



## Solihull MBC Local Plan Publication Stage Representation Form

Ref:

(For  
official  
use only)

Name of the Local Plan to which this representation relates:

Solihull MBC Local Plan

Please return to [psp@solihull.gov.uk](mailto:psp@solihull.gov.uk) or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14<sup>th</sup> December 00:00

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

### Part A

#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	Messrs	Mrs
First Name		Glenda
Last Name	Benton & Neary	Parkes
Job Title (where relevant)		Director
Organisation (where relevant)		Tyler Parkes
Address Line 1	Please refer to agent	66 Stratford Road
Line 2		Shirley
Line 3		Solihull
Line 4		
Post Code		B90 3LP
Telephone Number		
E-mail Address (where relevant)		

## Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	<b>600-602 &amp; 605-608</b>	Policy		Policies Map	<b>Blythe Green Belt Boundary</b>
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4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<b>X</b>	No	
4.(2) Sound	Yes		No	<b>X</b>
4 (3) Complies with the Duty to co-operate	Yes	<b>X</b>	No	

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Representations Submitted by Tyler-Parkes on Behalf of Messrs Benton & Neary who own land at 146-152 Tilehouse Lane, Whitlock's End, B90 1PW (Job Ref: 10463)

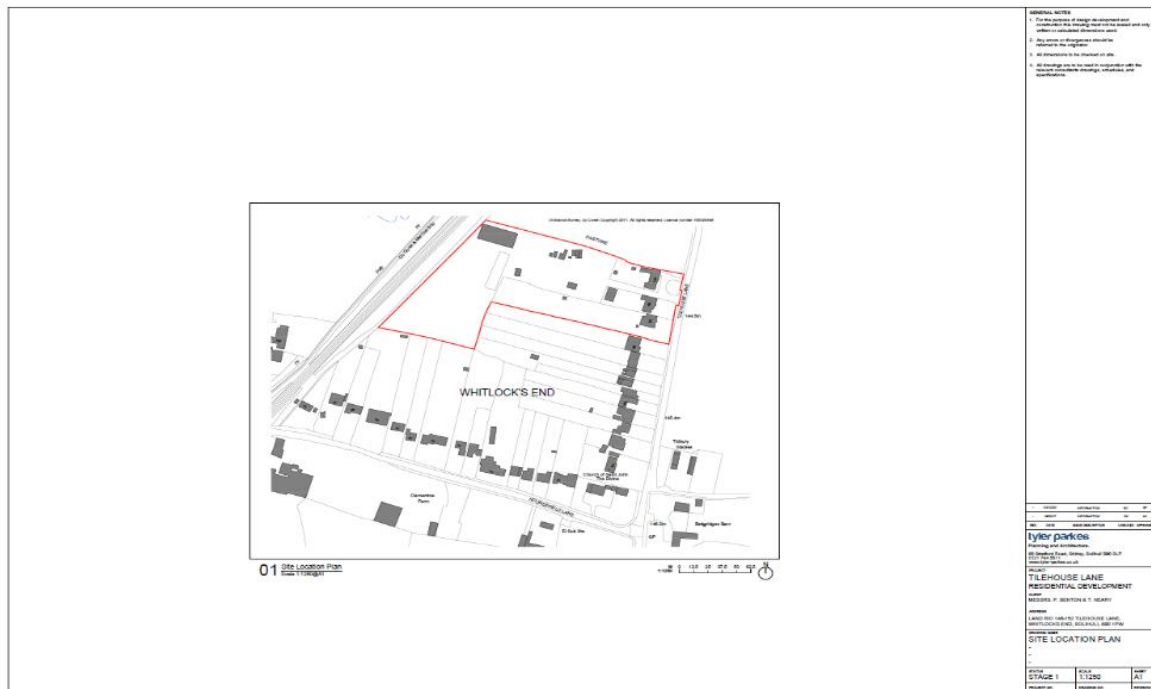
### **OBJECTION Messrs Benton & Neary (10463)**

**Blythe Section: paragraphs 600 to 602 'Proposed Approach', 605 to 608 'Justification' and the Blythe Green Belt boundaries shown on the Policies Map.**

1. On behalf of our Clients, Messrs Benton and Neary, we are instructed to make representations to the Solihull Local Plan Review 2020. It is submitted that the proposed Green Belt boundaries for the Blythe area (as shown on the Policies Map) are unsound, as they fail to exclude land to the west of Tilehouse Lane from the Green Belt. This is considered contrary to national planning policy – NPPF paragraphs 117, 118 d), 139 b) and 139 e) and, therefore, is unsound.
2. Removing land from the Green Belt should only occur through the plan-making process when justified by 'exceptional circumstances', as detailed in NPPF paragraphs 136 and 137. The significant need for housing and the shortage of an adequate housing land supply outside the Green Belt has satisfied this 'exceptional circumstances' test, as demonstrated in the Draft Submission Solihull Local Plan (SLP) and evidence base. It is therefore sound that land is identified for removal from the Green Belt and for

allocation for residential development. It is, therefore, considered unsound because the SLP has failed to identify land west of Tilehouse Lane accordingly. This land scores only 4 out of possible 12 in terms of the Green Belt Assessment, it is partially brownfield previously developed land, has strong defensible boundaries, is within close proximity to public transport including Whitlock's End Railway Station, is available and deliverable now, unlike other proposed Green Belt allocations within the Plan

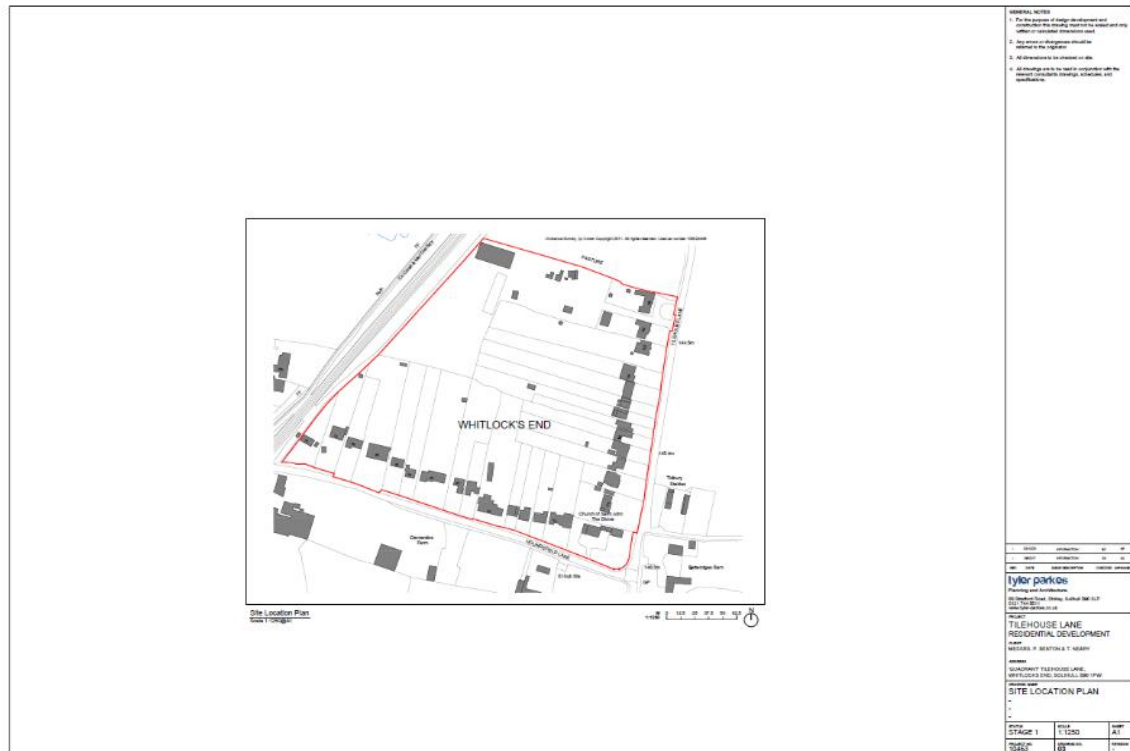
3. Our Clients affirm that without substantive changes to the Draft Submission SLP and accompanying Policies Map, the section which relates to the Blythe area is unsound.
4. On behalf of our Clients representations have also been submitted in respect of Policy P5 'Provision of Land for Housing': Paragraph 222 Solihull Housing Land Supply 2020 – 2036, Paragraph 225 Maintaining Housing Land Supply and Paragraph 226 Allocated Sites: Policy P5 'Provision of Land for Housing': Paragraph 224 Housing Trajectory and Paragraphs 227 to 228 Housing Market Area. Policy KN2 South of Knowle (Arden Triangle), Proposed Approach (paragraphs 708 and 709), Justification (paragraphs 720 to 729). Policy BL1 – West of Dickens Heath and Justification (paragraphs 603 to 608) and Paragraph 226 Summary of Residential Allocations.
5. These representations are submitted on behalf of our Clients, Messrs. Benton & Neary, who own land at 146-152 Tilehouse Lane, Whitlock's End, B90 1PW. Land in their ownership is shown on the plan number 10463/02 below (Enclosure 1).



Enclosure 1

6. It is also submitted that land within the quadrant bounded by Tilehouse Lane to the east, Houndsfield Lane to the West and the North Warwickshire Railway line to the West, within which our Clients' land is located and other landowners have promoted

their land for development, as shown on plan 10463/03 (Enclosure 2), should be removed from the Green Belt.



Enclosure 2

7. When identifying land for removal from the Green Belt, it is imperative that NPPF paragraphs 138 and 139 are satisfied.

*'138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account... Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.*

*139. When defining Green Belt boundaries, plans should:*

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;*
- b) not include land which it is unnecessary to keep permanently open...*
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and*
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.' (emphasis added)*

8. The NPPF, paragraph 117 also states that '*...strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land*'. Paragraph 118, part d) emphasises that policies and decisions should '*promote and support the development of under-utilised land and buildings, especially if this would help to meet*

*identified needs for housing where land supply is constrained and available sites could be used more effectively’.*

9. It is our submission that by failing to remove our client’s land (and potentially adjacent land forming a quadrant) from the Green Belt the Council has failed to effectively use previously developed or ‘brownfield’ land ‘as much as possible’, contrary to paragraph 137 a) of the NPPF. Release of our client’s land is consistent with national policy as it:
  - suitable;
  - available;
  - sustainable;
  - currently ‘under-utilised’;
  - land which it is unnecessary to keep permanently open;
  - land which has robust clearly defined physical permanent features which would form a new Green Belt boundary; and
  - land which is previously developed brownfield land,as required by national planning policy.
10. Our Clients’ site, together with adjacent land within the quadrant, promoted for development through the Strategic Housing and Economic Land Availability (SHELAA) submission process, forms a logical quadrant for residential development, meeting national and Draft Submission Solihull Local Plan (SLP) strategic objectives and criteria for identifying land for development and removal of land from the Green Belt.
11. Our Clients’ land (together with land lying within the larger quadrant) as shown on plan 10463-03 (Enclosure 2) has a low Green Belt Assessment Score of 4, out of a possible 12, when assessed against the purposes of including land within the Green Belt, in the ‘Green Belt Assessment’ 2016. Retaining land which makes such a limited contribution towards the purposes of including land within the Green Belt is contrary to NPPF 139 b).
12. Insufficient policy weight has been given to encouraging the development of all suitable land for housing, to avoid the need to adjust Green Belt boundaries beyond the plan period – contrary to NPPF paragraph 139 e).
13. Therefore, it is considered that the Policies Map is unsound and should be redrawn to exclude our Clients’ land (and potentially also the adjacent land within the quadrant promoted for development), from the Green Belt. A new site allocation policy should be included within the Blythe Chapter of SLP beneath paragraph 602 to allocate our Clients’ site for residential development with a capacity of 40-50 dwellings, as illustrated on the enclosed layout, plan number 10463(10)M-101-A (Enclosure 3).



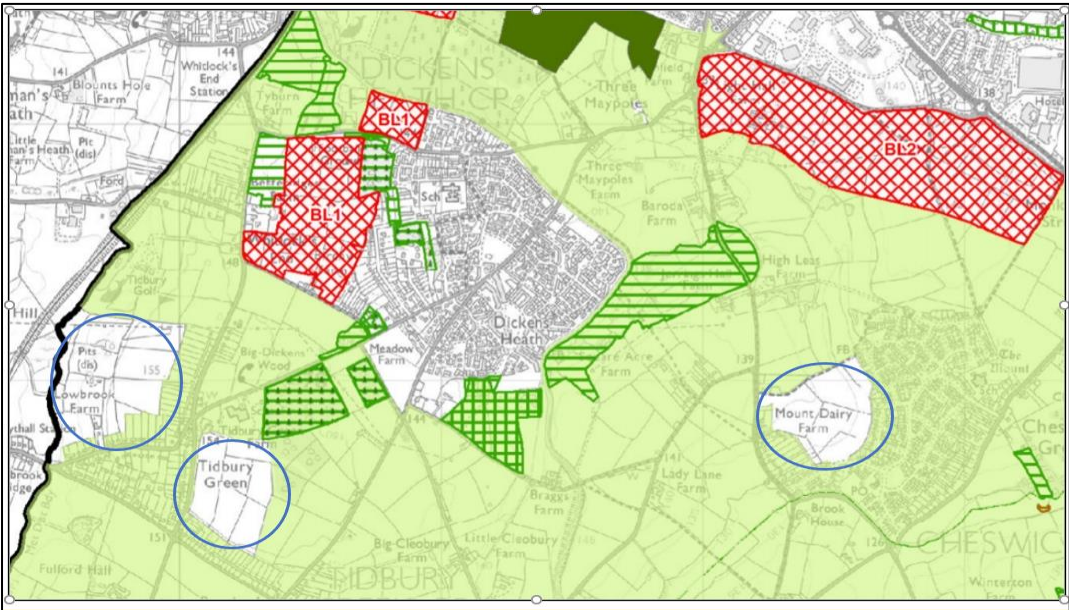
Enclosure 3: Extract from Plan number 10463(10)M-101-A – Housing site layout – SHELAA site 18/116

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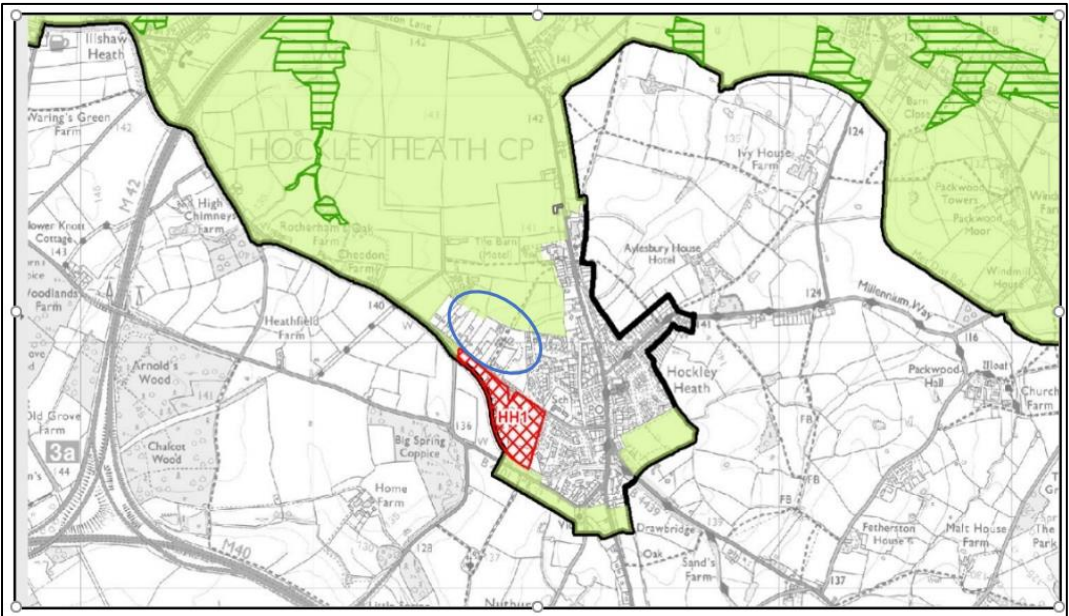
14. This representation should be read alongside the representations submitted on behalf of our Clients in respect Policy P5 'Provision of Land for Housing' and proposed site allocation policies BL1 'West of Dickens Heath' and KN2 'South of Knowle (Arden Triangle)'.
15. Our Clients contend that Policy P5 is **unsound** and has not undertaken the necessary steps regarding the legal Duty to Cooperate. The deliverability and developability of many of the proposed sources of residential land supply have not been robustly demonstrated and do not satisfy national planning policy requirements.
16. The result of the Council's failure to identify a sufficient supply of deliverable and developable housing sites, means that there is an immediate need to identify additional and/or alternative sustainable, suitable sites which can be shown to be deliverable and developable meeting the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
  - a. **It is formally requested that either: Our Clients' brownfield, under-utilised site is removed from the Green Belt and allocated for residential development as a logical extension to the existing Whitlock's End settlement to the south, using the clearly defined defensible boundaries of Tilehouse Lane to the east, Houndsfield Lane to the south and the North Warwickshire railway line to the west. This approach would be in line with the approach taken in removing development sites from the Green Belt north west of the Cheswick Green settlement (Mount Dairy Farm) and north and east of the Tidbury Green settlement (Lowbrook Farm and Tidbury Green Farm), as shown circled blue on the Policies Plan Map Extract A below;**



and at School Road Hockley Heath as also shown circled blue on Policies Plan Map Extract B below. Or



## Policies Map extract A



## Policies Map extract B

- b. the area of land, identified within this representation as ‘the quadrant’, with the defensible and physical boundaries of Houndsfield Lane to the south, Tilehouse Lane to east and the North Warwickshire Railway Line to the west is removed from the Green Belt and included within the proposed western expansion of the settlement boundary to Dickens Heath (Site 4 West of Dickens Heath).



© Google earth

17. The aerial photograph above shows the approximate site boundary of land in our Clients' ownership (blue) SHELAA site number 116/74 (see plan number 10463/02 – Enclosure 1), with the wider area ‘the quadrant’ (outlined in amber) which is proposed should be considered for removal from the Green Belt (see plan number 10463/03 – Enclosure 3). The aerial photograph also highlights the proximity to Whitlock's End Station, alongside the proposed allocation BL1 West of Dickens Heath.
18. As is evidenced in more detail below, our Clients' land, which is within the identified quadrant, is available now, offers a suitable location for development now and has a realistic prospect that housing will be delivered on the site within five years. In summary, our Clients' site:
- includes brownfield previously developed land;
  - makes a very limited contribution towards the purposes of including land within the Green Belt (scoring on 4 out of a possible 12 in the Green Belt Assessment, 2016);
  - has clear physical defensible boundaries;
  - is in a sustainable location;
  - has no physical or legal constraints restricting development and the existence of a TPO would not preclude development;
  - is in the ownership and control of a landowner keen to bring it forward for development at the earliest opportunity, along with other landowners within the quadrant who have also promoted their land;
  - is a small site which would contribute towards the timely delivery of housing to meet the housing requirement, as recognised by NPPF paragraph 68 which states that, *‘Small and medium sized sites can make an important contribution*



*to meeting the housing requirement of an area, and are often built-out relatively quickly.'; and*

- could deliver approximately 40-50 dwellings within the first 5 years of the plan period.

19. Land in our Clients' ownership extends to approximately 1.21 ha, as identified on the attached plan number 10463-02 Enclosure 1) and the quadrant sought for removal from the Green Belt is identified on plan number 10463-03 (Enclosure 2).
20. The Clients' site comprises previously developed brownfield land including a commercial transport yard with its associated structures and residential curtilages. The wider quadrant comprises existing ribbon frontage properties – classed as previously developed land in accordance with the Glossary contained with Annex 2 to the NPPF (February 2019).
21. The site lies west of Dickens Heath and south of Whitlock's End Railway Station, which is located a short walk away along an existing pedestrian footpath to the north on the same side of Tilehouse Lane.
22. The site is largely screened from view by existing buildings (to the southern and eastern frontages) and it is considered that it makes little contribution to the openness of the Green Belt. It is within a lower performing parcel of Green Belt as confirmed within the Council's Site Assessment.
23. The site is not located within an area liable to the risk of flooding, as shown on the Environment Agency Flood Risk Map. The site does not lie within or near a Conservation Area.
24. Residential development on our client's site forms a logical use of partly previously developed land within/on what will be the edge of what is proposed to be the expanded settlement of Dickens Heath. This would require only a minor adjustment to the Green Belt boundary, which will be unlikely to have a significant impact on the purposes of including land in the Green Belt. Paragraph 139 b) of the NPPF confirms that when defining Green belt boundaries, plans should not include land which it is unnecessary to keep permanently open. With a GBA score of 4, the removal of our client's site from the GB is logical and justified, in circumstances where the Council acknowledges the need to provide a significant amount of land for development to meet the housing requirement and proposes to utilise land in locations where the GBA score is significantly higher. The failure to remove our client's site from the Green Belt when defining the Green Belt boundary in the SLPR, is inconsistent with paragraph 139 b) of the NPPF as it is patently land which it is unnecessary to keep permanently open on the basis of the Council's own assessment.

#### **Topic Paper 'Overall Approach', October 2020**

25. The Topic Paper 'Overall Approach', October 2020, paragraphs 50 to 55 deals with Dickens Heath, acknowledging that the area round the settlement has the potential for significant growth, despite Green Belt Assessment scores of 6-7 and higher. Importantly, GBA RP72, within which our Clients' partially brownfield site is located, has a lower GBA score of just 4, fulfilling much less the purposes of including land within the Green Belt and arguably much better served to meet some of the housing need requirement with lesser impact than higher scoring sites in the GBA.

26. The Topic Paper conclusion for Dickens Heath confirms at paragraph 87 that *'...the settlement is suitable for consideration for growth ..... and that ..... Development to the west would be within walking distance of the rail station, avoid key gaps, and maintain separation to the settlement of Major's Green in Bromsgrove District.'* It is submitted, that the removal from the Green Belt of our Clients' land and/or the quadrant, within which our Clients' site is located, would deliver development that would comply with the principles laid out within the 'Overall Approach' ; as an area that is within very close walking distance to Whitlock's End Railway Station; that would provide accessibility to the station without the need to improve links; would avoid key gaps and not erode separation, have strong physical boundaries particularly that associated with the North Warwickshire Railway Line to the west and involve a lower performing area of Green Belt with a score of 4.
27. The small-scale extension of the settlement boundary to the west would represent a limited and proportionate expansion to the proposals for Dickens Heath. It is submitted that this is in keeping with the findings of the Topic Paper, which recognises this area as being suitable for significant growth and high levels of accessibility, which are particularly applicable to our Clients' site and the quadrant within which it is located.
28. In other less accessible locations within the Borough the SLP proposes the removal of ribbons of development from the Green Belt, referenced above at north west of the Cheswick Green settlement (Mount Dairy Farm) and north and east of the Tidbury Green settlement (Lowbrook Farm and Tidbury Green Farm). However, proposals at Paragraph 671 of the plan, in relation to Hockley Heath Allocation HH1 'Land South of School Road, Hockley Heath' provide a useful indicator for the approach being put forward within this representation. Paragraph 671 states that:
- 'In addition to the site south of School Road that would the fall within the settlement boundary, if the Green Belt boundary were amended as described above, there are also two small sites that may then be considered appropriate for development as they would then also be within the settlement boundary. These sites are not being allocated as part of this plan but are being highlighted as they have been promoted for development by the landowner/developer and if the Green Belt boundary is changed they would no longer be subject to Green Belt policy. The principle as to whether development would be allowed on these sites would be established through the planning application process. These are as follows (using the call for sites references and the SHELAA indicated capacity:*
- 49 Land adjacent to 84 School Road (capacity 21)
  - 328 Land at and to the rear of 84, 86 and 90 School Road (capacity 30).
29. Paragraph 674 of the SLP also states in the context of justifying the proposed housing site allocation at HH1 'Land South of School Road, Hockley Heath' that:
- '...Given the change that will be required to the Green Belt boundary to accommodate the above site, it is considered that the existing ribbon development on the north side of the road that has Green Belt 'washed over' it should be reviewed. The existing built development that is largely continuous without significant gaps and does not contribute towards the existing values of Green Belt*

*policy. It therefore appears logical and justified for this run of development to be removed from the Green Belt.'*

30. Our Clients contend that the same logical reasoning and justification for review of the Green Belt, applies equally to consideration of the quadrant encompassed by Houndsfield Lane, Tilehouse Lane and the North Warwickshire Railway Line. This area includes a reasonably sized area of brownfield previously development land, together with residential gardens, which importantly lie within area RP72 with a Green Belt Assessment score of 4. This score is lower than many of the areas selected for removal from the Green Belt. Together this quadrant represents an area of existing ribbon development beyond the existing settlement boundary, that is largely continuous without significant gaps and does not make a significant contribution towards the existing values of the Green Belt. Therefore, it is our Clients strong contention that, in comparison, the area of land subject of this representation has strong credentials to support its release.

### **Promotion of the Site**

31. Representations have previously been submitted on behalf of our Clients in response to consultations on each iteration of the SLP. The site has been promoted for consideration in the Strategic Housing and Economic Land Availability Assessment (SHELAA) and it is included within the Council's Brownfield Land Register (BLR).

### **Brownfield Land Register**

32. In 2018 0.87 hectares of land, within our Clients' site, was accepted onto the Brownfield Land Register (site ref: BLR/021), with an indicated capacity of 10 dwellings. This has been carried through to the SLP with an indication of delivery within the first 5-years of the plan of 8 units.

### **Site Assessments (SA) document, October 2020.**

33. The 'Site Assessments' (SA) document, October 2020, considers the merits of our Clients' site. The SA reference is 116.
34. Our Clients strongly challenge the application of the 'Site Selection Step 1' methodology in respect of 'Land at and the rear of 146-152 Tilehouse Lane'. The SA site has been attributed a priority score of 8, in the Site Selection Step 1 Site Hierarchy Criteria, which is disputed. This means that the site is considered by SMBC to be '*Brownfield in an isolated Green Belt location*'. The additional description of priority 8 sites states, '*Green Belt PDL in isolated location i.e. poorly accessible (other than by car) to retail, educational & medical services.*'
35. It is contended that this description does not accurately reflect the characteristics of our Clients' site or the location, which scored only 4 in the Green Belt Assessment and includes a proportion of brownfield previously developed land which is recognised by its inclusion on the Brownfield Register. An analysis of the Step 1 Hierarchy Criteria shows that the site more closely fits within priorities 3 and 5 as reproduced below:
- Priority 3: '*Brownfield in accessible Green Belt location – Green Belt PDL in highly/moderately accessible location (i.e. located on the edge of or in close proximity to urban edge/settlement boundary.)*' and

- Priority 5: *'Greenfield in accessible lower performing Green Belt location – Green Belt non PDL in accessible location. Lower performing Green Belt will generally have a combined score of 5 or less in the Strategic Green Belt Assessment.'*

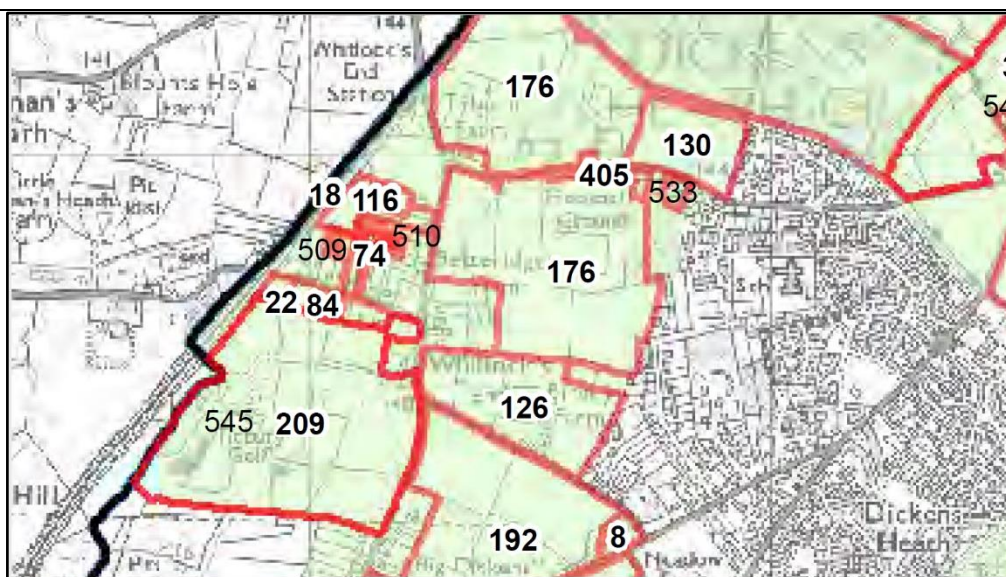
36. As set out above, our Clients' site is more accurately classified as a Priority 3 and 5 site; the methodology states that *'...sites that fall within priorities 1 to 4 should generally be considered suitable for inclusion in the plan...Sites that fall within priorities 5 to 7 are considered to have potential to be included...priority 5 sites as potential inclusions and priority 6 and 7 sites as unlikely inclusions...'* It is our contention, therefore, that it is reasonable to argue that our Clients' site should generally be considered suitable for allocation for development and removal from the Green Belt; and there would need to be more significant harmful impacts when undertaking the 'Step 2 – Refinement Criteria' assessment for the site to be excluded from the plan as an allocated development site.
37. Step 2 of the site selection methodology, 'Refinement Criteria' sets out a number of factors in favour of a site's selection and factors against. It is submitted that our Clients' site satisfies all the stated factors in favour of the site being brought forward for allocation and it does not meet any of the factors which are set out as counting against allocation of the site. Clearly the Council have inconsistently applied its own assessment criteria to reject consideration of the site as either an allocation or for removal from the Green Belt. **Therefore, it is contended that our Clients' site fully satisfies SMBC's site selection criteria, and it should be either removed from the green belt and/or identified in the Local Plan for residential development.**
38. The SA, October 2020, with specific reference to our Clients' site, states in the 'Commentary' section:
- 'The site is within a lower performing parcel of Green Belt, and moderately performing for purpose 2: 'to prevent neighbouring towns merging into one another.' The site lies within a landscape character area of high sensitivity, medium landscape value, and very low capacity to accommodate change, however, it is in existing use and part backland development. The site has medium accessibility, with high accessibility to public transport and is part brownfield. Development would be detached from the main settlement of Dickens Heath but could be considered in association with proposed Site 4, West of Dickens Heath.'*
39. It is submitted that our Clients' site and/or the quadrant, within which it is located, compares favourably against the proposed Site 4, West of Dickens Heath. Clearly, the matters raised as accessibility issues with regard to our Clients' site around retail, educational and medical facilities would apply equally to the extremities of Proposed Site Allocation 4. Although should Site Allocation 4 'West of Dickens Heath' be approved this would obviously also improve proximity considerations for our Clients' site and the quadrant within which it sits. However, our Clients' site and the quadrant would arguably score higher currently, in accessibility terms with regard to proximity with an existing pedestrian footpath to the Whitlock's End Railway Station, than the proposed allocation BL1 and BL2. Those two proposed allocations require accessibility linkages to be provided and improved, whereas our clients' land and the quadrant already has those linkages. It is submitted that this is a major factor in favour of our Clients' site and the wider quadrant.

40. Additionally, our Clients' site and the quadrant does not have the impediment of the uncertainties around the relocation of sports facilities, which are considered to be major obstacles to the delivery of Allocation BL1 West of Dickens Heath. Therefore, in delivery, availability and Green Belt impact terms, it is submitted that our Clients' site and the quadrant compares very favourably; particularly when viewed against the NPPF (paragraph 117) strong emphasis is on the use, as much as possible, of previously developed brownfield land as a preference.
41. Any potential impact on the main constraints identified in the SA; the Tree Preservation Order and nearby proximity to the railway line can be mitigated by careful the design and layout of any new housing development scheme. This has been demonstrated in the illustrative layout accompanying this representation, plan number 10463(10)M-101-A (Enclosure 3). These constraints do not therefore warrant rejection of the site from development.

### Assessment

42. The NPPF, paragraph 117 states that '*...strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land*'. Paragraph 118, part d) emphasises that policies and decisions should '*promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively*'. It is our submission that the Council has failed to use, as much as possible, available previously developed brownfield land effectively such as our Clients' site and the quadrant within which it sits.
43. A review of the Green Belt boundary in this location would allow sites to come forward for development relatively quickly and in a location that has a low performance score of 4 in Green Belt terms. It is, therefore, logical, and justifiable for the Council to remove this area alongside the proposed expansion of Dickens Heath and the proposed Site 4, West of Dickens Heath Allocation BL1. Many of the landowners have promoted their respective parcels of land for development and the Draft SHELAA October 2020 confirms, in respect of sites put forward, that '**Achievability would increase if several adjacent sites come forward together**'. The extract below from the All-Call-for-Sites Plan 2015-2020-Map shows some of the sites (but there are more than shown) put forward; it can be seen that there is a widespread coverage of landowners who have put forward their respective properties. It is our submission, that this demonstrates a willingness in this location for development and for this lower performing, in Green Belt terms, quadrant, to be removed from the Green Belt.





Extract from All-Call-For-Sites Plan 2015-2020-Map  
(Sites of Benton & Neil SHELAA ref: 18 and 116 – see table below)

44. For ease of reference the sites promoted by landowners within this quadrant are:

SHELAA SITE REF	ADDRESS	SHELAA ESTIMATED CAPACITY
18/116	146-152 Tilehouse Lane (site of Benton & Neary)	15-18
74	162 Tilehouse Lane and Houndsfield Lane	8
507	40 Houndsfield Lane	5
509	44 Houndsfield Lane	6
510	160 Tilehouse Lane	4
514	52 Houndsfield Lane	3
517	166 Tilehouse Lane	2
519	168 Tilehouse Lane	1
520	46 Houndsfield Lane	2
521	158 Tilehouse Lane	2
	Estimated totals	48-51

45. The land/property promoted by the various landowners covers a large proportion of that which falls within this quadrant and adjoins, in the main, our Clients' land. Our Clients argue that this sufficiently demonstrates the availability of this area of low performing Green Belt to come forward; similar to the situation that is proposed by the Council in Hockley Heath associated with allocation HH1 of the Plan, for example.
46. In order to minimise the adverse impact on the Green Belt and prevent urban sprawl by keeping land permanently open, it is logical that land within the Green Belt which is previously developed should be prioritised for removal from the Green Belt and allocated for more intensive sustainable development. This will ensure the scale of greenfield Green Belt land required to meet the growth needs for the Borough are kept to a minimum and the impact on the Green Belt minimised.
47. Our Clients' site offers the opportunity to direct development towards a site that is partly previously developed land in the Green Belt, that is included within the Council's Brownfield Land Register. It is a site which is in a medium to highly

sustainable location in a residential area with strong defensible boundaries, where the land makes a minimal contribution towards Green Belt purposes and openness, and residential development affords the opportunity to remove a potential 'nuisance neighbour' commercial use. Accordingly, applying the site selection criteria used by the Council, it is clear that release of our client's site for development is meritorious, accords with national policy and meets sustainable development objectives.

48. As part of the Green Belt review, our Clients consider it appropriate for the SMBC to critically examine all areas washed over by Green Belt, where there are areas of 'ribbon' development and lower performing areas of Green Belt in highly accessibility locations.
49. Paragraph 140 of the NPPF states that, *'If it is necessary to restrict 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...'* Therefore, conversely, it must be assumed that it would be inappropriate to include a village (or presumably edge of settlement development) within the Green Belt which does not make an 'important contribution' towards the openness of the Green Belt and as confirmed with the Site Assessment undertaken by the Council is within a lower performing area of Green Belt.
50. NPPF paragraph 68 requires local planning authorities to identify small and medium sized sites, as they can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
51. Planning Practice Guidance (PPG) paragraph 002 (Reference ID: 2a-002-20190220 Revision Date: 20 02 2019) on housing need assessment makes it clear that the standard method is only a minimum starting point for housing need, it is not a housing requirement. Local authorities should be seeking to put in place the necessary mechanisms to boost housing delivery, including ensuring land which it is not necessary to keep permanently open is removed from the Green Belt as part of any review and adjustment to boundaries.
52. For the following reasons, the washed over Green Belt designation for our Clients' land should be removed - in accordance with the aspirations of national, local strategic plan and a new boundary defined:
  - a) our Clients' site does not have an 'open character' which makes an 'important contribution' towards the openness of the Green Belt. This is supported by SMBC's Green Belt Assessment published in July 2016, which concluded that it had a combined score of 4 (out of a possible maximum score of 12);
  - b) development here would cause less harm to openness and the purposes of including land within the Green Belt, than many of the proposed site allocations which score more highly in the Green Belt Assessment;
  - c) much of the site is previously developed land which is a priority for development required in the Green Belt - being in commercial and residential use;
  - d) the site sits within a quadrant that has clear defensible boundaries comprising existing residential development to the east and south, Tilehouse Lane to the east and the North Warwickshire Railway Line west;

- e) the site is well served by public transport in terms of buses and highly accessible in terms of rail, with Whitlock's End Railway Station being a very short walk along the existing public footpath on the same side of the road as the Station;
- f) the existing pedestrian footpath, benefits from street lighting and provides direct walking access to the train station along the eastern boundary of the site, as opposed to Proposed Allocation BL1 that requires the creation of pedestrian links to the station to afford accessibility; and
- g) the site will contribute towards the requirement for SMBC to accommodate at least 10% of their housing requirement on small and medium sites. With an amendment to the Green Belt boundary, the site could come forward for development as a windfall site, or it could be identified and allocated within the Local Plan.

53. If the concerns around the deliverability of Proposed Allocation BL1 can be overcome and the allocation is approved, alongside that extending the settlement boundary of Dickens Heath to the west, to include our Clients' site and/or the quadrant within the urban area, would:

- remove an area of land which is partly brownfield, as confirmed by inclusion on the BLR and which has been assessed as a lower performing parcel of Green Belt;
- direct development towards a small site which would be available to come forward for development in the next 5 years in accordance with national requirements;
- direct development towards a highly sustainable location; and
- direct development towards a site which has clear physical permanent defensible boundaries suitable for defining a new Green Belt boundary.

54. Our Clients contend that because the quadrant, within which our Clients' site is located, in its own right, meets all the national and local site selection criteria, that it is unsound for it to continue to be washed over by Green Belt, that it should be excluded from the green belt and that either site 18/116 be allocated for development; and/or the wider quadrant be included within the proposed settlement boundary to Dickens Heath (Site 4 West of Dickens Heath).

#### Enclosures

- Enclosure 1 – Site location plan number 10463/02 : SHELAA site 18/116
- Enclosure 2 – site location plan 10463/03 : Tilehouse Lane, Houndsfield Lane, North Warwickshire Railway Line quadrant.
- Enclosure 3 – Housing layout plan 10463(10)M-101-A © The Tyler-Parkes Partnership Ltd

(End)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each

55. Insert a new proposed site allocation on page 180 Policy BL4 – Land west of Tilehouse Lane – to include site 18/116 (shown on enclosure 1).



In addition to the proposed site allocations in the Blythe area, BL1, BL2 and BL3 that would fall within the settlement boundary, if the Green Belt boundary is amended as proposed, there is also land west of Tilehouse Lane (as shown on Enclosure 2), that would then be considered appropriate for development as they would then also be within the settlement boundary. This area has been promoted for development by landowners and if the Green Belt boundary is changed the area would no longer be subject to Green Belt policy. Following the proposed amendments as defined on the Policies Plan Map, proposals in this location will be considered appropriate for residential development subject to development proposals satisfying local and national planning policy requirements.





8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To address the Council's Responses and the Inspector's Matters, Issues and Questions.

***Please note*** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:

Glenda Parkes

Date:

11/12/2020