

From: David Acton

Sent: 13 March 2019 11:52

To: David Acton

Subject: Draft Local Plan Supplementary Consultation-Site 88-Widney Manor Road, Bentley Heath, B93 9AA -

Dear Sirs,

I have your e-mail 30 th January 2019, and from a download of the same, note our Site 88 has been included only as a Category Red designation, meaning that if it were left at that, it would not be included in the Local Plan when finalised, as an Allocated Housing Site.

I wish to Appeal this decision and ask that the Council re-examine our Submission for inclusion as an AHS, as I believe there are grave errors in the Council's failure to select the Site 88 as an AHS, as follows :-

– in the Council's Summary for this Site, when reaching its decision, it says -

1) – “ Site lies well beyond existing Green Belt boundary in a lower performing parcel “.

This is manifestly incorrect, as the existing Built Up Area in the nearest position to the Site, is at the corner Widney Road and Four Ashes Road, which is only some 50 yards away –

2) - “ An indefensible boundary would be established, thereby opening up the surrounding land for development”.

Again this is disputed. Of all the Sites offered to the Council for designation as an AHS, this is probably one of, if not the most, easily defensible Sites that could be designated as an AHS, which would have clearly well defined, and substantial permanent and immoveable physical boundaries which would stop it being used as a precedent for other Green Belt Sites to be designated as an AHS.

a) – the Site fronts to and adjoins Widney Manor Road to the East, which is a long established made up road, being one of the three main access roads into the Town Centre over the M42 Motorway from the south of the Borough, as evidenced by its heavy private and commercial vehicular use to and from the Town Centre at all times of the day and night --

b) - It also contains several Bus services which regularly use Widney Manor Road, again at all times, people to and from the Town Centre, to and from the adjoining Widney Manor Cemetery. Also, the considerable numbers of parents and school children to the many schools in this part of the Borough, and also to and from Solihull 6 th Form Centre, further down Widney Manor Road. Plus commuters going to work in the many shops and offices in the Town Centre, as well as those passing through the Town Centre to get to other destinations, Widney Manor Station, Solihull Station, Birmingham City Centre, NEC, and elsewhere.

c) – to the South of the Site is the Council's own Widney Manor Cemetery, which obviously is now completely established and therefore a permanent and immoveable physical boundary –

d) – to the West is the Chiltern Railways Railway Line from Birmingham Snow Hill to Marylebone, London, again
a permanent and immoveable physical boundary –

e) – to the North less than 100 yard away, is the M42 Motorway, again a permanent and immoveable physical boundary –

f) – the existing immoveable and permanent and physical boundaries on all 4 sides of the Site are quite clearly and obviously capable of forming defensive boundaries as opposed to other proposed AHS's. If this Site is allocated as an AHS, no other Green Belt Site applying to be designated an AHS could possibly use as a precedent, that the Site was taken out of the Green Belt, and designated an AHS, as they would not have the necessary permanent and immoveable physical boundaries to all the sides of any other proposed Site, contrasted as currently already exists at Site 88, that would make it clearly defensible by the Council -

3) – **“ It would erode the gap between Solihull and KDBH and result in isolated encroachment into the countryside “.**

This is also disputed.

a) - As shown in 2) above, this would not be the case –

b) – the Site is not “ isolated” as claimed. It is part of a long established settlement of existing properties built many years ago, and would be no more than infilling in an existing ribbon development of houses either side of Site 88 that has existed for many decades –

c) – the Site sits on the South West side of Widney Manor Road, in between the four established houses that adjoin Site 88, and Widney Manor Cemetery Offices and Caretaker's house to the South of the Site, and to Blythe House and the Columban Fathers Blythe Hall and separate Blythe Hall Lodge to the North of the Site –

d) – as the above shows, the Site clearly cannot be claimed to be “ isolated “ when it is between existing housing on both sides of the Site, all of which with those other houses similarly front to Widney Manor Road itself, which cannot be by definition classed as - “ isolated” -

e) - the existing housing settlement continues along the same side of Widney Manor Road to the traffic island outside of the entrance to Widney Manor Cemetery, where the settlement and existing housing continues further along the same side of the roadway up to the railway bridge, but after the Cemetery, the roadway then becomes and is called Four Ashes Road -

4) – **“Site has medium/high accessibility in overall terms and is in an area with medium landscape character sensitivity, medium landscape value and a low landscape capacity to accommodate change “ –**

We dispute –

a) – **“ medium/high accessibility in overall terms “ –**

i) - It has very high accessibility, being immediately adjacent and fronting to Widney Manor Road itself, which as stated earlier, is a very busy and well used roadway by all manner of traffic types of vehicles and users, to and from Town Centre –

ii) – different bus services serving the various districts this side of the M42 use Widney Manor Road, and in fact stop outside the Site some 50 yards away –

iii) - there is also the extremely and usefully convenient and very well used Widney Manor Rail Station on the Chiltern Railways Line mentioned in 2 (d) above, which is no more than 750 metres from the Site –

b) - **“ and is an area of with medium landscape sensitivity, medium landscape value and low landscape capacity to accommodate change “ –**

i)- the Site has no redeeming or worthwhile landscape features that should be retained or protected, as it comprises old and unused agricultural land which has not been farmed or cultivated since approx. 1988 and for all intents and purposes is now just overgrown, and contains no landscape features of merit at all. It should therefore in fact be re-classified - very low landscape sensitivity -

ii) - there are only 12 other living trees on the whole of the Site, none of which are in very good condition and would need severe tree surgery if not complete removal. The same 12 trees being for the most part on the various boundaries of the Site. It should therefore be re-classified as – very low landscape value –

iii) - for the above reasons, it is also considered that the Site has a very high landscape capacity, which would be quite capable of handling and accommodating change as an AHS, as the Site slopes gently away from its frontage to Widney Manor Road and runs gently down the Site to the railway line. This would make a use of the Site as an AHS virtually hidden from and noticeable or visible at all from Widney Manor Road –

5) - “ The SA identifies 6 positive and 4 negative effects and the site does not fit neatly with the spatial strategy as it appears visually detached from the nearest settlement “ –

a) – for the above and other reasons, I would dispute that there are 4 negatives to the Site being designated as an AHS. For the reasons contained herein and the surlier Submissions in January 2017, and the that Site 88 should now be re-assessed by the Council as I believe it actually contains in fact, 8 out of 10 of the most important elements for consideration as an AHS, which are already present and identifiable in the Site-

b) – reference to - “ it appears visually detached from the nearest settlement “ – for the above reasons this comment is disputed. A Site inspection or even just a limited view of the Site from just Widney Manor Road, would show this is wrong as the Site is between old established housing on either side of the Site and on the same side of Widney Manor Road, being a part of an existing ribbon development of houses forming a long established sub-settlement of Bentley Heath itself –

By way of other general comment, I would also raise the following points : -

6) -

a) - Proposed Approach – paragraph 234, page 44 -

says - “ Sites that are close to the existing settlement or are/ can be well-served by public transport will be preferable, “ –

as previously stated, the current and existing bus services already travel along Widney Manor Road to which the Site adjoins and fronts to, and Widney Manor Station is only 750 yards from the Site. It is suggested, no other comparable Site is as well served by public transport than Site 88, [that is already currently existing regular bus services and not proposed in the future or at a later date], and its close proximity to Widney Manor Station -

b) - Site 8 – Hampton Road – paragraph 237, page 44 –

i) – says, - “The southern part of the allocation lies beyond Green Belt boundary, **although it is immediately adjacent to the built up area of the settlement and would represent a continuation of the existing development along Hampton Road**” –

ii) – Site 88 is also adjacent in distance terms to the built up area of the settlement, the same as Site 8 -

iii) - similarly, Site 88, would represent a continuation of the existing ribbon development along the same side of Widney Manor Road, (which is itself a continuation of Four Ashes Road), from the Offices and Caretaker’s House at Widney Manor Cemetery. Past the existing and established 4 houses on that side of Widney Manor Road, all the way along past Blythe House, the Columban Fathers at Blythe Hall and Blythe Hall Lodge, up to the M42 Motorway bridge –

iv) – designating Site 88 as an AHS, would be no more than making it a logical infilling of the existing ribbon development of long established houses that runs along that side of Widney Manor Road -

v) – same paragraph says – “ Whilst it is recognised that the site [8] lies within a parcel of **highly performing Green Belt** [as opposed to Site 88 being classified as – “ in a lower performing parcel”] **it is acknowledged that it comprises a small part of a wider parcel** [Site 88 is an already well defined and completely self contained parcel of land, not being part of a wider parcel of land] –

vi) – it also says – “ The site [8] **is relatively well contained** [Site 88 is completely well-contained as opposed to relatively well-contained] **and a defensible Green Belt boundary could be provided** ” –

this comment is highly debatable and disputed, whereas Site 88, with the existing permanent and immovable physical boundaries that surrounds the Site, the Green Belt boundary would always be clearly defensible and could easily be protected and defended by the Council if it were an AHS -

c) - Site 9 – Arden Triangle –

i) - paragraph 242, page 45, says – “ These strong physical features would establish a logical boundary to define the extent of the land to be removed from the Green Belt ” –

ii) – paragraph 243 says – “ The site is an area with medium landscape character sensibility and low visual sensitivity. The landscape value of the area is medium **with a low landscape capacity to accommodate new development** ” –

Whereas Site 88, was also, medium landscape value and low capacity to accommodate change. Why is there a difference to treatment of both Sites with identical comments regarding landscaping issues, and the fact that Site 9 does not contain existing logical and defensible permanent physical boundaries to all parts of the Site, whereas Site 88 does ? -

There appears to be an unequal distinction with the treatment made between the merits/defects of Site 88 with Sites 8 and 9, and particularly with Site 9, based upon the same criteria being applicable, and in particular, between Site 9 and Site 88, where Site 9 is designated Green and Site 88 is designated Red –

7) - Washed Over Sites – (Amber Sites) – land rear of 114 to 118 Widney Manor Road (Site 134) –

Says, - “ As such development will take place to the rear of existing frontages [same as Site 88 which has a relatively small road frontage, and any development would be to the rear of the frontage, and down the sloping Site away from the road, and be behind and to the rear of the existing adjoining houses both sides of the Site, and therefore not physically noticeable or visible from Widney Manor Road] –

8) - I think it both fair and reasonable to say, that it seems on the face of the facts, there appears to have been an unfair disparity of treatment between Site 134 and this Site 88. Bearing in mind, both Sites are on the same side of Widney Manor Road, both Sides are opposite to existing Green Belt land, and if the argument put forward that Site 134 would not impact on the openness of the undeveloped Green Belt land opposite and being included as Amber Site in the Draft Local Plan, that it must also equally apply to Site 88. I therefore believe Site 88 should also now be re-designated, see 9) below. Not to do so I would suggest might be considered as a harsh, unjust and unfair prejudice against Site 88.

9) – the Council have made no reference or even commented upon at all, that the Council in 1965, apparently Granted Outline Planning Permission for Residential Development on Site 88. (Paragraph 42, page 13, our Submission 15 th February 2017).

As the instances of the Council Granting Planning Permission, (albeit Outline Permission), were I would suggest much more restrictive and virtually impossible to obtain in 1965 as compared to the present day. That if the Council could therefore in 1965 override its general presumption against development in the Green Belt as inappropriate, other than for exceptional circumstances, was as a general rule not normally permissible. I would therefore suggest, it must carry very great weight and store upon that fact that in 1965, that the Council overruled its normal and general presumption of rejection of Green Belt Development as being inappropriate, but did so then and Granted such Outline Planning Permission for Residential Development.

Whatever were those exceptional circumstances in 1965 that persuaded the Council to abandon and overrule its normal and general presumption that residential development in the Green Belt was inappropriate, but that for Site 88 was permissible and granted Outline Planning Permission at that time, must still apply even more so today, and if for no other reason whatsoever, as being of itself a valid reason to now include Site 88 as an AHS -

I would suggest, that this is a very important fact that the Council cannot just completely ignore, and is most relevant to the Submission and reason for the same land as Site 88, now being included as an AHS –

10) – as no mention is made by the Council and it has not specifically answered the point, that it appears on the face of the Draft Consultation, that it has not thought about or considered the point I raised in my letter 20 th January 2017 and Submissions of 15 th February 2017, and that no value has been put on the important comment in the otherwise flawed PBA's Assessment of 28 th November 2016.

That is, in the section “ Achievability”, PBA said under Achievability Details – “ **Good marketability and/or viability (likely to come forward within first five years) “ –**

I therefore find it hard to reconcile that PBA said Site 88 was both viable, and would come forward within first five years, which at the time of their Assessment in November 2016, would have meant they believed it would be forthcoming and available as a housing site by November 2021.

Given that the Local Plan is for the period ending 2033, I suggest that in the light of PBA’s comments, it is irreconcilable that it should not be included as a Green Site suitable as an AHS in the current Draft Consultation.

To recap, I therefore feel that the above are more than just minor points but are serious and very important and compelling points for this Site to be re-allocated as a Green Site to be eventually designated as an AHS.

Any queries or questions about the above, please let me know by e-mail, but in the meantime, please acknowledge this e-mail and its contents.

Yours faithfully,

David Acton.

Sent from Mail for Windows 10
