



**Representation on behalf of Generator/Minton to the Solihull Local Plan Review Draft Submission Plan 2020 (Regulation 19 Consultation) in relation to Site 338, (Harpers Field), Land at Kenilworth Road, Balsall Common**

**DEC 2020**



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## **Appendix 9 – Suggested Green Belt Boundary Plan**

### **1. INTRODUCTION**

1.1 This Statement is the response of The Generator Group and The Minton Group 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 unsound in relation to six areas

- Housing Need
- Specialist Housing
- BFLR
- Windfall
- Deficiencies with allocated sites

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.
- Change to Policy H4E to be more supportive of Specialist Housing
- Allocation of sites specifically for specialist housing
- Deletion of Policy BC6 Lavender Hall Farm Balsall Common
- Deletion of Policy BC1 Barrett’s Farm, Balsall Common
- Deletion of Policy BC4 Pheasant Oak Farm, Balsall Common
- Deletion of Policy BC5 Trevellion Stud, Balsall Common
- Deletion of SLP Site19 Riddings Hill/Hallmeadow Road

And the addition of new housing allocation

- Site 338 at Harpers Field, Kenilworth Road, Balsall Common.

1.4 The reps should be read alongside the previously submitted reps for this site;

- Feb 2017
- Mar 2019
- Additional reps including technical assessments Nov 2019
- Additional reps including Planning Statement and LVIA April 2020

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

### Housing Provision

- 2.1 A Housing Need Report has been carried out by Barton Willmore (“BW”) on behalf of Generator and four other developers in response to the DSP. The report is attached as **Appendix 1**.
- 2.2 The report focuses on the calculation of housing need in the DSP 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.
- 2.3 The report reviews the Council’s housing need evidence base and presents sensitivity testing of the Council’s conclusions on economic-led housing need and what should inform the housing requirement for the DSP.
- 2.4 The report also considers unmet housing need in the wider Greater Birmingham and Black Country Housing Market Area (GBBC HMA).

- 2.5 In short, the report identifies a **major housing shortfall** over the plan period.
- 2.6 The analysis in the report results in the following broad principles:
- i) The minimum need for Solihull (807dpa) – calculated using the Standard Methodology – is clearly insufficient to account for the expected job growth from the UK Central Hub and the ‘acute’ need for affordable housing in the Borough.
  - ii) BW’s demographic modelling shows that between 1,036 and 1,248 dpa are required to support the UK Central Hub scenario.
  - iii) BW’s calculations suggest that the deficit in unmet housing need from Birmingham City being delivered by HMA Local Plans amount to a minimum of between 11,294 and 13,101 dwellings up to 2031, a significant increase from the 2,597 dwellings concluded in the 2020 position statement. This will increase when the unmet need for the Black Country is considered. Additional unmet need will also be created post 2031.
  - iv) It follows that, for the reasons summarised here and set out in full in the BW Report, the DSP is plainly unsound by reference to all of the tests set out in paragraph 35 of the NPPF.

### 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 Pinders have prepared an update to an earlier Needs Report (which formed part of the evidence for a Public Inquiry within the Borough in Jan 2020). The updated report sets out the need at 2020, 2025 and 2030. The shortfall for both bed spaces and extra care units is set out in the table below. The Needs Report is attached as **Appendix 2**.

Year	2020	2025	2030
Care beds required	188	348	567
Extra Care units required	527	663	847
<b>Total shortfall</b>	<b>715</b>	<b>1011</b>	<b>1411</b>

2.9 The conclusion of the report is there is a compelling need for both care bed spaces and extra units now, which will increase substantially 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. The Plan should contain a policy that is much more supportive of specialist housing. This issue arose in relation to the recently adopted South Oxfordshire Plan 2025, where the Inspector concluded that Policy H13 in the submitted version of the Plan (which took the same approach as the DSP now does) was unsound, and required a more positive approach to be taken. Extracts from the submitted version of the SODC Plan, the Inspector’s Report and the

adopted version of the Plan are provided at **Appendix 3, 4 & 5** respectfully.

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 completion. 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.

2.12 A full analysis of windfall supply is set out at Section 6 (page 15) in the Five Year Housing Land Supply Review Nov 2020 prepared by

Lichfields, on behalf of The Generator Group and The Minton Group (to accompany a detailed planning application for Site 338, due to be submitted imminently). A copy of the report is attached as **Appendix 6**. The report concludes the windfall allowance does include an allowance from both large site windfalls and garden land.

2.13 The report advises there is 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.

2.14 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.

Deficiencies with Allocated Sites

2.15 We have reviewed the draft housing allocations within Balsall Common and consider the following deficiencies need to be addressed.

2.16 DSP paragraph 541 identifies delivery risks associated with some of the allocations:



*"Some of the sites, in particular Barratt's Farm, have multiple and potential (Sic) complex land assembly issues. It is important that sites such as this are considered in a comprehensive manner to avoid piecemeal developments occurring. This needn't necessarily preclude a phased approach where one parcel of land or part of a site may be available for development in advance of another, but this should be in accordance with an approach agreed by the Council and all relevant landowners/development promoters. This will include joint responsibility for the provision of infrastructure, and this latter point will also be relevant to other sites around the village which also need to ensure they contribute towards the provision of the required infrastructure".*

- 2.17 These concerns were also highlighted by the Council in the previous draft Solihull Local Plan Supplementary Consultation January 2019. Paragraph 101 stated:

*"Before being finally included in the Plan it will be necessary for the varied land interests to demonstrate they can work collaboratively and comprehensively together".*

- 2.18 Apart from some brief references within the SLP Concept Masterplan 2020, no evidence has been provided to demonstrate that these complex issues have been addressed. The complexities of these sites and the need to work collaboratively and comprehensively together raises serious concerns in terms of deliverability within the Plan period.

- 2.19 In turn, this raises serious concern in relation to the trajectory and the phasing within the Plan and consequently on the required 5 year housing land supply.

Policy BC6 Lavender Hall Farm

- 2.20 BC6 is a later addition to the housing allocation list. It is not clear why this site was regarded as suitable for allocation within the DSP.
- 2.21 This view is premised on the basis of:
- An assessment on site,
  - The site assessment document,
  - The site's relationship with the village,
  - Its position in open countryside to the east of the West Coast Mainline.
- 2.22 The site is completely divorced from the existing settlement, having no contextual link or appropriate setting to suggest the site makes an appropriate and sensible addition to the village. This sets an inappropriate precedent for any future planned village expansion.
- 2.23 The site lies within the highest performing Green Belt Parcel and the Landscape Character Assessment identifies that the site has medium visual sensitivity. The Council's site assessment also states that development should preferably be on land that is more highly accessible, and/or performs least well in Green Belt terms and/or provides strong defensible boundaries. The allocation contradicts the Council's own assessment criteria.

- 2.24 The site already lies adjacent the West Coast Mainline and if HS2 is built the site would be positioned in a narrow belt between two highly used railway lines, thereby creating an unsuitable residential development given the environment that would result from noise, vibration and visual sensitivity.
- 2.25 The site would also lie outside the proposed firm and defensible Green Belt boundary suggested by the Council i.e. the West Coast Mainline, east of Balsall Common, contrary to the purposes of defining a firm and defensible Green Belt boundary and contrary to the principles of Policy BC1 Barrett’s Farm i.e. allocating land than would not breach the proposed new GB boundary.
- 2.26 It becomes even more difficult to understand why this site has been proposed for allocation considering the text within the DSP at Paragraph 537. This provides detail on the amended Green Belt boundary to the east of Balsall Common and which includes the strong and defensible West Coast mainline:

*"The Green Belt boundary around Balsall Common will need to be amended to accommodate the level of growth proposed for the settlement. To provide a logical strong and defensible new eastern boundary it is proposed to use the West Coast Main <sup>45</sup> line as the new boundary from where the Kenilworth Road crosses the line to the north of the settlement to the point the HS2 line crosses the existing railway just south of Station Road".*

- 2.27 The reference note <sup>45</sup>, added to this paragraph and explained in the small print at the bottom of the page appear to be solely to justify the breaching of what otherwise would be a firm and defensible Green Belt boundary and to allow the allocation of Lavender Hall Farm.

2.28 It makes no logical sense to identify an extremely firm and defensible Green Belt boundary to mark the eastern most boundary of Balsall Common and then breach that boundary in endeavouring to justify allocating a further site (BC6) and create a weaker Green Belt boundary around that site.

2.29 The note reads:

“<sup>45</sup> With the exception of that part of the line adjacent to Lavender Hall Farm. At this point the Green Belt boundary would extend north-eastward beyond the railway line so that the DLP Site 21 (R/O Lavender Hall Farm) can be included as an allocation.”

2.30 In view of the above comments the site at Lavender Hall Farm should not be allocated and Policy BC6 and the justification deleted from the Plan.

Policy BC1 Barratts Farm Balsall Common

2.31 The above comments regarding “multiple and potential (Sic) complex land assembly issues” are particularly relevant to BC1. We question if the issues can be resolved and if the housing numbers can come forward within the Plan period. This has implications for the delivery of the Balsall Common Bypass, which is one of the infrastructure requirements of policy BC1 and would be dependent on contributions from all landowners/developers.

2.32 In addition, there is no certainty over the provision of either HS2 and the Balsall Common bypass in terms of construction or completion dates. This is particularly relevant to HS2, where commencement and completion dates keep moving further into the future. Whilst the master plan document advises the bypass it is a requirement there is no evidence in relation to viability, it has not been costed and there

is no evidence to demonstrate it can be delivered by the quantum of development proposed.

2.33 This issue has knock on consequences for and raises doubts over the provision of a firm eastern Green Belt boundary to the site. The Council acknowledged within the earlier site assessment document (January 2019) that without either the bypass or HS2 it would result in an indefensible Green Belt boundary. This becomes even more pertinent with the site being partly within a highly performing broad area within the Council’s Green Belt Assessment.

2.34 The DSP does not make clear whether the line of HS2 or the West Coast Mainline is to become the revised Green Belt boundary to the east of BC1. Both are identified as fulfilling that role within the DSP. At paragraphs 537 the West Coast Main line is heralded as the “logical” revised Green Belt boundary, however paragraph 545 refers to the line of HS2 as the “strong defensible Green Belt boundary”.

2.35 In short, there is insufficient evidence to conclude this site is available, deliverable and achievable. Its inclusion as an allocation in the DSP is therefore unsound.

BC4 Pheasant Oak Farm

2.36 The previous comments regarding multiple ownership and complex land assembly issues are equally relevant to this proposed allocation.

2.37 The site is also acknowledged within the Council’s most recent site assessment document (October 2020) as:

- a) “..... part high (*highest*) performing parcel in the Green Belt Assessment and would result in an indefensible Green Belt boundary to the east.

- b) "Site has a low level of accessibility....." and
- c) "Could be considered subject to provision of clear firm Green Belt boundaries".
- d) "Development should preferably be on land that is more highly accessible, and/or performs least well in Green Belt terms and/or provides strong defensible boundaries".

2.38 These factors weigh heavily against the choice of the site as a draft allocation.

2.39 BC4 is also heavily reliant on the building of the bypass and the assembly of land outside the housing allocation site.

2.40 There appears to be no policy or proposal for the building of this section of the bypass adjacent to BC4, between Waste Lane and Kenilworth Road. It must be assumed this section would not to be built within the Plan period up to 2036 and there is no certainty over its provision at any stage. This adds further doubt over the provision of a firm eastern Green Belt boundary to BC4.

2.41 There is no consistency between the DSP and the SLP Concept Masterplans over the precise location of the Revised Green Belt boundary in relation to BC4. The DSP proposes the eastern boundary of the site (paragraph 560) as the defensible boundary, whilst the Masterplan proposes the alignment of the bypass (page 32). Similarly there is no consistency with the alignment of the bypass, which differs between that shown on the illustrative concept Masterplan (page 32) and the Draft Submission Proposals Policies Map.

2.42 The negative site assessment in relation to Green Belt performance, accessibility and lack of defensible GB boundary call this allocation into serious question. The added uncertainty in relation to the

location and deliverability of the bypass, together with the ownership issues result in a site that cannot be considered to be available, achievable and deliverable. Its inclusion as an allocation in the DSP is unsound.

Policy BC5 Trevellion Stud

- 2.43 The previous comments regarding multi ownership and complex land assembly issues are also relevant to this proposed allocation. Firm and defensible Green Belt boundaries would only be created when considered in a comprehensive manner, which cannot be assured.
- 2.44 The site is also identified as having high visual sensitivity in the Landscape Character Assessment and from an assessment on site it is clearly evident that the land extends significantly out into open countryside, impacting considerably on the openness of the Green Belt at this point and contrary to one of the five purposes of the Green Belt, to assist in safeguarding the countryside from encroachment.
- 2.45 There is insufficient evidence to conclude this site is available, deliverable and achievable. Its inclusion as an allocation in the DSP is therefore unsound.

SLP Site19 Riddings Hill/Hallmeadow Road

- 2.46 The site was allocated in the adopted Local Plan 2013, however there has been no movement on bringing the site forward for development

and as such raises doubts over its future delivery within the Plan period. It has not been demonstrated that this site is available, achievable and deliverable. Its continued inclusion as an allocation in the DSP is unsound.

### **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 Deletion of Policy BC6 Lavender Hall Farm Balsall Common and paras 570-574
- 3.6 Deletion of Policy BC1 Barrett's Farm, Balsall Common and paras 545-550
- 3.7 Deletion of Policy BC4 Pheasant Oak Farm, Balsall Common and paras 560-564
- 3.8 Deletion of Policy BC5 Trevellion Stud, Balsall Common and paras 565-569
- 3.9 Deletion of SLP Site 19 Riddings Hill/Hallmeadow Road and para 544



Reasons why Site 338 Harpers Field Kenilworth Road Balsall Common should be included as an allocation within the Solihull Local Plan Draft Submission

- 3.10 There is clearly some uncertainty with the allocated sites, which supports the allocation of an additional site in respect of which there is no such uncertainty.
- 3.11 In relation to Green Belt better performing sites have been proposed for allocation than Site 338. This Site should be viewed as a more appropriate substitute
- 3.12 The qualities that make Site 338 a suitable and appropriate allocation within the DSP are set out below. It should also be pointed out that technical reports have been carried out in relation to the site and submitted to the Council to either support the Council’s assessment of the site or provide relevant information to correct or dispute the Council’s findings. Two of these reports are:
  - (i) Green Belt Technical Update note (2020) by Liz Lake Associates (LLA)
  - (ii) Landscape Visual Impact Assessment for site 338 by TPM landscape
- 3.13 Unlike some of the proposed allocations at Balsall Common this site is in one ownership, developer owned, in a very marketable position and immediately available, achievable and deliverable without the complex land assembly or land use issues of multi ownership sites.
- 3.14 A detailed planning application has been prepared for circa 110 units and will be submitted shortly. In preparation of the planning application all relevant technical issues have been dealt with, ensuring a development which is achievable and deliverable well

within the Local Plan period 2020-2036. We are aware of only one other site within the DSP that can demonstrate the same.

- 3.15 The site is medium sized, being able to accommodate between 100-130 dwelling units and does not rely on major infrastructure being delivered ahead of the commencement of development and could proceed within any of the phases in the DSP. Early delivery would also help with the Council's five year housing land supply.
- 3.16 The site is easily accessible, having excellent pedestrian and vehicular access onto Kenilworth Road in common with the adjacent Windmill Lane allocation Site BC3.
- 3.17 Site 338 is also surrounded on three sides by development, the long standing residential development to the north, the residential development to the east on the opposite side of Kenilworth Road which abuts the Windmill Lane allocation Site BC3 and to the west by the two specialist housing sites Harpers Field Care Home and the 39 extra care units at Albany Meadows.
- 3.18 The site is compact, self-contained and does not extend further into the countryside than the existing settlement of Balsall Common. To the immediate south is an existing single defensible Green Belt boundary of hedgerow and trees. The site also exhibits no landscape, heritage or ecology issues.
- 3.19 The only comments in the Council's site assessment of Site 338 which now appear to challenge, in part, the above statements are that in their opinion the site lacks defensible Green Belt boundaries to the south and west and the contribution the site makes to the Green Belt.
- 3.20 On inspection of the site and its surroundings, it cannot be disputed that substantial development, in the form of two specialist housing developments, exist along the whole of the west side of Site 338. The southern boundary exhibits a well-defined mature tree and hedge

boundary, a firm and defensible Green Belt boundary, no different but more substantial than the southern boundary of the Windmill Lane allocation (BC3) to the east of Kenilworth Road and no different to other similar tree and hedgerow boundaries accepted as Green Belt boundaries on other allocated sites.

- 3.21 Although the Council’s Site Assessment 2019 & 2020 commentary refers to the site being within a higher performing parcel in the Green Belt, the Council has now acknowledged in the Site Assessment 2020, that with the more recent development of the Harpers Field Care Home (no mention is made of the Albany Meadow development) it is likely to perform more moderately and thus by inference is therefore not highly performing in Green Belt terms and only contributes to one of the functions of Green Belt i.e. to assist in safeguarding the countryside from encroachment, as confirmed by the LLA Green Belt technical note.
- 3.22 To challenge the Council’s original site assessment assertions in the 2019 Site Assessment document, an independent GB Assessment by LLA concluded that the Council’s approach had failed to take account of, or acknowledge the performance of the smaller parcels of land at the edge of settlements including that of RP58 (within which Site 228 is located). The Council’s approach had simply been a high level strategic assessment.
- 3.23 The LLA GB technical note concluded that parcel RP58 contributes less to the purposes of the Green Belt and would cause less harm to the openness of the Green Belt than the Council’s assessment. It would provide strong defensible boundaries and be designed in such a way as to preserve the character of the village.
- 3.24 The difference in the Council’s GB Assessment and LLA’s GB Assessment can be attributed to two factors. Firstly the Council’s assessment was carried out on a much larger area of land, Broad

area 02 and refined parcel RP58, whereas LLA have assessed Parcel RP58 only. Secondly and more importantly the Council’s assessment was carried out before much of the surrounding development was built i.e. the 39 extra care units at Albany Meadows and the new housing to the east of Kenilworth Road. The plan contained with both the 2019 and 2020 Site Assessment document does not show the Albany Meadows development.

- 3.25 Since the Council’s GB Assessment the site has therefore become an island, surrounded by development on three sides and divorced both physically and in character from the larger parcel originally assessed by the Council, and as such the contribution the site makes to the function of the Green Belt is significantly reduced.
- 3.26 Overall the LLA Assessment for the site has concluded there would be only a slight adverse effect on the openness and qualities of a limited part of the Green Belt and that the contribution the wider parcel makes to the Green Belt would be preserved.
- 3.27 The LVIA for the site prepared by TPM landscapes concluded there would be no long distant views and very limited mid distance views due to the visual envelope being restricted to the north, east and west by existing development.
- 3.28 In respect of the assessments, reference to site 338 having a low capacity to accommodate change, this is common to all the allocated sites in Balsall Common.
- 3.29 Site 338 also lends itself to be allocated for C2 use. The Minton Group (part owners of the land) secured planning permission for the adjacent care home and extra care development at Albany Meadows and have a proven track record in delivery of C2 schemes.
- 3.30 As discussed at paras 2.7- 2.9, the DSP does not adequately address the need for specialist housing for the elderly. Depending on larger

sites will result in further delays in addressing the need which is present now and only increases in the next 5-10 years. Allocating Site 338 would allow part of this need to be addressed now.

- 3.31 Site 338 for the above reasons should be allocated as a housing site or for C2 use within the DSP. A layout plan is attached as **Appendix 7** to show how the site could work as a C2 allocation.
- 3.32 LLA have prepared a master plan to show how a C3 scheme the site could be developed and how it would relate to site BC3. The master plan is attached as **Appendix 8**.