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Dear Sirs

**Eastcote Land Limited: Eastcote Park, Barston Lane, Eastcote**

**Solihull Local Plan Review: Representations to Regulation 19 Consultation**

Avison Young provides town planning advice to Eastcote Land Limited ("Eastcote Land") in respect of its interests within Solihull Borough. Specifically, we are writing on behalf of Eastcote Land to make representations to the Regulation 19 consultation for the Solihull Local Plan Review and to promote the release of its site from the Green Belt.

Eastcote Park is located on the southern side of the junction of Barston Lane and Knowle Road, Eastcote. The site is approximately 1.4 hectares and previously accommodated a garden centre. The centre has now been demolished and a new Care Village (Use Class C2) is under construction. This will comprise a 50 bed care home and 34 no. two bedroom extra care apartments. The care village is due to open in 2021.

Within this letter we:

- set out the policy position in respect of amending Green Belt boundaries, and meeting housing needs;
- comment on the suitability of the site for release from the Green Belt and simultaneous allocation for extra care development. As part of this, we consider the site in the context of the purposes of the Green Belt; and
- comment on how the site's Green Belt release and allocation would help support the delivery of the draft strategic policies of the Local Plan.

**Planning Policy Context**

This period of consultation is undertaken in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which requires the publication of the local plan prior to its submission to the Secretary of State for Examination.

At Examination, Local Plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. The National Planning Policy Framework (NPPF) confirms this at paragraph 35 and sets out that plans are 'sound' if they are:

- a) *“positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) *justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) *effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) *consistent with national policy – enabling the delivery of sustainable development in accordance with the policies of this framework”*

### Green Belt

As set out earlier, these representations seek an amendment to the Green Belt boundary to remove Eastcote Park from the Green Belt. The framework for the protection of the Green Belt is set out under chapter 13 of the NPPF. It explains 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”*.

The Green Belt is defined as serving five purposes:

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

Once Green Belt boundaries are established, the NPPF is clear, at paragraph 136, that they should only be altered where *“exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”*. It is for strategic policies to establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so that they can endure beyond the plan period.

Paragraph 138 sets out that the need to promote sustainable patterns of development should be taken into account when reviewing Green Belt boundaries. Where Green Belt release is necessary, it requires that *“plans should give first consideration to land which has been previously-developed and/or is well served by public transport”*.

Paragraph 139 sets out a number of measures which plans should achieve when defining Green Belt boundaries. These include:

- ensuring consistency with the development plans strategy for meeting identified requirements for sustainable development;
- not include land which is necessary to keep permanently open;

- be able to demonstrate that Green Belt boundaries can endure beyond the plan period;
- clearly define boundaries using readily recognisable physical features that are likely to be permanent.

Through the preparation of the emerging Local Plan and setting strategic policies, Solihull has determined that exceptional circumstances exist to justify several amendments to existing Green Belt boundaries. This is primarily to address the housing need. It has been determined that there is insufficient urban land to deliver the Council's housing need over the plan period. In addition, land must be released from the Green Belt to assist in meeting the needs of Birmingham City, which adjoins Solihull.

In accordance with the requirements of the NPPF, the LPA should be focusing its review of the Green Belt on previously developed land and / or land that is well served by public transport. Part of the evidence base informing the review is the Solihull Strategic Green Belt Assessment carried out by Atkins in July 2016. This split the borough into a number of 'broad areas' and 'refined parcels'.

Refined parcels were those areas of the Green Belt adjoining or adjacent to built-up areas, including inset villages. Broad areas were defined as Green Belt land that is not located on the edge of, or adjacent to, large built up areas, or those areas adjoining authorities. Physical features were used to determine the boundaries of areas/parcels. Each parcel was subsequently assessed against the first four purposes of the Green Belt.

It was noted in the assessment that purpose 5 was excluded from the assessment as *"by virtue of its designation, all Green Belt land makes an equal contribution to this purpose and therefore inclusion of this purpose would add no value"*.

Eastcote Park falls within Broad Area 03 ("BA03"). BA03 covered a significant area of land spanning between Dorridge and Knowle in the south-west across to Balsall Common in the south-east and up to, and wrapping around to the east of, Hampton in Arden in the north. The assessment concluded the area performs well against all four purposes of the Green Belt.

### Meeting Housing Need

Providing homes for all is a fundamental part of the emerging Local Plan. It recognises that the population is ageing and projects that 65% of household growth in the period to 2036 will be households aged 65 and over and single households. It is also projected that by 2036, 46% of all households will be single people or couples aged 65 and over. The Plan recognises the need for more specialist and supported housing.

Draft policy P4 sets out the approach to meeting housing needs and P4E considers housing for older and disabled people. It sets out that new housing developments will be expected to provide a mix of dwelling size and type to meet identified needs of older people in accordance with current assessments of housing need and evidence. The policy goes on to set out expectations in respect of proposals for specialist housing for older people and proposals for care homes. It also sets out circumstances where flexibility will be applied to determine the suitability of proposals for housing for the elderly.

The policy says that further detail and guidance for delivery of P4E will be set out in a Supplementary Planning Document; Meeting Housing Needs. We understand that an up-to-date version of this document is not yet available.

Notwithstanding this, the evidence base informing housing policies includes the Housing and Economic Development Needs Assessment (HEDNA), dated October 2020. The HEDNA considered the housing needs for older and disabled persons and recommended that from 2020-2036, there is a need for Solihull to plan for around:

- 2,000 housing units with support (sheltered/retirement housing);
- 620 additional housing units with care (e.g. extra-care);
- 1,250 additional care bed spaces; and
- 700 dwellings to be for wheelchair users.

The HEDNA concludes that the *“findings suggest that there is a clear need for the supply of both accessible and adaptable dwellings over the plan period”*.

### **Suitability of Eastcote Park for Green Belt Release**

Eastcote Park is a visually well contained, previously developed, site located within the Green Belt. As noted above it is currently being developed to provide a care village which is due to open in 2021.

The site is extensively screened from every direction by mature and well-established trees and hedgerows. The development under construction is only visible at entrance points. Where such views are possible, they are glimpses of the site when passing by.

As noted above, exceptional circumstances are required to amend Green Belt boundaries. These have been established through the production of strategic policies and a recognition that there is insufficient urban land within the Borough to meet the housing need. To address this, the local plan review proposes to amend the Green Belt boundaries and remove some land from the Green Belt and allocate for development.

Eastcote Park formed part of site BA03 in the Strategic Green Belt Assessment. This is a broad area which scored highly against the purposes of the Green Belt. This is somewhat inevitable considering the extent of land it covered. If the area were to be broken down into smaller parcels, different assessment outcomes would have been generated for some areas. We have concerns around the methodology adopted for assessing the Green Belt. We think that the Council needs to undertake a more detailed analysis of the Green Belt now, to ensure it has an appropriate evidence base to rely on when it comes to examining the emerging plan. The largest parcels will undoubtedly perform and fulfil at least one or more of the purposes of the Green Belt.

Given that the LPA used the results of this study to identify those parts of the Green Belt which might be capable of being released and allocated for development, it does not seem appropriate to set the analysis at such a broad brush scale. The Council is at risk of missing opportunities to release suitable/more suitable sites from the Green Belt (i.e. ones which make little to no contribution to the purposes of the Green Belt, or less contribution than others) simply because they are located within larger parcels which the Council concludes perform strongly against the purposes. A finer grain approach might yield different outcomes.

Avison Young has undertaken an assessment of the way in which the site performs against the purposes of the Green Belt and concludes that the release of the site would not undermine those purposes. In particular, we observe that:

- The site does not extend into open countryside but is previously developed land. It is well contained with strong, visually defined, defensible boundaries which would check the unrestricted sprawl of development from the site and safeguard the countryside from encroachment. The site therefore makes little contribution to purposes 1 and 3 of the Green Belt.
- The site does not form part of a key gap between neighbouring settlements. Its existing development does not merge towns and so makes no contribution to purpose 2.
- The site does not form part of the setting or special character of an historic town and so makes no contribution to purpose 4.
- As noted in the Strategic Green Belt Assessment, purpose 5 is considered redundant in the assessment of Green Belt where exceptional circumstances exist to justify an amendment to its boundaries.

The above confirms that the site makes no contribution to the purposes of the Green Belt. The release of the developed site from the Green Belt would therefore have no adverse impacts on the integrity of the Green Belt and would align with the requirements of NPPF paragraph 138 which says that where release is necessary, first consideration should be given to previously developed land.

Due to the contained and readily defined nature of the site, the new Green Belt boundaries could be amended in this location in line with the sites existing boundaries which are defined by Barston Lane, Knowle Road, and mature well-established soft landscaping. In accordance with NPPF paragraph 139 the removal of this site from the Green Belt would:

- ensure consistency with the development plan strategy for meeting identified requirements for sustainable development by releasing a developed site to enable the delivery of further specialist housing for the elderly to meet an identified need and support policy P4A;
- not include land which is necessary to keep permanently open, as demonstrated by our assessment of the way in which the site performs against the purposes of the Green Belt;
- enable further extra care development to be delivered on a previously developed site outside of the Green Belt which would help to ensure that the Green Belt boundaries can endure beyond the plan period;
- follow existing and readily recognisable physical features that are likely to be permanent so that it has clearly defined boundaries.

Planning permission has previously been approved on the site for the development of a Care Village. SMBC is clearly satisfied that the site is within a sustainable location for a care facility. The development under construction includes a Care Home and Village Care Centre which provides on-site facilities to support the care home residents and residents of the extra care apartments. These on-site facilities could also support additional extra care apartments on the site.

## **Supporting the Delivery of Strategic Policies**

The emerging local plan review recognises the need to deliver specialist housing for the elderly. This is informed by the evidence base, including the HEDNA, which projects that there will continue to be an aging population throughout the plan and there will be a need for SMBC to plan to deliver circa 4,570 units for older and disabled persons.

The draft local plan seeks to achieve this objective in several ways. The fourth paragraph of emerging policy P4E states that all developments of 300 dwellings or more must provide specialist housing or care bed spaces in accordance with the Council's most up to date statement of need on older persons accommodation. Furthermore, several of the proposed allocations refer to the suitability of the sites for care development.

Eastcote Land is concerned that this approach to the delivery of care needs will not achieve the Council's targets for the provision of specialist accommodation or the best outcomes for the occupiers of such accommodation. The juxtaposition of the following leads Eastcote Land to reach this conclusion:

- the absence of any specific allocations for C2 assisted living communities / care villages;
- the Council's intention to seek provision of affordable housing in respect of care schemes; and,
- the provision of ancillary facilities in association with extra care facilities which deliver health and wellbeing benefits over and above the provision of accommodation only.

The above are explained in more detail as follows:

### Absence of Specific C2 / Extra Care Allocations

As currently drafted, the emerging local plan includes a general "catch all" policy on the provision of care accommodation on sites delivering over 300 dwellings. It also suggests that some sites could be suitable for care uses.

However, in the absence of any sites that are allocated for C2 / extra care only, landowners / developers will always have to consider the land value generated by C3 housing (including the provision of affordable / social housing) and the land value generated by care development. This is particularly relevant to the following point around affordable housing.

### Affordable Housing

At present, C2 uses do not attract the requirement to deliver "affordable housing". However, the Council is seeking to change that through the adoption of its emerging Local Plan. Under the current proposals, any care related development which counts towards the Council's supply of housing would be liable to deliver affordable housing.

Eastcote Land has significant concerns about this approach as a matter of principle. In simple terms, there are two elements to the cost of delivering care. One is the capital cost of buying land and building care accommodation. The second is the ongoing cost of providing care within that accommodation.

The requirement to deliver "affordable care" places an ongoing financial burden on care operators which has the potential to render the sector unviable. The Council has not provided any information on how affordable care provision would be delivered or what the obligations on the

operators of care villages / extra care facilities would be. We anticipate that this detail will be included in a supplementary planning document published in due course. Eastcote Land reserve the right to comment on the details of this document at that time.

What is certain is that the requirement to deliver affordable care will provide a significant additional financial burden on care home developers and operators. This will make land in C2 use less valuable than land in C3 use. Developers and landowners will be financially disadvantaged by the delivery of C2 facilities and consequently will attempt to offer the minimum required to satisfy policy.

#### Ancillary Facilities in Extra Care Schemes

Eastcote Land's development includes ancillary facilities which are used by all residents. These include provision of a restaurant/dining area, café, lounges, hair and beauty salon, wellness centre and a club room for activities to be held in. All of these amenities contribute to creating a community within the care village. This ensures that the facilities go beyond the delivery of accommodation and care. The ancillary facilities deliver very significant health and wellbeing benefits through both engagement in the activities provided and the sense of community created.

The cost providing ancillary community facilities within this type of care model is significant. This cost further widens the gap between the land values generated by C3 (including affordable housing) and C2 (including affordable care and ancillary facilities).

The effect of the above is that Eastcote Land and similar operators will be "priced out" of the market for land by C3 developers. In order to have any chance of being financially competitive they will not be able to deliver associated facilities. It will also be very difficult for operators to deliver care, because there will not be space in which to do so.

The Council's current approach will create a "bare minimum" approach to the provision of care facilities, the impact of which will be a significant reduction in the amount of amenity space for residents to enjoy on sites and the exclusion of any ancillary facilities. This would be a retrograde step back to old style "age restricted retirement flats" which had no communal facilities and verify little, if any, care. The use of such units is C3. We don't believe the Council intends to create such a situation, but we must point out what is likely to occur.

Eastcote Land maintains that this matter can be resolved easily through the allocation of sites specifically for C2 / assisted living uses. Such allocations would remove competition from C3 developers and would provide the financial flexibility needed to deliver exemplar healthcare schemes with associated health and wellbeing benefits. We appreciate that the Council has undertaken to test each scheme against policy on a site by site basis, through viability assessments to see what affordable housing of CIL could be delivered. However, this would be a failure of strategy and a waste of the local authority's time and money when compared with simply allocating sites for C2 use only. Testing each site would slow down the delivery of accommodation with care provision against a background of exponential growth in the need for it. This would jeopardise the policy ambitions the local authority has in encouraging the expansion of provision in this area.

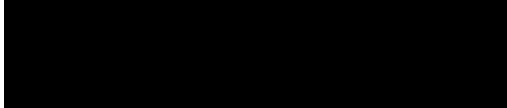
Eastcote Park is a perfect example of such a site which could deliver further extra care accommodation, hence our request that it be allocated specifically for C2 / assisted living use.





For the reasons set out above we conclude that the site should be removed from the Green Belt and allocated for further extra care accommodation in the emerging Solihull Local Plan Review. We would be grateful if you could please confirm receipt of this submission and direct any correspondence to Emily Hill ([emily.hill@avisonyoung.com](mailto:emily.hill@avisonyoung.com)) of this office.

Yours faithfully



**Avison Young (UK) Limited**