

Solihull Local Plan Submission Draft

**Submission in respect of proposal for residential development with
associated landscaping, servicing and access, landscaping, servicing and
access**

145 Old Station Road Hampton-in-Arden

December 2020

1.0 Introduction

Felsham Planning & Development (FPD) is planning adviser to Julie Williamson, owner of land at Old Station Road, Hampton-in-Arden. The site is shown on the attached plan. We are instructed to make a submission to the Solihull Local Plan Draft Submission Plan (October 2020) and to promote land at Old Station Road as an alternative housing development site.

This representation is submitted in response to proposed policy, which states:

Policy P5 – Provision of Land for Housing (page 67)

1. *The Council will allocate sufficient land for at least 5,270 net additional homes to ensure sufficient housing land supply to deliver 15,017 additional homes in the period 2020-2036. The allocations will be part of the overall housing land supply detailed in the table below.*
2. *2. The average annual housing land provision target is 938 net additional homes per year (2020-2036). A trajectory showing how this target will be delivered from all sources of housing land supply is shown below. It will be subject to annual review through the AMR.*
3. *3. New housing will be supported on windfall sites in accessible locations where they contribute towards meeting borough-wide housing needs and towards enhancing local character and distinctiveness. Unless there are exceptional circumstances, new housing will not be permitted in locations where accessibility to employment, centres and a range of services and facilities is poor.*
4. *4. Housing will be provided as a mix of small and larger sites that will ensure a continuous supply of housing provision throughout the Plan period, and a continuous supply of affordable housing. Indicative delivery periods are included in the table below.*

National Space Standards

5. *In order to ensure that new residential development delivers appropriate levels of amenity and a sustainable living environment, new homes should comply with the nationally described space standards set out by Government.*

Density

6. *The appropriate density of new housing will be based on a number of factors and measured on the developable area of a site. This will include site plots and estate roads but exclude land for other development requirements such as open space, SuDS and strategic highway infrastructure. Density will be informed by the following:*
 - i. *The need to maximise the efficient use of land;*
 - ii. *The appropriate mix of housing in accordance with Policy P4;*
 - iii. *Responding to local character and distinctiveness, including landscape and townscape features, green infrastructure and heritage assets;*
 - iv. *Scale, type and location of development, in particular with regard to accessibility of services by sustainable transport modes;*

This paper sets out the strategy and approach to presenting the planning case for inclusion of the proposed site in the Solihull Local Plan for housing development.

2.0 Background

The land lies to the rear of 145 Old Station Road, Hampton-in-Arden and it is situated on the northern edge of the village. Old Station Road is a linear extension to the village. There are houses fronting each side of the road up to and beyond the site. These houses do not lie within the settlement boundary and are designated green belt.

The site extends to approximately 19 acres and comprises 3 fields. Two of the fields are enclosed by mature trees and hedgerows and the third field is more open. The site has solid boundaries on each side comprising the Birmingham to London Euston railway, M42 and a small stream. It is self-contained and there is no opportunity for further expansion.

There is an existing access in excess of 7m wide between 145 Old Station Road and the neighbouring property to the south. The land is flat and appears well drained. The stream lies several metres below the site and does not appear to be a flood risk.

Hampton-in-Arden is an historic Warwickshire village, now on the edge of the Birmingham conurbation. It lies within 10 minutes' drive of Birmingham Airport and the National Exhibition Centre and has a direct rail link to Birmingham. There is access to the motorway network via junction 6 of the M42.

There is a proposal to develop a motorway service station on the southern edge of the village between junctions 5 and 6 of the M42. This will have an urbanising effect on the area close to the site. There is also a proposal to upgrade the M42 junction 6 on ramp in the vicinity of the site and *"Planned improvements to Junction 6 of the M42 will result in a new road linking the motorway to the A45 via a new junction to be located where Solihull Road currently crosses the motorway."* Paragraph 630 page 181 .

The village originally grew around a central core and was further developed eastwards in the nineteenth century following the creation of a railway station. The development pattern over the last 50 years has been eastward and north along Old Station Road. Development of the subject site would continue that pattern of development up to the natural physical boundaries of the village. Given this fact we do not see the green belt designation as an issue preventing the ultimate development of the site.

Given the site's green belt location and the need to make a case to overcome that designation we set out below the basis for determining a planning application and the basis for applying an exception to policy before then considering how that could affect the assessment of the subject site.

3.0 Site Characteristics

Strategic Road Network & Accessibility

The site is situated approximately 2 km driving distance from M42 junction 6. Station Road has access onto B4102, which links to A452 Kenilworth Road.

Site Context

There is an established road network in the village, and the site adjoins existing pockets of development. It lies close to the heart of the existing community. The only services in the village are the public house and the shop/post office. In developing the proposals the opportunity to provide additional services will be investigated to establish community needs and wants subject to market and viability assessment.

Landscape Setting

The site is surrounded by mature tree belts and hedgerows and is visually self-contained. The proposals will be designed to maintain as much of the existing planting as possible and to supplement planting where trees are removed. Views into the site from the north, west and south are limited.

The Natural Environment

The development site is set within a landscape framework surrounding the village, including tree planting and green open space, which provides a network of landscape, cycle and pedestrian routes. It is envisaged that the layout will allow for more urban green links through the centre of the development area forging direct open space links into the heart of the development and back into the village. It is envisaged that green space around the periphery will be a combination of grass spaces to provide a smooth transition towards the open countryside and active and passive uses combined with more natural areas to encourage wildlife and bio-diversity.

Design Objectives

At this stage we are instructed to put forward the case in favour of the principle of development with the details to be developed overtime. The client will develop a series of design objectives, based on the headings below, to demonstrate a clear understanding of design objectives. This exercise is undertaken within the context of the SHLAA, which demonstrates the in principle suitability of the site. The master plan will demonstrate the design philosophy through a series of plans which show increasing levels of detail to show initial principles have been developed to address the issues and opportunities raised by the site.

Destination

- An attractive composition of buildings and spaces.
- A place that capitalises on its strategic location and its existing assets.

Movement

- Pedestrian and cycle friendly links to the village and the road network beyond.
- Safe crossing points internally and externally.
- A place free from congestion.
- Safe and pleasant walking routes.

Townscape

- An attractive place to live.
- Innovative design and architecture.
- A place with a human scale.
- Interconnected sequence of streets and squares with a mix of building heights.

Landscape

- A design that capitalises on the site's landscape assets.
- A design that enhances green links as part of the Council's wider strategic green network.
- A place where existing landscape features are integrated into the layout (i.e. trees, and topography).

- A place which is sheltered from the wind.

4.0 Planning Policy

National Planning Policy Framework

The Local Plan must take account of NPPF in order to be sound. NPPF was originally published in 2014 and revised in 2018. A clarification to the way the NPPF should be interpreted when assessing green belt and housing need was published by the Planning Minister on 6th October 2014. This revised paragraphs 44 and 45, which deal with housing need and states:

44 The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.

The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

45 Local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs.

However, assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.

NPPF, paragraph 7 states that *the purpose of the planning system is to contribute to the aims of sustainable development*. Paragraph 8 notes that there are 3 objectives to sustainable development:

- An economic objective – ensuring that sufficient land of the right type is available in the right location;
- A social objective – supporting strong, vibrant and healthy communities by providing the supply of housing to meet the needs of present and future generations;

- An environmental objective – contributing to protecting and enhancing the natural, built and historic environment.

Paragraph 11 states that there is a presumption in favour of sustainable development but the assumption is that such development will accord with the development plan. Where that is not the case planning permission should not be granted where:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate that development should be restricted.

NPPF deals with housing choice at paragraphs 59-79. The planning authority should identify sufficient sites to meet the objectively assessed housing land supply. The authority should plan for a mix of housing types to meet a range of needs across different sectors.

NPPF sets out five purposes of the green belt at paragraph 134:

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

Paragraph 136 states:

Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or update of plans.

Paragraph 139 states that:

When defining green belt boundaries plans shouldb) not include land which it is unnecessary to keep permanently open

5.0 Assessment

The key provisions of national policy are the requirement to maintain a 5 year housing land supply and the wording of the Local Plan, Policy 17 Countryside and Green Belt (page 131).

The Council must balance its legal requirement to maintain a five year housing land supply against the requirement of green belt policy to prevent inappropriate development. In our assessment development of the subject site would not compromise any of the 5 purposes of the green belt listed above.

The site lies in the green belt and there is a presumption against development other than for a limited range of specified uses. However, we believe that the site's self-containment and boundary characteristics, together with its relationship to the village, means that the site can be developed as an exception to planning policy. This is particularly the case when there is a failure to meet the 5 year housing land supply and the presumption in favour of sustainable development is triggered.

NPPF states that there is a presumption in favour of sustainable development but the assumption is that such development will accord with the development plan. Where that is not the case planning permission should not be granted where:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *Specific policies in this framework indicate that development should be restricted.*

Whilst the site is in the green belt that is an anomaly. Its development will not have adverse impacts and the wider reading of the development plan, including its aims and objectives, shows that a case can be made to support development of the site for housing. We believe that the site's self-containment and boundary characteristics, together with its relationship to the village, means that the site can be developed as an exception to planning policy. This is particularly the case when there is a failure to meet the 5 year housing land supply and the presumption in favour of sustainable development is triggered.

The development can realistically be achieved within a 5 year timeframe, or within such timeframe that it helps reduce the pressure on the planning authority to deliver it's already allocated sites. In terms of the effectiveness criteria, we comment as follows:

- **Ownership** - The site is in the ownership or control of a party which can be expected to develop it or release it for development within 5 years.
- **Physical** - The site is free from constraints relating to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development.
- **Deficit Funding** - No public funding is required.
- **Marketability** - The site can be developed in the 5 year period to contribute to the effective land supply. Lochay Homes is committed to purchase the site once satisfactory planning permission is secured
- **Infrastructure** - The site is free from infrastructure constraints and any required infrastructure commitments can be readily delivered without impacting on viability.
- **Land Use** - Housing is an acceptable use for the site in planning terms and within the context of the site and the village.

There will be significant social and community benefits from the proposed development. Settlements should not stagnate and need to change and grow overtime. The proposal brings investment into the village and the community will benefit from renewal and the introduction of new people, which can add life to a community and support local services.

There are a number of wider factors that will influence the prospects of obtaining planning permission. These will include the following:

- **Siting Design and Layout** – a layout can be created that will be a logical extension to the existing pattern of development within the village. Careful attention will need to be paid to siting and design within the site but these are opportunities not threats
- **Developer Contributions** -The provision of appropriate and reasonable contributions to public services, facilities and infrastructure should be discussed in detail with the Council.
- **Setting of the Proposed Development** - Views into the site are limited from the south and east due to the limited viewpoints available and where available would be viewed in the context of the existing residential backdrop. There would be no impact on the wider landscape character or coalescence of development as a result of the proposal.

Technical reports will need to be submitted, which will need to show that there are no material considerations that indicate that permission should not be granted. These will need to cover the following:

- Transportation
- Archaeology
- Engineering and Drainage
- Ecology
- Noise and air quality

Green Belt

The site's characteristics and proposed development in the vicinity indicate that the site should not be part of the green belt. When viewed on a plan the site is clearly not part of the wider countryside but is instead contained within solid urban boundaries. As such it does not satisfy the tests for inclusion in the green belt. This is discussed below.

Green belt policy is negatively worded and contains a presumption against development. However, it has no special status in planning. It is a policy like any other and it can be overcome if there are strong arguments in favour of the other policy objectives of the plan that would outweigh a green belt objection.

Evidence the U.K. points to the green belt increasingly being subject to successful challenge if it can be shown that green belt boundaries are not drawn to meet the objectives of green belt policy and if there is a specific local need. The argument to overcome green belt policy is:

- The subject site is the obvious place for further development in the village
- The development will create strong defensible boundaries to the south and east of the village, which will prevent future further sprawl. This is not the case with other development proposals that have been put forward in the village.
- Development in this location keeps the village compact rather than it being extended into the countryside to the east or west
- Development will build on the historic pattern of compactness and containment around the village and prevent the need to develop in open fields to the east and/or west
- There would be no impact on the wider greenbelt designation or coalescence as a result of the proposal.

The settlement needs space to grow. This is not achieved by drawing the settlement boundary tightly and not allowing development on the edge of the settlement.

The green belt in this location fulfils none of the objectives of the green belt as specified by NPPF:

- Prevention of coalescence – there is no prospect that development of the subject site will lead to coalescence. Coalescence is most likely to occur on the western edge of the village, where the Local Development Plan allocation has been made, not on this southern boundary.
- Protect the setting of the town – the setting of the village will be improved because the proposal will allow creation of a designed landscape boundary which will enhance views of the village from the south
- Protect countryside around towns – the site lies on the edge of the village with development on

two boundaries. It is part of the town, situated adjacent to the main cross road not part of the countryside.

Housing Land Supply

The Birmingham Development Plan (Adopted 2017) identifies the need for 37,900 new homes that are required to be met in the wider Greater Birmingham Housing Market Area (GBHMA). Solihull Council is one of these GBHMA areas and the Council is to provide 2,000 houses to help meet the shortfall.

The Council has calculated the Local Housing Need (LHN) as 807 dwellings per year which over the plan period is 12,912 units. The Council acknowledges that with higher job growth this figure increases to 816 units per year resulting in an uplift to 13,056 units.

With the addition of the GBHMA requirement for 2,000 units the requirement over the plan period increases to 15,056 units.

The Total Estimated Capacity in the Solihull Housing Land Supply (2020-2036) is 15,017 units. This is a shortfall of 39 units for a 16 year period or 3 units per year.

There is clearly a problem with the housing land supply because in order to reach the conclusion that it is adequate there is an over reliance on large sites and over optimistic assumptions about windfalls. FPD knows from experience across the U.K. over many years that large sites rarely come forward at the rate that is originally envisaged.

There is no control over windfalls. It is simply a question of faith that they will come forward. The Council has inserted into its land supply calculations a key contributor over which it has absolutely no control no ability to influence either the rate or quality of sites that come forward.

If the Council insists on this large site/windfall site approach the only way to overcome the inherent problems is to over-allocate on the basis that:

- i. Not all sites will come forward; and
- ii. The sites that do come forward will invariably not come forward at the rate envisaged by the original assumptions.

Such over allocation needs to be significant because the problems and deficiencies of the Council's approach is likely to be significant. In our extensive experience across the U.K. an allocation of between 120% - 130% is necessary to produce a balance land supply when the land supply is based on large sites and windfalls because this reflects the extent of the likely shortfall that will emerge.

The housing allocation for Hampton-in-Arden consists of the following:-

- SLP Site 24 – Land off Meriden Road
Allocated in 2013 Adopted Local Plan for 110 dwellings.
- Proposed - Policy HA1 – Meriden Road

Proposed site for 100 dwellings beside the allocated site SLP24 (above). There are issues with the development of this site as identified in Paragraph 643 page 184 of the Draft Submission Plan.

- Proposed – Policy HA2 – Oak Farm, Catharine-de-Barnes
Proposed site for 95 dwellings.

The effectiveness of the allocation SLP24 should be questioned as it has not been developed since its allocation in the Adopted Local Plan in 2013 this is in excess of 7 years.

The allocated sites on the Proposed Policies Map and in the Submission Draft show a majority of sites that have large capacities. Large capacity sites will mean that if a site is not brought forward for development the impact on the effective housing land supply will be considerable. This is a matter that should be taken into account and is illustrated by SLP Site 24 as an example.

The Council clearly has an issue with its 5 year housing land supply and must contribute to the provision of land to meet the wider needs of the Birmingham Housing Market Area. Following recent appeal decisions it is clear that the Government is favouring delivery of housing land supply over all other issues, including green belt. This creates an argument that green belt policy can be overcome in favour of the site's development. This argument is further strengthened by the site's physical characteristics and relationship to the village. In addition the site's character, surrounded by hard boundaries, means that it is clearly unnecessary to keep permanently open because it does nothing to contribute to the openness of the green belt.

We consider that the site satisfies the presumption in favour of sustainable development, which is triggered when there is a shortfall in the 5 year housing land supply:

1. The site boundaries are contiguous with the settlement boundary
2. Development will satisfy local need is provided
3. It is appropriate scale in relation to the settlement
4. No coalescence
5. Landscape and townscape character protected
6. Complements the character of the settlement
7. Existing natural features are retained as far as possible and will be supplemented by further boundary planting
8. The sites and proposed development are sustainable
9. Environmental quality is not compromised
10. Development will be of high quality, including buildings, layout and relationship to existing settlement
11. There will be a mix of house types, sizes and tenure
12. No loss of sports, recreation or amenity space
13. Evidence is provided to show that the sites are deliverable

Other Material Considerations

Having assessed the site against the wider policy aims and objectives of the development plan, our comments are as follows:

- Appropriateness of the proposed development- The historic pattern of development has given depth to the village. This proposal continues that development pattern and is the natural next phase of development for the village.
- Suitability for development – The site is a natural location for the further expansion of the settlement.
- Impact on character of existing settlements (landscape and townscape character)-the site is visually self-contained. The proposal could include boundary planting to soften the transition from the countryside to the village.
- Impact on local amenity and integration with natural environment-the site is visually self-contained. There is no reason for the existing relationship with the surrounding countryside to be changed.
- Availability of public transport – there is a railway station close to the site
- Protection of natural and built heritage resources (including archaeology) – there are no such resources known to exist within the site. We would expect planning conditions to address this matter.
- The capability of incorporating renewable energy sources or energy conservation measures into the proposal – Energy conservation is a matter of design and should be identified as a key consideration in the anticipated future master plan.
- Flooding and drainage – there is no flood risk

6.0 Conclusions

We believe that development will meet the aims and objectives of the development plan by:

- Ensuring sufficient new housing land is available allowing for a phased approach to the release of housing land and provides alternatives should existing allocations and “non-effective sites” slow or fail to deliver;
- Meeting the economic prosperity and environmental quality strategic objectives of the Council;
- Locating development which minimises number and length of car journeys by providing new homes adjacent to a major transport corridor;
- Delivering a proposal within a 5 year timeframe, or within such timeframe that it helps reduce the pressure on the planning authority to deliver it’s already allocated sites;
- The provision of choice across the housing market area;
- The design, quality and density of development that can be achieved;
- The fact that it will not have a significant adverse effect on any natural or built heritage interests or any national or international environmental designations; and
- There are no other significant environmental dis-benefits or risks, for example flooding.

Based on the above comments and assessment we respectfully request that the site be included in the housing land supply of the Solihull Local Plan.

Site Location - 145 Old Station Road Hampton-in-Arden

