendations of the Strategic Growth Study, in order to fully understand the housing requirement for the Borough for the plan period.

Site Selection Methodology

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

The DLPSC summarises the sequential approach applied during the Site Selection Process to identify which sites are to be allocated for development. This methodology is supported in that it proposes to assess and compare key characteristics across all identified sites on a like-for-like basis, taking into account the hierarchy of settlements and then applying more detailed site suitability criteria. However, WDL strongly object to the resultant application of this two-step methodology as summarised below.

Step 1 ‘Site Hierarchy’ assessed all sites with reference to the overall settlement hierarchy (as set out within the document ‘Reviewing the Options for Growth and Site Selection Process’). This appropriately sought to provide a balance of sites, favouring brownfield sites, accessible sites and sites that only impact on lower performing Green Belt parcels, to reflect the advice of paragraph 138 of NPPF 2018 (and reflected in NPPF 2019).

Step 2 ‘Site Refinement’ performed a more detailed analysis, using planning judgement to refine site selection in a manner that sought to test the appropriateness of each site, based on an evidence base including the Strategic Housing & Employment Land Availability Assessment (SHELAA) (November 2016), Accessibility Study (December 2016), Green Belt Assessment (July 2016), Landscape Character Assessment (December 2016) and Sustainability Appraisal (January 2017). The DLPSC summarises (para 75) the refinement criteria, stating six favourable site suitability factors determining site selection for inclusion within the plan.

The DLPSC Site Assessments document (January 2019) summarises the Step 2 assessment findings. However, a more detailed analysis of this and specifically in relation to sites identified within Hampton in Arden clearly indicates that the planning judgement has not been applied consistently, on a like-for-like basis, across sites within a single settlement or that are comparable in character and/or size. This is summarised fully in response to Question 39, with accompanying evidence presented to support this objection.

In summary, WDL does not object to the methodology, but does strongly object to the inconsistency of its application in the site selection process and, as such, objects to the findings of the DLPSC Site Assessments document. Specifically WDL consider that the application of this methodology should be reviewed in relation to the specific sites highlighted in response to Question 39 and within the context of the local housing need position that includes a clearly justified contribution towards meeting the HMA shortfall (as summarised in response to Question 1), in order to demonstrate this is a suitably robust methodology.

Hampton in Arden

Question 16: Do you agree with the infrastructure requirements identified for Hampton in Arden, if not why not; or do you believe there are any other matters that should be included?

Hampton in Arden has been identified as an appropriate location for future residential development in the DLP and this is reinforced in the detailed summary and evidence provided in response to Question 39.

Indeed, the DLPSC (para 164) clearly indicates that the settlement could support more development, noting the range of existing facilities including a primary school, library, GPs surgery, a number of shops (including a Post Office and chemist), together with recreational facilities. More specifically, it also acknowledges the high level of accessibility that the settlement has with Hampton in Arden train station offering West Coast Mainline services to London, Birmingham and Coventry, and a bus service that also connects to Meriden, Catherine-de-Barnes and Solihull.

On this basis, WDL does not agree with the inference in para 169 that development should be restricted so as not to overwhelm existing infrastructure due to additional demand generated from it. Indeed, WDL argue that development planning and infrastructure delivery are integral to each other and the purpose of the Local Plan is to ensure that development is delivered in conjunction with the appropriate level of infrastructure. It is clear that Hampton in Arden is a highly accessible settlement and contains a number of core facilities, and can support additional development that will itself secure the necessary infrastructure required to support new and existing residents and existing services and facilities.

In summary, WDL proposes that ensuring that the infrastructure requirements can be met is an integral part of and cannot be considered in isolation to the delivery of development within any settlement. Indeed it is only through development that existing facilities will be supported in the long term and the infrastructure requirements delivered.

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?

The proposed allocation site at Meriden Road sits adjacent to land already allocated within the Solihull Local Plan (SLP Site 24). As such, it effectively forms an expansion to that allocation and this is reinforced in the DLPSC (para 180), which states that the sites “*should ideally be developed together in a comprehensive manner*”, although it is understood that the sites are in separate ownership. Despite the anticipated initial release of allocated SLP Site 24 by April 2023 within the housing trajectory to the adopted Local Plan, there have been no planning applications in relation to this site.

The DLPSC emphasises that part of the proposed allocation site comprises brownfield land (and is included on the Council’s Brownfield Land Register) and gives clear weight to this in the site assessment. However, given the changes to the boundaries of the combined sites, the area of brownfield land is effectively omitted and the majority of the site proposed for allocation therefore comprises greenfield land.

Arden Wood Shavings Limited currently operates within part of DLP Site 6. Indeed, the site remains in use as a storage depot (one of the two sites occupied by the company in the area) and it is understood that the company has no plans to vacate the site in the coming future. Previous representations to the SDLP by Arden Wood Shavings highlighted the on-going use of the depot and a desire to implement recent planning permissions 2010/893 and 2011/87 for additional storage and the rationalisation of buildings with a replacement building.

The ongoing operation of the storage business is a significant consideration, not only terms of availability, but in terms of deliverability of DLP Site 6. As the DLPSC Draft Concept Masterplans (January 2019) acknowledges *“the site is yet to come forward for development as the Arden Wood Shavings development operation is considered a ‘poor neighbour’ in planning terms.”*

It is clear that the depot site is considered to form an integral part of the development of the land already allocated (SLP Site 24) that now forms part of DLP Site 6. Indeed, the SLP refers to the release of SLP Site 24 as being in special circumstances and its development as *“conditional on reclaiming of the depot for open space, or in the event the ammunition depot is unavailable, some alternative development solution delivering additional open space”*. In addition to addressing this matter, as indicated in the 2012 SHLAA, there are also a number of other physical constraints and limitations to the development of SLP Site 24 that require consideration, including access and local infrastructure, lack of suitable routes to key local services and facilities, poor relationship to existing development, creation of an indefensible Green Belt boundary.

Given Hampton in Arden’s high level of accessibility and the integral approach to delivering necessary infrastructure alongside new development (as noted in response to Question 16 above), WDL do not object to the delivery of two sites for housing within the settlement. However, given the proposed comprehensive approach to development of allocated SLP Site 24 and proposed allocation Site 6, added to the uncertainty as to the availability of the latter as noted above, WDL has significant concerns regarding the overall deliverability of both Meriden Road sites.

Omitted Sites

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

WDL strongly objects to the omission of their site at ‘Land off Old Station Road, Hampton in Arden’ (Assessment Site Ref. 6). This objection is made on the grounds that the methodology proposed for the Site Selection Process has been inconsistently applied, as clearly stated in response to Question 2, and as a result the DLPSC has unfairly discounted this site.

WDL argue that the evidence presented within the DLPSC Site Assessment Document (January 2019) confirms their site to be highly achieving against a number of the site assessment matrices. Indeed, the site performs better than proposed allocations of a similar size and location within settlements of the same Settlement Hierarchy class.

To present this, a comparison table has been prepared (as attached at Appendix A), which compares the application of the methodology and associated evidence base in relation to the above site and comparable sites. Significantly this shows a lack of consistency in the justification and associated decision-making set again that same evidence base, resulting in Land off Old Station Road being identified as unsuitable and excluded from further consideration.

Within the table, the sites used for comparison are of similar size and character; having a similar capacity, being wholly or predominantly greenfield, lying within the Green Belt, and lying within a settlement that is within a settlement of the same hierarchy as Hampton in Arden. They include allocated sites:

- Meriden Road Depot, Hampton in Arden - Proposed Allocation DLP Site 6 (Assessment Site Ref. 117)

- West of Meriden, Meriden - Proposed Allocation DLP Site 10 (Assessment Site Refs.119 and 137¹)
- Land South of School Lane, Hockley Heath - Proposed Allocation DLP Site 25 (Assessment Site Ref. 139)

Comparable discounted sites have also been considered, including:

- Land at Fillongley Road, Meriden - Assessment Site Ref. 81
- Land at Fillongley Road, Meriden - Assessment Site Ref. 144
- Land West of Stratford Road, Hockley Heath - Assessment Site Ref. 121

The table at Appendix A demonstrates that the findings contained within the DLPSC Site Assessment document (January 2019) and associated evidence base reinforce that Land off Old Station Road continually performs highly when assessed against the key criteria; including in relation to the spatial vision, site constraints, deliverability, accessibility, impact on Green Belt performance, and sensitivity of landscape character.

Significantly, the site adheres to the DLP's spatial vision, reaching a 'Yellow' score of 5 overall in Step 1 of the Site Selection process. Notably, the site scores more favourably than Land South of School Road, Hockley Heath, which is proposed for allocation as DLP Site 25.

Evidence gathered within Step 2 of the site assessment process also confirms WDL's site off Old Station Road to be suitable for development, particularly when compared to those sites proposed for allocation. In particular, it was found to have few constraints; 1 Policy Constraint (Green Belt), 1 Hard Constraint (Tree Preservation Order), and 1 Soft Constraint (presence of Habitats of Wildlife Interest). By comparison, the assessment found that West of Meriden (DLP Site 10) has 2 Policy Constraints (Green Belt and Mineral Safeguarding Area/Area of Search), 2 Hard Constraints (Tree Preservation Orders and adjacency to a Listed Building), and 3 Soft Constraints (presence of existing uses on site, trees on site, and contaminated land).

The suitability of Land off Old Station Road for development is also highlighted by the 2016 SHELAA, which acts as supporting evidence for Step 2 of the site assessment, with the site again outperforming proposed allocations. Within the SHELAA, the site was assessed as falling into SHELAA Category 1 (a site that 'could commence' within 5 years) due to its favourable performance against suitability, availability and achievability criteria. By comparison, the southern parcel of the DLP Proposed Site 10 was assessed as Category 2 (a site with some constraints) that may only be developable should they be overcome. Meanwhile, proposed allocation DLP Site 6 (Meriden Road Depot) is identified as Category 3 (a site that is 'not currently developable').

WDL's site also performs extremely well within the Accessibility Study aspect of Step 2 of the site assessment process, achieving 'Very High' overall accessibility as a result of very high accessibility to a primary school and public transport, and high accessibility to a food store and GPs surgery. Again, the findings of this aspect of the assessment are inconsistent when compared to other sites, with the nearby Meriden Road Depot site (DLP Site 6) having an overall accessibility assessment score of 'Medium' as a result of low accessibility to food stores and low/medium accessibility to GP services. Based on this evidence, the accessibility of the WDL site performs significantly better than other sites of similar size and type that have been allocated, calling into question the application of supporting information in a process that should be evidence-based, clear and consistent.

¹ The proposed DLP Site 10 is directly comparable to WDL's proposed site. Whilst initially assessed as two sites, one of which is predominantly greenfield, the other is part greenfield and part brownfield. The combination of the two sites saw the removal of a previously developed site off Maxstoke Lane. Subsequently, the site that now forms Proposed Allocation DLP Site 10 West of Meriden is almost entirely greenfield in nature and in fact incorporates high density tree planting.

Furthermore, the decisions taken by SMBC directly oppose their own guidance with regards to factors that would be favourable for sites (DLPSC para 75), which states that sites would be considered favourable *“if finer grain accessibility analysis shows the site (or the part to be included) is accessible.”*

Land off Old Station Road also performs to a similar standard or better than comparable sites that have been proposed for allocation within the Green Belt Assessment. Again, however, despite the evidence to indicate that WDL’s site is more suitable for development, it is designated as a ‘Red Site’ whilst lower performing sites are proposed for allocation.

The high performance of WDL’s site continues within the Landscape Character Assessment evidence that supports the site assessment process. The site lies within Landscape Character Parcel LCA9, which has only ‘Medium’ landscape character sensitivity and visual sensitivity and ‘Low’ landscape value. By comparison, Land South of School Road, Hockley Heath, which lies within LCA2, has ‘Medium’ landscape value and ‘High’ landscape character sensitivity and visual sensitivity. Furthermore, LCA2 is deemed to have a ‘Very Low’ landscape capacity to accommodate change, which is less favourable to development than the ‘Low’ score attributed to WDL’s site. The decision taken to allocate Land South of School Road is, again, in opposition to the guidance set out by SMBC in para 75 of the DLPSC, which states that *“if the site is in a landscape character area that has a very low landscape capacity rating”* it would be considered to be a factor against its allocation.

Overall, it is notable that WDL’s site is more favourable in terms of landscape capacity to accommodate change when compared to proposed allocations within Meriden and Hockley Heath (DLP Sites 10 and 25), and equal to that proposed at Hampton in Arden (DLP Site 6).

The Sustainability Appraisal aspect of the site assessment is also favourable to WDL’s site, which is assessed to have fewer negative and more positive impacts than other sites proposed for allocation. Notably, the site receives five positive impacts, compared to the one positive impact associated with the Meriden Road Depot site.

Based on this evidence, Land off Old School Lane has relatively few constraints and indeed performs positively compared to proposed allocation sites of a similar size. Despite performing significantly better, the Step 2 assessment process designates it as a ‘Red Site’, whilst the two comparable sites are proposed for allocation in the DLP.

This inconsistent (and potentially confused) approach is reinforced in the DLPSC Site Assessments, which concludes in relation to Land off Old Station Road that *“the site has a very high level of accessibility, is within an area of medium landscape sensitivity with low capacity for change, and is suitable for development.”* However, it highlights that *“it [the site] would extend the settlement and result in an indefensible boundary to the north and the east”* and that previous LP examinations had rejected the site *“due to visual intrusion.”*

Clearly, given the great amount of evidence presented in favour of WDL’s site, the issues of ‘indefensible boundaries’ and ‘visual intrusion’ are given a considerable amount of weight in the site assessment process. This is particularly unfounded given that it is an issue that can readily be mitigated and is not permanent. In fact, the advice given by SMBC within the DLPSC (para 75) states that *“sites that would use or create a strong defensible boundary to define the extent of land to be removed from the Green Belt”* would be considered favourably. This is in line with NPPF para 139, which states that new boundaries of the Green Belt should be provided through development plans that *“define boundaries clearly, using physical features that are readily recognisable.”*

It is clear through the decision-making process that SMBC has continually shown inconsistency in the application of their site assessment methodology. Notably this is reflected in the lack of a robust definition for 'clearly defined boundaries'. Indeed, the DLPSC gives conflicting views on the definition and approach to this, in some instances placing significant emphasis on defensible boundaries as permanent and physical boundaries (as noted in para 198 in relation to DLP Site 25 at Hockley Heath), which notes the use of a "*strong and defensible boundary (the canal) to limit the extent of development*". Similarly, in relation to DLP Site 26 South of Dog Kennel Lane, in emphasising the lack of a clear contiguous defensible Green Belt boundary to the south of the site para 154 proposes to remedy this stating it "*will need to be provided by a strong edge to the proposed development, e.g. a new road, which will demarcate the built-up area from the surrounding countryside*".

Overall, WDL propose that too much and inconsistent weight is given to the pre-existence of defensible boundaries, to the extent that other aspects of the evidence-based assessment are overlooked. This is further exacerbated by the inconsistency in the consideration of viable mitigation, to create such defensible boundaries as supported in para 75. This is clearly demonstrated in the case of West of Meriden (DLP Site 10), where the pre-existence of a strong tree lined boundary to the north of the site was evidently deemed a sufficient defensible boundary to the Green Belt.

A Vision document prepared by WDL for the site off Old Station Road is attached (Appendix B), which illustrates the findings of their detailed site analysis. In particular, it highlights the established tree belts along the eastern and northern boundaries that provide a clear landscape structure that would very much negate any perception of encroachment into the countryside and limit the visibility of development to the site's immediate environs. These substantial (circa 10m in depth) tree belts were established in the late 1998/9 and 2015 respectively and effectively screen the site. Yet, these strong tree lined boundaries are not deemed sufficiently defensible within the DLPSC and WDL's approach to advanced landscaping to enhance the existing northern boundary to the site to ensure a clear defensible boundary is secured, has been ignored. This is clearly not consistent with the approach proposed under para 139 of the NPPF (as noted above).

Based on this evidence, there is a clear inconsistency in the application of the assessment and weight given on this issue, given that this site was identified as a 'Red Site' despite this being the only present issue, set against an excellent performance against all other site assessment criteria, which supporting documents would otherwise indicate it to be a favourable site and appropriate for allocation.

In summary, WDL object to the inconsistency in SMBC's approach and exaggeration of perceived negative effects of development of Land off Old Station Road when directly compared to other comparable sites; with SMBC unfairly denying WDL the opportunity (as offered to other sites) to mitigate against the very few negative effects present, in a manner that would directly correlate to those other sites in order to ensure the site's proposed allocation.

Based on the evidence available, the site is entirely suitable for development, is deliverable (in contrast to the proposed allocation), and should, therefore, be allocated in the plan.

Affordable Housing

Question 40: Would the above approach of requiring affordable housing contributions of 40% of total square meterage or habitable rooms/floorspace incentivize developers to build more smaller market housing?

WDL does not consider there to be any evidence to demonstrate that such an approach would incentivize developers in this way. Indeed, seeking affordable housing contributions based on the total square meterage or habitable rooms / floorspace would not comply with the affordable housing site thresholds set out by the Government in the Written Ministerial Statement dated 28th November 2014 and NPPF 2019 (para 64).

Question 41: If so, what is the most effective approach? Is it to calculate affordable housing as: (a) 40% of bedroom numbers, (b) 40% of habitable rooms, or (c) 40% of habitable square meterage?

WDL does not consider the calculation of affordable housing contributions based on bedroom numbers, habitable rooms, or habitable square meterage to be an effective approach to delivering affordable homes. Indeed, such an approach is considered likely to create uncertainty as to the number of affordable units required, resulting in prolonged negotiations and a slowing of the planning application process. Moreover, it is standard practice for affordable housing contributions to be calculated on the basis of the numbers of units proposed in conjunction with development and, as such, WDL continues to fully support this approach.

Question 42: What is the best way of measuring developable space for this purpose: bedroom numbers, habitable rooms or habitable floorspace?

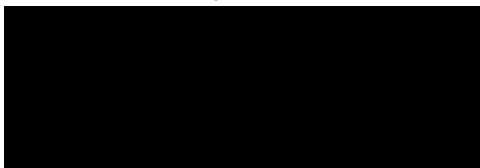
WDL considers this to be an inappropriate approach (as noted above), irrespective of the way used to measure developable space.

Question 43: What other measures would incentivise developers to build more smaller market housing?

WDL propose that all households should have access to different types of dwellings to meet their housing needs and that market signals are an important factor in determining the size and type of homes needed. Furthermore, the Council should focus on ensuring that there are appropriate sites (providing a wide range of types across a wide range of locations) allocated to meet the needs of specifically identified groups of households, such as families, older people and / or self-build, rather than setting a specific housing mix on individual sites.

I trust the above comments are clear, but should you have any queries in respect of the matters raised, then please do not hesitate to contact me.

Yours faithfully



Kirstie Clifton
Associate Director

Encs