



## Solihull MBC Local Plan Publication Stage Representation Form

**Ref:**  
  
**(For official use only)**

**Name of the Local Plan to which this representation relates:**

**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 23:59**

*Our Privacy Notice can be found at <https://www.solihull.gov.uk/About-the-Council/Data-protection-FOI/Solihull-Council-Statement/Economy-and-Infrastructure/Policy-Engagement>*

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*	2. Agent's Details (if applicable)
	<i>*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.</i>	
Title	<input type="text" value="Miss"/>	<input type="text" value="Miss"/>
First Name	<input type="text" value="Zoe"/>	<input type="text" value="Zoe"/>
Last Name	<input type="text" value="Curnow"/>	<input type="text" value="Simmonds"/>
Job Title (where relevant)	<input type="text" value="Strategic Land &amp; Planning Manager"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Taylor Wimpey"/>	<input type="text" value="Lichfields"/>
Address Line 1	<input type="text" value="c/o agent"/>	<input type="text" value="3&lt;sup&gt;rd&lt;/sup&gt; Floor"/>
Line 2	<input type="text"/>	<input type="text" value="15 St Paul's Street"/>
Line 3	<input type="text"/>	<input type="text" value="Leeds"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="LS1 2JG"/>
Telephone Number	<input type="text" value="c/o agent"/>	<input style="background-color: black; color: black;" type="text"/>
E-mail Address	<input type="text" value="c/o agent"/>	<input style="background-color: black; color: black;" type="text"/>

(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  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

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.

**Paragraph 242** states that Concept Masterplans have been provided for strategic site allocations to provide SMBC with the confidence on capacity and delivery. This is fair and reasonable. However, it is not clear in the Local Plan what status these Plans have and what weight they will be given.

Paragraph 404 notes that *'The Council will require the development of residential site allocations in the Plan to be in general accordance with the principles of the Concept Masterplan for the respective site allocation'*.

The separate Supplementary Document on Concept Masterplans reiterates that *'Each concept masterplan sets out at a broad level how the sites ought to be developed and the likely housing capacity. The concept plans have been developed in collaboration with the site owners and/or promoters. Once allocated in the Local Plan all sites will need to be brought forward in a manner which reflects both national and local plan policies. This will require additional survey work which is current at the time of application. This may result some changes to the illustrative masterplans'*.

However, Policy BL2 (for example) goes further and states that *'Whilst the concept masterplan may be subject to change in light of further work that may need to be carried out at the planning application stage, any significant departure from the principles outlined for Site 12 will need to be justified and demonstrate that the overall objectives for the site and its wider context are not compromised'*. It is imperative that the weight to be given to these Concept Masterplans, at the

Development Management stage, is made very clear in the Local Plan to make the Plan effective (Sound). The reason for this is that Taylor Wimpey have a number of concerns about the content of the Concept Masterplan for Site BL2 and need to be clear that either the Concept Masterplan will be modified before the Local Plan is adopted or that there would be the opportunity to present an application that does not respond fully to the Concept Masterplan. The reasons are set out below.

It is considered that the concept masterplan for site BL2 has not been prepared to take into account all available proportionate evidence, or in some instances, the evidence base is not well founded. The comments on the following bullets listed in paragraph 242 are provided below:

- Bullet 2: key site constraints have been identified;
- Bullet 3: different land uses/proposals and their scale have been identified;
- Bullet 4: key access and movement routes; and
- Bullet 7: establishing a clear and logical boundary to identify precisely the land to be released from the Green Belt.

### **Bullet 2: Key site constraints**

A number of observations have been made in relation to the suggested Concept Masterplan and its supporting evidence base in relation to the identification of key site constraints. These relate to flood risk, heritage and ecology and are discussed below.

#### Flood Risk

It is understood that one of the considerations of SMBC in defining the development parcels was to avoid any flood risk areas. This position is supported and, in principle, aligns with the approach set out in the National Planning Policy Framework (NPPF). However, from a review of the evidence base the following observations are made:

- The proposed built development has been sequentially arranged to be entirely in Flood Zone 1 (Low Probability). A hydraulic modelling exercise being undertaken by Taylor Wimpey of the Mount Brook through the site is currently being undertaken and will confirm the floodplain extents and levels associated with this watercourse. However, given the topography of the site, it is not anticipated that the modelling exercise will change the flood risk to the proposed built development, and it will remain at low flood risk.

Site 12 (now referred to as site BL2) in the SMBC Flood Risk Assessments for Sites 2020 document, identifies the flood risk extents of the site, the areas with potential risk and opportunities and the extreme flood flow paths. It is understood that this assessment, along with the others contained within the document, were prepared by the Lead Local Flood Authority (LLFA) to give the appointed SMBC consultants a steer on the areas that needed specific focus/investigation as part of the Level 2 Strategy Flood Risk Assessment.

As such, they were not intended to be used to inform the form or layout of any future development parcels as is understood to be the case for the Concept Masterplan for Site BL2. To define a development parcel on this basis is not considered to be appropriate and should be amended in line with Randall Thorp Masterplan (see page 56 of the Concept Masterplan document) which has been prepared with full consideration of the site's existing features and opportunities and constraints. For example, the Randall Thorp masterplan includes an allocation of space for flood alleviation.

On this basis, the Concept Masterplan should be amended to reflect appropriately justified development parcels.

### Heritage

The site analysis and design principles for Sites BL2 and BL3 make reference to the Grade II listed farmhouse known as Light Hall and the need to ensure that development does not encroach on its setting, and if it does so, for the design of the development to be of exception design quality. This approach, in principle, is accepted and aligns with the guidance in the NPPF on heritage and design matters and other relevant statutory tests.

However, there are a number of shortfalls with the Concept Masterplan as currently designed. Firstly, while the policy for the site allocation (BL2) and the wording of the Concept Masterplan design principles allows for development to come forward on land around the listed building (providing the appropriate design related measures are adopted to safeguard the setting of the heritage asset), the Concept Masterplan identifies an extensive area around Light Hall as 'public open space and play'. This designation is inconsistent with the draft site allocation policy and, should be removed from this designation and identified for development.

The second observation is in relation to the Council's evidence base which has been used to define the development parcels of the Concept Masterplan. This is principally a Heritage Impact Assessment (HIA) carried out by David Burton Pye. EDP (appointed as heritage consultants by Taylor Wimpey) has undertaken a critical review of this report and provided further discussion on the potentially affected heritage assets and potential surviving archaeological remains.

EDP are clear that some previous design recommendations made in the David Burton-Pye HIA, particularly regarding Light Hall, were overly stringent and not based on a sound understanding of how, in what way(s) and to what extent the setting of the designated heritage asset contributes to its significance.

EDP have made the following design-related suggestions/recommendations on how the Concept Masterplans should be revised that would limit the 'harm' to the significance of this asset, whilst providing a sense of place and historic character for the development:

1. Retention of Light Hall, its gardens and the remaining associated farm buildings as a focalpoint within the completed development;
2. Retention of the access drive, with an appropriate corridor of open space in order to preserve the designed view toward Light Hall from the north and maintain an element of 'ruralness' to the view and approach;
3. Retention of a sufficient open space buffer around Light Hall farm and its garden to maintain an element of ruralness in its immediate setting and offset the built form of development so that it does not 'crowd' up to the boundaries;
4. Control of building heights in new houses to the north west, north east, west and east of Light Hall and the provision of landscape planting to soften the effect of built development in these directions;
5. Siting and orientation of new development to ensure that Light Hall becomes the new focalpoint and that those dwellings in its immediate surroundings do not turn their backs towards this historic feature;
6. Use of an appropriate architectural approach for at least those new houses in close proximity to the listed building; in order to take design cues from it and also reflect its historic character and distinctiveness in the surrounding development;
7. Focus on an appropriate palette of suitable materials for those elements of the proposed development in closest proximity to the listed building, with that palette based on the external treatment of Light Hall and also intended to reflect the local vernacular traditions in this area; and

8. Retention of remaining hedgerows and trees where possible, although these would largely be obscured and separated from Light Hall by the development of the intervening fields, which would further reduce their limited contribution to the significance of the listed building.

EDP has no reason to believe that development around the listed building, could not be delivered in accordance with the Council's statutory duty and in accordance with the relevant provisions of the NPPF so long as it responds positively and appropriately to the masterplan design principles set out above in this Appraisal.

The Concept Masterplan should:

- Remove the land to the west of Light Hall from the 'public open space and play' designation;
- Identify the land to the east of Light Hall for development, subject to impact on the heritage asset; and
- Include the design principles contained at paragraph 3.62 of the Archaeological and Heritage Appraisal prepared by EDP within the concept masterplan for site BL2.

#### Ecology

EDP have advised Taylor Wimpey since 2009 on Ecology matters in relation to Site BL2 and have developed comprehensive, field-based local knowledge of the site since that time. Having reviewed SMBC's ecological evidence base, EDP have a number of concerns with the methodology used and conclusions made. These assumptions have been fed into the site analysis and design principles of the concept masterplan, raising a concern that undue weight has been applied to the retention of existing on-site features.

For example, EDP have concluded that the ecological evidence base lacks sufficient data to provide any informed recommendations regarding the retention of habitat and maintenance/enhancement of ecological connectivity. Additional information regarding the methodologies adopted during any assessment of the Site should be provided, particularly before any weight is given to it within the local plan process.

#### **Bullet 3: different land uses/proposals have been identified**

The indicative capacity of the site at 1,000 dwellings is supported and it similar to that proposed by Taylor Wimpey through the previous Local Plan consultations and is considered to be deliverable.

A concerns is, however, raised regarding the Concept Masterplan itself and the location and quantum of open space shown.

#### Open space

It is noted in Policy BL2 that 8.2 hectares of public open space will be required to be delivered on site, however, the area of land shown significantly exceeds this amount and extends south far more extensively than the site ownership of Taylor Wimpey. As noted previously, it also includes the land to the west of Light Hall which while is currently not identified for development, could in future (see comments above).

Unless SMBC have a firm commitment from other landowners that the proposed public open space outside of Taylor Wimpey's ownership can be delivered, the Concept Masterplan should be amended accordingly.

#### **Bullet 4: key access and movement routes through and to the site**

The SMBC Concept Masterplan for Site BL2 identified access from three proposed

locations; from Dog Kennel Lane, from the A34 Stratford Road/Dog Kennel Lane roundabout and an access direct from the A34 (south of the Dog Kennel Lane junction). These are shown as indicative arrows, however, it is unclear if these are the accesses for any mode, or whether they are intended to represent purely accesses which vehicles can use, with other mode accesses not shown.

It is considered that there is a much greater opportunity to connect to the existing and new communities than shown on the SMBC masterplan. Particularly in the context of the first sentence in the Introduction to the Local Plan, Challenges A, C, H, J and H, Policies P7 and P8, where there is a requirement for masterplans to lead with active travel accesses, for which there are numerous opportunities.

There is also a green buffer shown on the SMBC masterplan through the centre of the site and it is not clear from the plan if this would hinder a vehicular or active travel connection between the development parcels on either side of the green buffer.

**Bullet 7: establishing a clear and logical boundary to identify precisely the land to be released from the Green Belt.**

The proposed Green Belt boundary does not follow existing features on the ground and should be modified according to accord with NPPF guidance; this is covered in the reps on the Policies Map.

**Paragraph 243**

Finally, it is noted, that SMBC will be seeking a coordinated and comprehensive approach to the development of site, even when they are in separate ownership. In principle, this is agreed and accepted, and the Concept Masterplans should provide SMBC with the confidence that site's will be developed comprehensively. However, it is not appropriate to require 'evidence' demonstrating a joint, coordinated approach to development. This would place an unnecessary burden on the delivery of sites and would negate the need for a concept masterplan to be prepared at this stage. As with all planning applications for sites in multiple ownership, it will be up to the Council during the determination of any planning application to be satisfied that proposals do not prejudice development coming forward on neighbouring land.

(Continue on a separate sheet /expand box if necessary)

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 modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To ensure that the Local Plan is 'effective' clarity is required on the weight to be given to the Concept Masterplans. If it is made clear that these are just the starting point for future applications and that changes can be made, then that would be acceptable. Alternatively, the Concept Masterplans need to be modified prior to the Plan being adopted.

Paragraph 243 – this should be amended as follows:

It will be expected that where there are multiple ownerships involved **and to avoid piecemeal development, future planning applications should, where possible/relevant, demonstrate that the development will not prejudice what can be delivered on any remaining parts of the site.** ~~the concept masterplan will show a coordinated and comprehensive approach to the development of the site that is supported by relevant site promoters/developers~~

~~so that piecemeal development is avoided.~~ This needn't necessarily preclude a phased approach where one parcel of land or part of the site may be available for development in advance of another. ~~However it will be expected that evidence can be provided of a joint and coordinated approach so that~~ **It will, however, provide reassurance that** one phase of development does not prejudice a future phase, nor place undue viability pressures on a later phase to complete necessary infrastructure to serve the whole development.

Concept Masterplan

Map should be updated to:

- Remove POS designation for land to west of Light Hall.
- Ensure 'area of development subject to heritage impact' covers all land around Light Hall to the north and west.

Concept Masterplan – Design Principles

The following text should be amended:

The trees and hedgerows along Dog Kennel Lane should be retained, **where possible**, in order to safeguard the character of the road.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

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

The weight to be afforded to the concept masterplans is a key concern of Taylor Wimpey and it is necessary to participate in the hearing sessions to ensure the inspector is fully aware and satisfied of the status afforded to the concept masterplans and their respective inconsistencies.

**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:

Date:

14/12/2020