



## 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	<input type="text" value="Mr"/>	<input type="text" value="Mrs"/>
First Name	<input type="text" value="James"/>	<input type="text" value="Glenda"/>
Last Name	<input type="text" value="Mc Bride"/>	<input type="text" value="Parkes"/>
Job Title (where relevant)	<input type="text" value="(please refer to agent)"/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text"/>	<input type="text" value="Tyler Parkes"/>
Address Line 1	<input type="text"/>	<input type="text" value="66 Stratford Road"/>
Line 2	<input type="text"/>	<input type="text" value="Shirley"/>
Line 3	<input type="text"/>	<input type="text" value="Solihull"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="B90 3LP"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail Address (where relevant)	<input type="text"/>	<input type="text" value="REDACTED"/>

## 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>669 &amp; 671</b>	Policy		Policies Map	<b>Hockley Heath Settlement 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.

### **OBJECTION Mr J McBride (10703)**

#### **Hockley Heath Section: paragraphs 669 and 671 and Settlement Boundary shown on the Policies Map.**

- Our Client Mr J McBride submits that the proposed settlement boundary amendment at Hockley Heath (as shown on the Policies Map) is unsound as it does not include any amendment to the boundary south of the settlement, contrary to national planning policy.
  - Land which is unnecessary to keep open has been retained within the Green Belt – contrary to National Planning Policy Framework (NPPF) paragraph 139b);
  - Insufficient policy weight has been given to encouraging the development of all suitable land adjacent to the 2013 adopted settlement boundary for housing to avoid the need to adjust Green Belt boundaries beyond the plan period – contrary to NPPF paragraph 139 e); and

- **Insufficient account has been taken of the Hockley Heath Neighbourhood Plan Resident Survey Results Report (2018), which showed significantly less opposition to any new development being directed south of the settlement boundary, along Stratford Road – contrary to NPPF paragraphs 15 and 16 c).**
- 2. These representations are submitted on behalf of our Client, Mr. J McBride, who owns 'Oakleigh', 2440 Stratford Road and Firs Paddock, Stratford Road, Hockley Heath, Solihull B94 5NJ. They affirm that without substantive changes to the Draft Submission Solihull Local Plan (SLP) and accompanying Policies Map, the section which relates to Hockley Heath and the Hockley Heath settlement boundary shown on the Policies Map are **unsound**.
- 3. This representation should be read alongside the representations submitted on behalf of our Client in respect Policy P5 'Provision of Land for Housing'. Our Client contends 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.
- 4. 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).
- 5. **It is formally requested that either:**
  - **The existing 19 dwelling affordable housing exception development site plus part of the area of land within our Client's ownership, which falls entirely within the administrative boundary of SMBC, is removed from the Green Belt and included within a modest extension to the settlement boundary southwards at Hockley Heath - as identified on the plan numbers 10703(ALL)01-C (location and proposed layout) and 201207 (aerial photograph) forming part of this representation. Or,**
  - **Following cooperation with Stratford-on-Avon District Council to agree a minor change to the Green Belt boundary within their administrative area, the Green Belt boundary is amended to include the existing 19 dwelling affordable housing exception development site, plus all of the land within our Client's ownership - as identified on plan numbers 10703(ALL)02 forming part of this representation.**
- 6. As is evidenced in more detail below, our Client's land 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 Client's site:
  - is partly brownfield;
  - makes a very limited contribution towards the purposes of including land within the Green Belt (scoring only 5 out of a possible 12 in the Green Belt Assessment, 2016);
  - has two potential clear physical defensible boundary line options comprising existing trees and hedging which could be readily strengthened to form the

new Green Belt boundary, together with the existing roads to the east and north west. The first line of vegetation falls entirely within SMBC administrative area, the other lies partly across the administrative boundary within Stratford-on-Avon administrative area;

- is in a sustainable location;
- has no physical or legal constraints restricting development, with the illustrative layout prepared to accompany this submission showing clearly how the TPO tree and the setting of the nearby Listed church would continue to be protected;
- is in the ownership and control of a landowner keen to bring it forward for development at the earliest opportunity;
- is in an area which has the least strength of support for its continued protection from development by local residents;
- 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 between approximately 8 to 15 dwellings (dependent upon which Green Belt boundary is proposed) within the first 5 years of the plan period.

7. Land in our Client's ownership extends to approximately 0.54 ha, as identified on the attached plan number 10703(20)102. Approximately 0.1 ha of The Firs employment land lies within Stratford-on-Avon's administrative boundary. The Local Authority administrative boundary is identified on the plan, with the garden land being shown hatched 'blue' and the employment land shown hatched 'red'.
8. The aerial photograph below shows the approximate site boundary of land in our Client's ownership.



© google earth

9. The site comprises a sizeable and extended residential dwelling, in the north east section of the site, which has a substantial curtilage garden with garaging and

swimming pool. The Firs Paddock is a local employment site consisting of 6 no. units, access and car parking. Access to the site is currently taken from Stratford Road via an individual residential drive serving 'Oakleigh' as well as a separate long access road serving the Firs Paddock employment area.

10. It is clear from the aerial photograph that there is an existing line of vegetation along the majority of the southern and western perimeters of land in our Client's ownership. The eastern boundary is defined by the Stratford Road with the north west edge of the site defined by Nuthurst Lane. The proposed new east, west and southern boundaries for the proposed settlement extension, are therefore logical and robust.
11. The site lies close to the southern limit of Hockley Heath village inset boundary. Between the site and the settlement boundary, an affordable housing development for 19 dwellings has been permitted as a Green Belt exception site under Planning Application reference number PL/2016/00723/PPFL, granted permission in February 2017. The affordable houses have now been completed.
12. The site is largely screened from view by existing buildings (to the north) and dense tree and hedging along the roads and along the edge of the site such that it makes little contribution to the openness of the Green Belt. Furthermore, the commercial nature of the lawful employment use at Fir Paddock has potential for nuisance to neighbouring residents. The residential traffic associated with the use of the site is likely to have less of an impact on the Green Belt and sustainable development objectives than the site's lawful use as an employment estate.
13. The residential use of the site would have a negligible impact upon the openness of the Green Belt due to its strong defensible boundaries and containment. It is accepted in the Council's evidence that the site makes only a limited contribution towards the purposes of including land within the Green Belt.
14. The site is not located within an area liable to the risk of flooding, as shown on the Environment Agency Flood Risk Map. None of the existing buildings are of any special architectural significance and the site does not lie within or near a Conservation Area.
15. The nearest Listed building is the Church of St. Thomas, Nuthurst Lane, which is Grade II Listed lies to the north west of the site. It is largely screened from view by mature trees and hedging and careful consideration of design and layout of development would protect the setting – similar to the approach taken to the adjacent affordable housing development.

16. Residential development on our Client's site forms a logical use of partly previously developed land within/on the edge of the settlement of Hockley Heath. This would require only a minor adjustment to the Green Belt boundary, which would be unlikely to have a significant impact on the purposes of including land in the Green Belt. NPPF Paragraph 139 bullet point b) confirms that plans should not include land which it is unnecessary to keep permanently open.



17. The above aerial photograph shows the proposal to maintain the 2013 Hockley Heath settlement boundary on the Policies Map at the southern end of the settlement. The area shown colored 'green' is proposed Green Belt. Our Client's land is shown edged red and blue. It is proposed that an amended Green Belt line should either follow the red line (if contained within SMBC administrative area, or it could follow the red and blue lines if a cross-boundary agreement is reached through cooperation with Stratford District Council.

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

18. The reason put forward by the Council for rejecting an extension of the settlement boundary southwards is highlighted in Topic Paper 'Overall Approach', October 2020, which states at paragraph 89, '*Constraints & Opportunities - The main constraint here is the Borough boundary, which means that development within the Borough is largely restricted to land to the north and west.*'
19. The Topic Paper accepts at paragraph 87 that, '*...sites to the north and west being of low accessibility and those to the south, closer to the settlement centre having higher accessibility.*' The overall conclusion at paragraph 92 is that Hockley Heath '*...is a less accessible settlement overall and has restricted development opportunities, other than a very limited and proportionate expansion of the village in the most accessible village locations, it is not suitable for growth.*'



20. The small-scale extension of the settlement boundary southwards for between approximately 8 to 15 new dwellings, would represent a limited and proportionate expansion of the village to the size of the settlement in the area in keeping with the findings of the Topic Paper, which recognises this area as the most accessible location closer to the village centre. The proximity to the administrative boundary with Stratford-on-Avon, should not, it is contended, be a 'constraint' to justify rejecting development in this location.
21. Indeed, should Solihull Council be minded to, they could seek the cooperation of Stratford-on-Avon District Council to include a minor amendment to the Green Belt boundary within their Site Allocations Plan, currently out to consultation on the Preferred Options (closing date 18/12/2020) to remove the approximately 0.1 ha of employment land from the Green Belt.

#### SLP Paragraph 674

22. Paragraph 674 of the SLP 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.'*

23. Our Client contends that the same logical reasoning would equally apply to consideration of his site. Our Client's house, garden and employment land lie immediately adjacent to the completed 19 dwelling affordable housing 'exception' development. Together they represent a significant 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. This can be seen on the aerial photograph below.



© Google Earth Aerial Photograph



Extract from SMBC Policies Map, October 2020.

24. The aerial photograph is shown alongside an extract from the Draft Submission version of the Policies Map. It is evident that Policies Map relies upon an out-of-date OS base. That used within the SLP fails to show the existing affordable housing development or clearly show the extent of the existing residential and employment land development on our Client's land, which is misleading as evidence to justify the proposed settlement boundary here.

#### **Neighbourhood Plan Survey, 2018**

25. It is also clear that there is less local community opposition for directing required development towards the south of Hockley Heath, along the Stratford Road. In response to the Neighbourhood Plan Survey, 2018, question, '*Should these areas of the village be protected from development?*' of the seven areas listed in Table 15 on page 27 of the survey results report, the '*Area heading south towards Henley-in-Arden, along or behind the A3400*' received the least, only 27% (133 respondents), of responses from people wishing to protect the area.
26. The percentage of people opposing development in some of the other areas around Hockley Heath settlement was as high as 69% opposition. It is, therefore, logical to assume that, given the choice of where to direct development, the local community would give greater support to development on our Client's site, which lies to the south of the settlement along the A3400 Stratford Road, than to any of the alternative proposed directions of growth. It is important to note that the survey response rate overall was 49% which is good.
27. Ignoring this local community preference for where to direct development is contrary to the requirements of NPPF paragraphs 15 and 16. Paragraph 15 states that, '*...Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.*' Paragraph 16 requires that, '*Plans should... c) be shaped by early, proportionate and effective engagement between planmakers and communities...*'

#### **Promotion of the Site**

28. Representations have previously been submitted on behalf of our Client in response to consultations on each iteration of the SLP. The site has also been promoted for consideration in the Strategic Housing and Economic Land Availability Assessment (SHELAA) and part was proposed for inclusion in the Brownfield Land Register (BLR).

#### **Brownfield Land Register**

29. Submissions were made on behalf of our client in August 2017 promoting the brownfield area of the site for inclusion in the BLR extending to 0.36 ha (i.e. the house and garden beyond the settlement boundary plus Firs Paddock employment land lying within SMBC administrative boundary). Further comments were submitted on behalf of our Client in response to consultation on the Draft BLR in February 2018, in which the site was attributed reference BLR/043.
30. Planning officers accepted in the Draft version of the BLR, that the 0.36 ha site promoted for inclusion in the BLR was brownfield previously developed land, on the

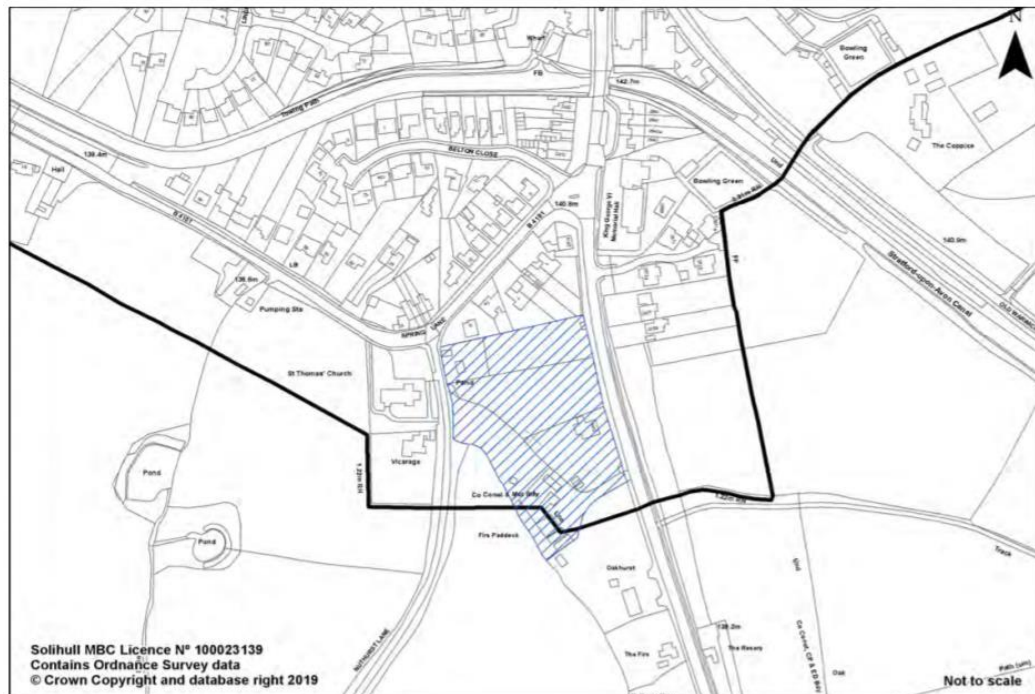


basis that the garden land fell outside the settlement boundary (urban area) and therefore was not excluded from the definition in the NPPF Glossary, which states Previously Developed Land is, ‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes...land in built-up areas such as residential gardens...’

31. However, at the CPH Managed Growth Decision Session Council Members meeting on Friday 22nd March 2018, it was noted that, ‘...whilst the site is within the Green Belt, it forms part of a continuation of built development in Hockley Heath. It is therefore considered to be part of the built up area of the settlement, despite being within the Green Belt and on the edge of the settlement.’
32. The view of Councillors is, therefore, supportive of our Client’s assertion that the site is a significant area of existing ribbon development beyond the existing settlement boundary that is largely continuous without significant gaps, does not make a significant contribution towards the existing values of the Green Belt and is ‘considered to be part of the built up area of the settlement.’

#### Site Assessment, October 2020.

33. The ‘Site Assessments’ (SA) document, October 2020, considers the merits of our client’s site as part of a larger site, which includes the now developed rural exception affordable housing land to the north of our Client’s site. The SA reference is 14, map extract reproduced below for ease of reference.



34. Our Client challenges the application of the 'Site Selection Step 1' methodology in respect of Land at 2440 Stratford Road. The SA site has been attributed a priority score of 6 in the Site Selection Step 1 Site Hierarchy Criteria. This means that the site is considered by SMBC to be *'Greenfield in an accessible moderately performing Green Belt location.'* The additional description of priority 6 sites states, *'Green Belt non PDL in accessible location. Moderately performing Green Belt will generally have a combined score of 6 or 7 in the GBA.'*
35. However, this description clearly does not accord with the characteristics of our Client's site, which scored only 5 in the Green Belt Assessment and includes a proportion of brownfield previously developed land. 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 Client's 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 re considered to have potential to be included...priority 5 sites as potential inclusions and priority 6 and 7 sites as unlikely inclusions...'* It is therefore reasonable to argue that our Client's site should generally be considered suitable for allocation for development 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. Our Client's 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. **Therefore, it is contended that our Client's site fully satisfies SMBC's site selection criteria and it should be identified in the Local Plan for residential development.**
38. The SA, October 2020, states in the 'Commentary' section:
- 'The site is in a lower performing parcel of Green Belt adjacent to the southern part of Hockley Heath village. Part of site has been granted planning permission for a rural exceptions site which is now built out. Further development and removal of the site from the Green Belt would extend the settlement southwards, where it would be difficult to establish a strong and defensible boundary to prevent further encroachment into the countryside. Site has medium / high overall accessibility, is within an area of high landscape sensitivity, medium landscape value with a with very low capacity to accommodate change. Site has some constraints including a Tree Preservation Order and nearby heritage assets.'*

39. Any potential impact on the main constraints identified in the SA; the Tree Preservation Order and nearby heritage assets can be mitigated by careful design and layout of any new housing development scheme. This has been demonstrated in the illustrative layouts prepared to accompany this representation, plan numbers 10703(ALL)01-C, 10703(ALL)02 and 10703(SK)190307-01. These constraints do not therefore warrant rejection of the site from development.
40. A strong objection is submitted to the comment in the SA that *'it would be difficult to establish a strong and defensible boundary to prevent further encroachment into the countryside'*. Plan numbers 10703(ALL)01-C and 10703(ALL)02 clearly shows that an amended Green Belt/settlement boundary could be created which largely follows existing robust clear defensible physical features. These comprise Stratford Road, Nuthurst Lane, trees/hedges and existing driveway and hardstanding.
41. The very small section of the proposed new settlement boundary within SMBC administrative area which does not follow the existing, on-the-ground defensibly physical boundary, will be defined by the supplementary planting to 'join' the existing line of vegetation. This approach has been accepted by SMBC over a much more significant boundary length, where they are proposing to create a physical boundary formed entirely by a new estate road at site BL2 'South of Dog Kennel Lane'. The justification for this policy states at paragraph 609 that:
- 'The site extends south of Dog Kennel Lane from Dickens Heath Road to the fields east of Creynolds Lane. Site BL2 is within a parcel of moderately performing Green Belt, and given the existing field structure, does not have a clear contiguous defensible Green Belt boundary to the south. To address this, the detailed design of the resulting development will be expected to utilise internal estate roads to form the new Green Belt boundary. This will be achieved by an estate road being provided on the southern (outer) edge of the development with dwellings only on its northern side. This will have the result that the new development fronts onto the open space/Green Belt rather than back gardens.'*
42. Similarly proposed site allocations BL2 'South of Dog Kennel Lane and HA1 'Meriden Road, Hampton in Arden' both rely upon sections of their southern boundaries being created by a new estate roads or by planting.
43. The illustrative layouts submitted to form part of this representation are purely for illustrative purposes. Should it be considered more appropriate to revise the scheme to provide a new estate road as the defensible boundary inside the vegetation line, this would, of course, be a deliverable alternative option too.

### **Assessment**

44. Our Client contends that an effective and logical Green Belt boundary could be established either entirely within SMBC's administrative boundary, as shown on plan number 10703(ALL)01-C and aerial photo 201207. Or it could follow the existing built-up area boundary of the employment site if, under the Duty to Cooperate, SMBC were able to agree this minor incursion into Stratford-on-Avon's Green Belt. This option is shown on illustrative plan number 10703(ALL)02 and 10703(SK)1090307-01.
45. The illustrative plan number 10703(ALL)01-C has been prepared to show the scale of development which could be achieved entirely within SMBC administrative area while being fully compliant with national and SLP policies. The enclosed schedule

- for the proposed Green Belt realignment entirely within SMBC area, reference 10703(SC)01 shows that approximately 8 dwellings could be accommodated on the 0.42 ha area with a minimum of 0.07 ha of public open space. It should be emphasised that the employment land which would remain beyond the proposed new Green Belt boundary would cease its current use and could be made available for Green Belt enhancement measures – such as returning it to pasture, planting a coppice of trees and potentially providing public access (in accordance with the aspirations of NPPF paragraph 138). The illustrative housing mix shows 30% 1 and 2 bed dwellings, 50% 3 bed dwellings and 20% 4 bed dwellings. These would allow for a mix of dwelling sizes and tenure to comply with Policies P4A and C. All significant trees would be protected and existing soft landscaping supplemented by new planting.
46. The second illustrative layout and sketch plan prepared showing development of the entire area of land in our Client's ownership (0.54 ha) plan numbers 107(SK)190307-01 and 107039(ALL)02 (which includes approximately 0.1 ha land within Stratford-on-Avon's administrative boundary), shows the scale of development which could be delivered while satisfying other policy requirements. It has been demonstrated that it would be possible to develop the site with approximately 15 dwellings of mixed size and tenure to comply with Policies P4A and C, with protection of the TPO tree and retention of existing soft landscaping supplemented by new planting.
  47. 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'*.
  48. 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.
  49. Our Client's site offers the opportunity to direct development towards partly previously developed land in the Green Belt comprising a house and employment estate. 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' employment use.
  50. As part of the Green Belt review, our Client considers it appropriate for the SMBC to critically examine all areas on the edge of Hockley Heath settlement currently washed over by Green Belt, where there are areas of 'ribbon' development. Our Client supports the principle of amending the settlement boundary in the north of the settlement along School Lane, where the existing development is largely continuous without significant gaps and it does not contribute to the existing values of Green Belt policy.
  51. However, our Client contends that it would be unreasonable and unjustified to limit

this re-assessment of the Green Belt boundary to consideration of only the Green Belt boundary north of School Lane. Given that 19 new dwellings have recently been constructed south of the settlement for affordable housing as a rural exception site, and given that this site, on Stratford Road, lies adjacent to our Client's house, garden and employment site, we formally request that the same 'washed over' Green Belt ribbon development assessment be carried out south of Hockley Heath along Stratford Road, in addition to land north of School Lane and our Client's land removed from the Green Belt.

52. NPPF paragraph 138 explains that when reviewing Green Belt boundaries, it is necessary to consider promoting sustainable patterns of development. Plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.
53. NPPF paragraph 139 requires, '*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;*
  - c) *where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
  - d) *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;*
  - 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.*
54. 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.
55. 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. To promote the development of a good mix of sites local planning authorities should, amongst other approaches, identify, 'a)...land to accommodate at least 10% of their housing requirement on sites no larger than one hectare;'...and 'c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...
56. 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.

57. For the following reasons, the washed over Green Belt designation for our Client's land should be removed - in accordance with the aspirations of national, local strategic plan policies and the survey results for the direction of development preferences of Hockley Heath Parish Council (June 2018) - and a new boundary defined:
- a) our Client's 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 5 (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) the site is immediately adjacent to existing development and represents a natural extension of the village being viewed very much as part of the built form – ribbon development. This interpretation of the status of the site is endorsed by comments in response to the BLR submission, at the CPH Managed Growth Decision Session meeting on Friday 22nd March 2018, when it was noted that, '...whilst the site is within the Green Belt, it forms part of a continuation of built development in Hockley Heath. It is therefore considered to be part of the built up area of the settlement, despite being within the Green Belt and on the edge of the settlement.'
  - d) much of the site is previously developed land which is a priority for development required in the Green Belt - being in employment and residential use;
  - e) the site has clear defensible boundaries comprising existing residential development to the north, Stratford Road (A3400) to the east, a mature and dense hedge and tree line along the south and part of the western boundary, with Nuthurst Lane delineating the northern section of the western boundary – there would be only a minimal stretch of the boundary which would need to be planted to create a robust fully defensible new settlement boundary;
  - f) the location is sustainable with access to local services such as the King George Memorial Hall, a dentist, Post Office, butcher, hot food takeaways, pubs and two convenience stores, which are all between approximately 0.3 and 0.6 km away. In addition to these services and facilities situated along Stratford Road to the north; St Thomas Church lies on Nuthurst Lane to the west of the site and Hockley Heath Primary School lies approximately 0.6 km to the north on School Lane.
  - g) the site is well served by public transport. Stratford Road (A3400) is a bus corridor with services (X20, 220 and S20 and S3) linking the village to Birmingham, Stratford-upon-Avon, Solihull and Dorridge. Bus stops are located within approximately 300 m of the site to the north and only 100 m to the south along Stratford Road, clearly both are within easy walking distance.



- h) there is an existing pedestrian footpath, which benefits from street lighting along the eastern side of Stratford Road. The speed restriction along Stratford Road is reduced from 50 mph to 30 mph midway along the eastern boundary of the site. Road markings requiring traffic to slow down to the 30mph maximum speed extend well beyond the southern limit of the site boundary. Therefore, the site is fully integrated into the settlement.
- i) The existing employment and residential uses on the site currently generate a significant number of vehicular movements, including from larger vehicles associated with the employment use. Redevelopment for residential use is likely to reduce the number of movements into and out of the site would be an improvement highway safety (subject to an expert highway assessment) and improve the sustainability credentials of the site by reducing the carbon footprint.
- j) the site will contribute towards the requirement for SMBC to accommodate at least 10% of their housing requirement on sites of 1 ha or less. 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.
- k) Hockley Heath Parish Neighbourhood Plan Survey Results Report, 2018, recorded significantly less local opposition to development taking place on land south of Hockley Heath along the Stratford Road than other potential directions of growth.

58. Extending the settlement boundary of Hockley Heath to the south, to include our Client's site within the urban area, would:

- formalise the existing extent of the village;
- remove an area of land which is partly brownfield and which has been assessed to contribute little to the Green Belt purposes;
- 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 site;
- direct development towards land where there is least resistance towards development expressed by the local community; and
- direct development towards a site which has clear physical permanent defensible boundaries suitable for defining a new Green Belt boundary.

59. Clearly, it is important that all Green Belt boundaries are assessed against the same criteria and, where appropriate and justified (as is the case for our Client's site), the Green Belt boundaries are amended to better reflect national policy requirements. It is recognised that approximately 0.1 ha of our Client's site lies within Stratford-on-Avon District administrative area (the south west corner of the employment area), however, this should not be a reason to dismiss the site and reject an amendment to the Green Belt boundary – either by creating a new settlement boundary falling entirely within SMBC's administrative area, or through cooperation with Stratford-on-Avon District Council including a minor adjustment of the boundary within their administrative area.

60. Our Client contends that because the site meets all the national and local site selection criteria, it is unsound for it to be excluded from the settlement boundary and allocated for residential development.

Enclosures:

- Plan numbers – 10703(ALL)01-C; 10703(ALL)02; 10703(SK)190307-01; and 10703(20)102
- Schedule - 10703(SC)01
- Aerial photograph with proposed settlement boundary: 201207

(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 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.

61. Paragraphs 669 and 671 should be amended as detailed below (proposed new wording shown in bold).

62. Paragraph 669

*'The Green Belt boundary around Hockley Heath will need to be amended to accommodate the level of growth proposed for the settlement. To provide a logical, strong and defensible new southern boundary **to the north west of the settlement** it is proposed to use the Stratford-upon-Avon Canal **and to use the existing and strengthened vegetation boundary line to the south along Stratford Road.**'*

63. Paragraph 671

*'In addition to the site south of School Road that would then fall within the settlement boundary, if the Green Belt boundary were amended as described above, there are also **three** smaller sites that **will** 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 **as proposed on the Policies Map** they would no longer be subject to Green Belt policy. The **details of the scale of** development would be established through the planning application process. These are as follows (using the call for site references and the SHELAA for potential indicative capacity):*

- 49 Land adjacent to 84 School Road (capacity 21)
- 328 land at and to the rear of 84, 86 & 90 School Road (capacity 30)
- 14 Land at 2440, Stratford Road (capacity 8 to 15)

64. An amendment to the Policies Map is proposed as shown on enclosed Plan 201207 (or to follow the boundary line of land in our Client's ownership if agreement is reached under the Duty to Cooperate with Stratford-on-Avon Council). See the plan extract reproduced below with the retained Green Belt shown coloured 'green':



(End)

**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:

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:



Date:

11/12/2020