



**Representation on behalf of The Dunleavy Family  
to the Solihull Local Plan Review Draft  
Submission Plan 2020 (Regulation 19  
Consultation) in relation to  
  
Land at Widney Manor Road, Solihull**

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# **SLP DRAFT SUBMISSION PLAN REPS**

LAND AT WIDNEY MANOR ROAD, SOLIHULL

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## **1. INTRODUCTION**

1.1 This Statement is the response of the Dunleavy Family, to the Solihull Local Plan Review Draft Submission Plan 2020 (“DSP”). The response explains why the plan is unsound and what modifications are necessary to make the Plan sound. It should be read alongside the submitted representation form.

1.2 The plan is considered to be unsound in relation to six areas

- Housing Need
- Duty to Co-operate
- Specialist Housing
- BFLR
- Windfall
- Green Belt Boundaries

1.3 We consider the main modifications to make the plan sound are;

- Increase in Housing figures of between 1,036 and 1,248 dpa
- Reduction in windfall allocations from 200 dpa to 150 dpa
- Reduction in BFLR allocations by 29 – from 77 to 48
- Allocation of sites specifically for specialist housing
- Removing land at Widney Manor Road Solihull from within the Green Belt by adjustments to the Green Belt boundary.

1.4 The following previously submitted documents should be read alongside these reps;

- Feb 2017

## **2. WHY THE PLAN IS NOT SOUND**

### Housing Provision

- 2.1 We are aware that Barton Willmore ('BW'), on behalf of various developers, have carried out a Housing Need Report in response to the DSP. The report focuses on the calculation of housing need in the DSP 2020-2036 and whether the approach taken in the DSP aligns with the National Planning Policy Framework (NPPF 2019) the Planning Policy Guidance (PPG 2019) and the aims, objectives and policies of the DSP. The report also considers the unmet housing need in the wider Greater Birmingham and Black Country Housing Market Area (GBBC HMA).
- 2.2 It is understood the conclusions drawn from the report are:
- (i) The minimum need for Solihull (807 dpa) will need to be increased to account for expected job growth from the UK Central Hub and the 'acute' need for affordable housing in the Borough and that between 1,036 and 1,248 dpa are required to support the UK Central Hub scenario;
  - (ii) The deficit in unmet housing need from Birmingham City being delivered by HMA Local Plans amounts to a minimum of between 11,294 and 13,101 dwellings up to 2031, a significant increase from the 2,597 dwellings concluded by the 2020 Position Statement. This increases when the unmet need from the Black Country is considered and additional unmet need will be created post 2031.
- 2.3 The DSP indicates a contribution of 2,015 dwellings towards Birmingham's identified shortfall of 37,900 to 2031. This is the difference Solihull Council has identified between their identified supply and the local housing need. However, the recent Greater

Birmingham Black Country Housing Market Area (“GBBC HMA”) study, agreed by the 14 HMA authorities, to update the position relating to the housing shortfall identified in the GL Hearn Strategic Growth Study from 2018 (“SGS”), claims the total Birmingham shortfall has diminished to 2,597 dwellings. This appears somewhat a surprising figure considering the SGS minimum shortfall was identified as 28,000 dwellings in 2018 and is considered to be a highly optimistic prediction.

- 2.4 In its conclusions the GBBC HMA study does not state that the scale of the post 2031 shortfall is not yet known and the shortfall for the whole of the combined authorities HMA post 2031 cannot yet be calculated.
- 2.5 It follows that, for the reasons summarised here the DSP is clearly unsound by reference to all of the tests set out in paragraph 35 of the NPPF.

Duty to Co-operate

- 2.6 With this uncertainty and wide variation in figures and even accepting that Solihull is confirming that a contribution will be made to the shortfall there appears to be no confirming documentary evidence that Solihull’s figures have been agreed by the HMA authorities and that Solihull has met its duty to cooperate either in its evidence base or confirmed within the DSP. In the absence of a Statement of Common Ground there is no real commitment to resolving the shortfall within the GBBC HMA.

Specialist Housing

- 2.7 The DSP fails to set out the current or future need for specialist housing for older people, in the form of either care beds or extra care units required. Whilst policy H4E requires sites of over 300 units to provide specialist housing or care bed spaces in accordance with the Council’s most up to date statement of need on older persons accommodation, there is no mechanism for delivery.
- 2.8 We are aware of work carried out by Pinders in relation to Housing Need for the elderly. The conclusion of the report is there is a compelling need for both care bed spaces and extra care units now, which increases over the next 10 years. Depending on larger sites to deliver specialist housing for the elderly will not address the current need and is likely to only exacerbate the need going forward, due to lead in times and build out rates, as well as the complex land ownership issues involved.
- 2.9 We support providing a choice of housing for all, however consider delivery of housing for the elderly is a specialist area. As such it is considered the Council should ensure that suitable sites are allocated to meet such need across a wide choice of appropriate locations rather than relying on larger sites to provide a mix that includes such provision. These additional sites should be in addition to the allocations and numbers already identified within the DSP.

Brownfield Land Register

- 2.10 The DSP relies on the BFLR to help make up the overall numbers in the plan, equating to 77. Of the 15 sites identified in the 5YHLS report to Cabinet Member for Climate Change in July 2020 report, 12 are within the Green Belt. The Council have only completed Part 1 of the BFLR and so any Green Belt sites coming forward could only be

delivered under 145(g) of the NPPF. Para 145(g), whilst allowing for redevelopment, does so on the basis there is no additional impact on the openness of the Green Belt. As the Council does not have Part 2 of the register in place there is no mechanism to deliver the numbers allocated by the BFLR. Only one site has come forward so far, with an application for 49 extra care apartments (the site was not in GB). Therefore 29 units identified need to be discounted.

### Windfall

- 2.11 A total allowance of 600 windfall units is included within the DSP. The Council advises that this includes 200 dpa for years 3-5, in order to avoid double counting with extant permissions. It is clear that historically there has been a high level of windfall completions. It is unclear however from the Windfall analysis at Appendix H of the 5YHLS position July 2020, whether the windfall allowance relates to both small and large sites, nor is it clear whether this includes garden land. It is however believed the windfall allowance does include an allowance from both large site windfalls and garden land.
- 2.12 There appears to be no compelling evidence (as sought by NPPF Para 70) that this is a reliable source of supply. The Council simply relies upon past trends only. In terms of garden land, the Council by their own admission in the adopted Local Plan (para 8.4.3) note that Solihull have been resisting 'garden land' development since 2003. There is no specific policy in the DSP to resist garden land development but equally there is no compelling evidence that it will come forward either.
- 2.13 Based on the evidence we do not accept 600 as a realistic windfall allowance. In the absence of any evidence to the contrary, we

consider the tried and tested number set out in the adopted Local Plan, of 150 dpa, should be used.

Green Belt Boundaries

2.14 The soundness of the Plan is in question because of the illogical nature of the decisions which have been made regarding removing land from the Green Belt and paragraph 420 of the Plan which states: *"A small number of minor changes will be made to address anomalies in Green Belt boundaries across the Borough, taking into account an assessment of submissions made during the preparation of the Plan."*

National Policy on Green Belt

2.15 National Green Belt policy is set out in the NPPF. It states at paragraph 133 that the Government attaches great importance to Green Belts and that the fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

2.16 At paragraph 134 the 5 purposes of the Green Belt are highlighted:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.17 NPPF para 136 states that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or updating of Plans.



- 2.18 At paragraph 138 it states that when drawing or reviewing Green Belt boundaries the need to promote sustainable patterns of development should be taken into account.
- 2.19 Paragraph 139(f) states that when defining boundaries local planning authorities should define boundaries clearly using physical features that are readily recognisable and likely to be permanent
- 2.20 Finally at paragraph 140 in reference to villages, it states that if it is necessary to prevent 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. If however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

DSP - Green Belt Policy

- 2.21 In respect of Green Belt policy, at paragraph 422 it states that the policy is consistent with national policy and at paragraphs 417 and 418 it provides the exceptional circumstances will be required to justify the changes to the Green Belt boundary, including the need to meet local housing need and some of the wider HMA housing need as well as the lack of opportunity within the urban area.
- 2.22 Paragraph 420 of the DSP states that a small number of minor changes will be made to address anomalies in Green Belt boundaries across the Borough, taking into account an assessment of submissions made during the preparation of the Plan.
- 2.23 With both national policy and local draft policy in mind the following points would support the amendments to the Green Belt boundary at Widney Manor Road.

2.24 The area includes mature residential development to the immediate south of Solihull Town Centre and to the east of Hillfield/Monkspath residential development and the main Birmingham to London (Chiltern) railway line and forms part of the urban area of Solihull. The site is bounded by Widney Manor Road, with open countryside to the east, which slopes downwards to provide extensive views over the landscape. Widney Manor Road is a very distinctive and logical break between urban development and rural countryside and the two different characteristics either side of the road exude. To the south, the area to be removed finishes at the end of the residential development to the west of Widney Manor Road and open land leading to the bridge over the M42 Motorway. A plan to show the area subject of amendment to the Green Belt boundary is attached as **Appendix 1**.

2.25 The Green Belt boundary along the edge of the urban area of Solihull and indeed around the edge of the inset villages, generally and in most cases, follows the edge of built development, roads, industrial property etc. It is usually only where linear development spreads well out into the countryside does this not apply. In those cases a logical line has to be drawn where openness plays a considerable role in the landscape. In the case of Widney Manor Road the Green Belt boundary has been drawn along the Birmingham to London railway line with the properties along Widney Manor Road lying within the Green Belt.

2.26 Prior to the major development of Hillfield/Monkspath to the west of the Railway line in the 1970/80s, the development along Widney Manor Road would have appeared as a linear development stretching out into open land, with no built development either side. This evidently is no longer the case, with Widney Manor Road clearly now a part of the built up area of Solihull. This anomaly should now be rectified with the residential development of Widney Manor Road removed from the Green Belt and the road, rather than the railway

line, used as the defensible boundary. This would be consistent with paragraph 420 of the DSP and National policy.

2.27 National Green Belt Policy refers to the fundamental aim of the Green Belt being to prevent urban sprawl by keeping land permanently open, with the essential characteristics being their openness and permanence. The land to the west of Widney Manor Road comprises two storey residential development and could not be regarded as exhibiting openness. Similarly in respect of National policy the land could not be regarded as fulfilling the purposes of the Green Belt to any significant or even modest degree. Although identified within refined parcel 32, within the Green Belt Assessment (Appendix F), with a combined score of 6, the site differs markedly from the remaining land within the parcel, being built development as opposed to mainly open land and therefore the score is not a fair reflection of the land.

2.28 National policy states that GB boundaries should only be altered in exceptional circumstances and at a Local Plan review stage. This Local Plan review is therefore the correct time to request such an amendment to the Green Belt boundary. The exceptional circumstances are related to the need to meet the local housing needs of Solihull and part of the wider HMA need. Inevitably removing the site from the Green Belt relaxes the stringent policy controls and would allow a more positive attitude to housing development. This would provide the opportunity for smaller site development and redevelopment, in keeping with the character of the area, and therefore boost the windfall contribution to the housing shortage, both market and affordable, within Solihull.

2.29 As previously explained, we do not consider that the Windfall allowance as set out in the DSP is achievable. The removal of this

land from the Green Belt would undoubtedly bring forward windfall development that would help meet the Councils numbers.

2.30 In terms of Green Belt boundaries and their permanence, in accordance with National policy, Widney Manor Road provides the firm, defensible and permanent boundary between the urban area of Solihull and the open countryside to the east.

2.31 Being in close proximity to Solihull Town Centre with its many services and facilities, the site is very sustainable with excellent access to two train stations at Solihull and Widney Manor and bus routes with good frequency to Solihull and Shirley.

2.32 A direct comparison can be drawn with the land north of School Road Hockley Heath, where land has been removed from the Green Belt in the DSP but not as a consequence of an allocation (paragraph 674). This paragraph describes the existing built development as being largely continuous without significant gaps and does not contribute towards the existing values of Green Belt policy. This alteration in the opinion of the Council conforms to paragraph 420 of the DSP to *"...address anomalies in Green Belt boundaries across the Borough and taking into account an assessment of submissions made during the preparation of the plan..."*

2.33 Paragraph 378 of the SLP Draft Supplementary Consultation 2019 supports this proposal, in referring to those settlements and areas identified for potential removal from the Green Belt as not having an open character that makes a contribution to the openness of the Green Belt. The issue of openness is of course a fundamental point of National policy

2.34 In referring back to the site at School Road Hockley Heath, the land coming out of the Green Belt would include a number of low density properties with very long rear gardens, together with small areas of

open land to the rear as well as two small sites on School Road and referenced in the DSP at paragraph 671 (both submissions to the Plan, Sites 49 & 328). The land currently in the Green Belt would now be within the revised settlement boundary and outside the Green Belt, which is and always has been, part of the urban fabric of Hockley Heath. Similar in character to the land at Widney Manor Road.

2.35 Finally, The Council within the Draft Local Plan Supplementary Consultation 2019 identified Widney Manor Road as “washed over” Green Belt and along with other similar settlements and areas. They considered it was appropriate that the washed over status should be reviewed to ensure that logical and consistent Green Belt boundaries were provided (paragraph 376).

2.36 The document goes onto say at paragraph 378 bullet point five:

*“Widney Manor Road – Mainly ribbon development up to around 100 dwellings that are located between the rail line and Widney Manor Road. This side of the road does not add to the openness of the wider area and instead of using the railway line as the Green Belt boundary, the road itself would be used. If the washed over status were to be removed then this would allow the settlement to potentially accommodate development other than just infill. For instance development r/o 114/118 Widney Manor Road which was promoted through the call for sites exercise and has been the subject of a previous planning application.”*

2.37 In the same document the site at Widney Manor Road was identified as an amber site, i.e. a site which although not included as a proposed allocation, performed better than others. Once again the site was identified as not impacting on the openness of the undeveloped Green Belt opposite the site (paragraph 390, 403 & 404).

- 2.38 It is difficult to comprehend why, having made these statements the Council ignores making a logical judgement and then proceeds to introduce a completely new site at the next stage of the Plan i.e. removing land from the Green Belt at School Lane adjacent to Hockley Heath inset area (an area which was not identified as an Amber Site in the Draft Supplementary Consultation 2019 and has not been consulted on previously).
- 2.39 For the above reasons it is submitted that the land Widney Manor Road as identified on the accompanying map should be removed from the Green Belt and the Green Belt boundary amended accordingly along Widney Manor Road.

### **3.0 MODIFICATIONS TO MAKE THE PLAN SOUND**

- 3.1 Increase in Housing figures of between 1,036 and 1,248 dpa
- 3.2 Reduction in windfall allocations from 200 dpa to 150 dpa
- 3.3 Reduction in BFLR allocations by 29 – from 77 to 48.
- 3.4 Allocation of specific sites for specialist housing in addition to the current allocations.
- 3.5 Land east of Widney Manor Road should be removed from the GB and Widney Manor Road should become the new GB Boundary.