



## 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 **223-234** Policy **P5** Policies Map

4. Do you consider the Local Plan is :

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

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

#### **Policy P5 'Provision of Land for Housing: Paragraphs 233 and 234 Housing Requirement for Designated Neighbourhood Areas**

1. **Policy P5 is unsound on the basis that insufficient policy weight has been given to encouraging the development of suitable sites within settlements for housing enabling villages to grow and thrive, especially where this will support local services, at densities in keeping with national and local strategic policies in Neighbourhood Areas – contrary to National Planning Policy Framework (NPPF) paragraphs 65, 122 and 123.**
2. The NPPF paragraph 65 explains that, within the overall strategic housing requirement for the whole area, '...strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.'
3. Planning Practice Guidance (PPG) Paragraph: 101, reference ID: 41-101-20190509, revision date: 09 05 2019 advises that while there is no set method for setting the Neighbourhood Area housing requirement, '...the general policy

*making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the economic and housing land availability assessment, and the characteristics of the neighbourhood area, including its population and role in providing services. In setting requirements for housing in designated neighbourhood areas, plan-making authorities should consider the areas or assets of particular importance (as set out in paragraph 11, footnote 6), which may restrict the scale, type or distribution of development in a neighbourhood plan area...*

4. **To comply with NPPF paragraph 65, it is important that the Neighbourhood Area housing requirement is included within Policy P5 as a strategic policy requirement, rather than as part of the supporting text explaining and justifying the approach set out in the policy. Currently, Policy P5 makes no reference to the housing requirement being partly attributed to specific Neighbourhood Areas.**
5. **Given that there is unlikely to be an opportunity to test the housing requirement at the Neighbourhood Plan stage, it is important to ensure that the proposed Neighbourhood Area housing requirements and supporting text are not overly restrictive jeopardising the NPPF and local plan objective of meeting the minimum housing requirement over the plan period.**
6. Removing land from the Green Belt should only occur through the plan-making process when justified by 'exceptional circumstances', as detailed in NPPF paragraphs 136 and 137. The significant need for housing and the shortage of an adequate housing land supply outside the Green Belt has satisfied this 'exceptional circumstances' test. However, to ensure that the minimum amount of protected Green Belt land is required for housing, it is important to both ensure that the Green Belt boundaries will endure beyond the plan period and to ensure that the land which is removed is put to the most effective use, to reduce future pressure to review Green Belt boundaries again.
7. Encouragement is given to sustainable development of land, NPPF paragraph 122, states that, '*Planning policies and decisions should support development that makes efficient use of land*', whilst, of course, respecting the prevailing character of the area, the availability of infrastructure and services, viability, the need for different housing types, and the importance of securing well-designed, attractive and healthy places. NPPF paragraph 123 requires that, '*Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.*
8. NPPF paragraph 123 goes on to states that, in these circumstances:  
  
*'a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

*c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'*

9. Using Hockley Heath Neighbourhood Area as an example, the proposed housing requirement in the Draft Submission Solihull Local Plan (SLP) at paragraph 234 is 141 dwellings. This comprises the estimated capacity of 90 at proposed site allocation HH1 School Lane, plus the two SHELAA sites falling within the proposed revision to the settlement boundary: Land adjacent to 84 School Road and the rear of 84, 86 & 90 School Road with an estimated capacity of 51 dwellings.
10. The Indicative Density table beneath paragraph 240 of the SLP suggests it would be appropriate for the limited extension of urban or larger villages to be 30-35 dph for houses, 'as appropriate' for apartments and 40-50dph for mixed development - based on the net developable area of the site.
11. Clearly, without the necessary pre-application work to produce a detailed development proposal on the proposed site allocation and SHELAA sites, there can be no guarantee on exactly how many new dwellings could be delivered. However, our Client contends that it would be contrary to the aims of national policy to put an upper limit on the sustainable development of Neighbourhood Areas which otherwise satisfy all other policy requirements.
12. Our first-hand knowledge of, and masterplan work on, two sites proposed for allocation in the SLP, has clearly demonstrated that the capacity shown in the Concept Masterplan Document and within the site allocation policies is an under estimate of the actual number of new dwellings which could be achieved on these sites. The removal of an upper limit would not undermine the ability to deliver development that would satisfy all the policy requirements set out within the plan, including; responding to sensitivities and constraints, providing infrastructure and upgrading ecological value.
13. For example, we are aware from our involvement in masterplan work conducted over a number of years on Site SO1 East of Solihull that there is a discrepancy of nearly 13% between the 700-capacity proposed in the SLP Policy SO1 and the 790 currently arising from the detailed masterplan work. The masterplan work was informed by various detailed expert reports and it was led by the SMBC's Resources Director (as a major landowner), with the involvement of SMBS's architect and design team, landowners and their representatives, in consultation with the local planning policy officers. It also exceeds minimum SLP policy requirements, such as proposing provision of over 10ha of public open space when 6.5ha is the minimum policy requirement.
14. Building upon the example of the Neighbourhood Area of Hockley Heath; the promoters concept masterplan prepared for proposed site allocation HH1, reproduced within the Concept Masterplan document, proposes a development of

100 dwellings i.e. 11% more than 90 dwellings proposed as the capacity for the site in Policy HH1 Land South of School Lane, Hockley Heath.

15. If, as has been shown in the masterplan work we have been involved with elsewhere, and the work undertaken by the promoter of site HH1, there is an uplift in delivery of between 11% and 13% on the proposed site allocation and SHELAA sites in Hockley Heath, these site could well be capable of delivering 157 to 160 dwellings.
16. In addition to the need for a reasonable allowance to be made in the SLP for the potential uplift on the deliverability of dwellings on the three development sites identified in the SLP, it is important to recognise that the proposed Neighbourhood Area housing requirement figures make no provision for a windfall allowance. Policy P5 states that the annual housing land provision target is 938 net additional dwellings. Paragraph 223 of the SLP explains that there is an expectation that 200 of these dwellings post 2022 will be provided on windfall sites i.e. over 21% of the housing target is expected to be delivered by development on windfall sites.
17. Therefore, it is reasonable to assume that Hockley Heath could accommodate an additional 21% of residential development, in addition to the development taking place on the identified site allocation and SHELAA sites. Using the current SPL proposed Neighbourhood Area capacity of 141 (comprising the estimated capacity of the identified site allocation site plus the two SHELAA sites) an extra windfall allowance of 21% would take the total Neighbourhood Area requirement to 170 dwellings.
18. However, once the likely additional uplift resulting from detailed planning application work on the identified development sites has been completed, the Neighbourhood Area housing requirement figure would be 186 to 189 dwellings.
19. These figures are calculated on the basis of the settlement boundary amendment proposed at Hockley Heath, on the Policies Map, which accompanies the SLP. However, it is important to emphasise that there is a strong case for realigning the boundary to also includes the completed affordable housing site, adjacent house, garden and employment use land in a southwards direction. This amendment to the settlement boundary would facilitate delivery of approximately 15 additional dwellings. If this logical extension to the settlement is included in the SLP, the Neighbourhood Area housing requirement would be 201 to 204 dwellings.
20. PPG paragraph: 104, reference ID: 41-104-20190509, revision date: 09 05 2019 advises that, '*...The strategic policies will...have established the scale of housing expected to take place in the neighbourhood area...*' Our Client therefore recommends modifications to ensure that the eight Neighbourhood Area housing requirements listed at SLP paragraph 234 are flexible enough to encourage the maximum appropriate delivery rates on site allocations, SHELAA and BLR sites, in addition to any windfall sites. This is necessary for the plan to be effective – it needs to be flexible and responsive to needs over time.

(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.

21.	Our clients contend that Policy P5 is unsound on the basis that it fails to demonstrate that the housing requirement for designated Neighbourhood Areas is appropriate, proportionate and makes the most effective use of land having regard to local characteristics and national requirements (NPPF paragraphs 122 and 123), our client recommends introduction of a strategic policy (in line with NPPF paragraph 65).
22.	<p>A modification is sought to Policy P5 as shown in 'bold italics' below:</p> <p>Insert a new paragraph below paragraph 2 of Policy P5, as follows:</p> <p><b><i>'A proportion of the Borough's housing requirement will be expected to be delivered in designated Neighbourhood Areas as detailed in the table below. These housing requirement figures are indicative minimum numbers and may be exceeded once detailed permissions have been considered for the sites identified in the land availability assessment, Brownfield Land Register, site allocations within this plan and saved from the 2013 Local plan and any suitable additional sites which come forward within the settlement boundaries as defined on the Policies Map.'</i></b></p>
23.	It is submitted that paragraph 234 should be deleted and replaced by a table of Neighbourhood Areas with the minimum housing requirement listed for each area.
24.	The minimum housing requirement figures currently shown at paragraph 234 should be critically reviewed to reflect the deliverability of the housing land supply sources more realistically. As a minimum, our client submits that an addition of 21% to the numbers proposed at paragraph 234 should be incorporated, to reflect the windfall delivery expectation.
(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