



Solihull MBC Local Plan Publication Stage Representation Form

Name of the Local Plan to which this representation relates:

Solihull

Please return to psp@solihull.gov.uk or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14th December 23:59

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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*

2. Agent's Details (if applicable)

**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.

Title

Mrs

First Name

Judith

Last Name

Parry-Evans

Job Title

Parish Clerk

Part B – Please use a separate sheet for each representation

Name or organisation:		Balsall Parish Council			
3. To which part of the Local Plan does this representation relate?					
Paragraph		Policy	BC2 masterplan page 22	Policies map	

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes No
- 4.2 Sound Yes No
- 4.3 Complies with the duty to Yes No
cooperate
- Please tick appropriate box

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.

Housing Density

- a) The proposed site layout fails to take account of the Balsall Parish Neighbourhood Development Plan¹ Policy BE.2 Local Character and Design a) and b). The Plan has passed examination although the referendum has been “stayed” due to coronavirus. That policy calls for the density of new development in immediate proximity to existing housing to reflect the density of existing housing.
- b) The Concept Plan in the Concept Masterplans² shows medium density housing adjacent to low density existing housing on Balsall Street East contrary to the Balsall NDP.

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.

Policy BC2 – Frog Lane should contain the following wording:

“Where new development abuts existing development the new development’s initial density should reflect the existing density or there should be a separation through public open space.”

The council considers that development principle would be in line with that used for the SMBC Illustrative Concept Masterplan Development Principles: BC5 Trevallion Stud³.

“The POS provides a buffer to the south of the development between the new and existing development providing the opportunity for place-making and for the integration of the future and existing residents.”

¹ <https://www.solihull.gov.uk/Portals/0/Planning/3-Balsall-Parish-NDP-Referendum-version-with-Appendix.pdf>

² <https://www.solihull.gov.uk/Portals/0/Planning/LPR/SLPS-CMPs-Oct2020.pdf> Page 22

³ <https://www.solihull.gov.uk/Portals/0/Planning/LPR/SLPS-CMPs-Oct2020.pdf> Page 37 para. 3

Concept Masterplan page 22 -Concept Masterplan BC2 Frog Lane should be amended to include the following additional wording:

“The density of housing immediately adjacent to the homes on Balsall Street East should be shown as low density. The density of housing on Frog Lane should not exceed medium density and the average density across the site should be medium.”

The council considers that this wording will not change the number of homes on the site but will protect Frog Lane and ensure a gradual change in density from Balsall Street East into this new development.

Part B – Please use a separate sheet for each representation

Name or organisation:		Balsall Parish Council			
4. To which part of the Local Plan does this representation relate?					
Paragraph		Policy	Policy BC2 and Concept Masterplan BC2 page 22	Policies map	

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes No
- 4.2 Sound Yes No
- 4.3 Complies with the duty to Yes No
cooperate

Please tick appropriate box

<p>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.</p>
<p>Public Open space provision</p> <ol style="list-style-type: none"> The council considers that Concept Masterplan BC2 Frog Lane is non-conforming in relation to SLP Policy P10 Natural Environment paragraph 7 which states “In considering the need for greenspace improvements associated with new development developers should have regard for the standards and priorities in the Green Spaces Strategy/Open Space SPD in relation to accessible natural green spaces, and Defra’s forthcoming GI standards” The council notes that the Concept Masterplan states in the last paragraph “Based on 110 units this development will require 0.9 hectares of public open space. A doorstep space will need to be provided on site. A local play space and neighbourhood play area will need to be provided in the locality the mechanism for its delivery can be considered at the application stage alongside other development brought forward in Balsall Common in the adopted Local Plan.” It is important to note that the land shown to the east of the proposed site and denoted as “playing field” is a school playing field on long term lease by SMBC to the Heart of England School. This is not public open space. The public open space (POS) required for this allocation is not shown on the Concept Masterplan. The council is concerned that this could lead to the POS not materialising. Balsall Parish Council has concerns about this for the following reasons <ol style="list-style-type: none"> The borough average for accessible green space is 5 hectares per 1000 population⁴ With its estimated population of 7500⁵ Balsall Common that borough average would yield an expected provision of 37.5 hectares but the actual provision is 18.5 hectares.

⁴ Paragraph 2.3 of the Solihull Green Spaces Strategy review
https://www.solihull.gov.uk/Portals/0/StrategiesPlansPolicies/LandscapeandEcology/Green_Spaces_Strategy_Review.pdf

⁵ https://www.citypopulation.de/en/uk/westmidlands/west_midlands/E34001126_balsall_common/

- 4.3. The submission plan target for allocated sites is 3.57 hectares per 1000 residents⁶ which indicates that current total provision in Balsall Common should be 26.8 hectares versus the actual 18.5 hectares, again showing the lack of suitable provision in Balsall Common.
- 4.4. This provision per 1000 residents was made worse by the building of homes under the 2013 Local Plan on the land between Kenilworth Road and Windmill Lane.
- 4.5. The size of the linked developments (circa 150 homes) should have resulted in well over 1 hectare of public open space.
- 4.6. It was agreed by the SMBC planners at officer level to delete the proposed play area on Drovers Close in return for a cash payment towards facilities in the existing Lavender Hall Park in the north of Balsall Common.
- 4.7. The resulting provision on Drover's Close is a small "cage" with a couple of boulders and a few stumps. This was converted from a car parking area. The provision on the larger Meer Stones Drive is marginally larger. See pictures below. On both estates there are families living in properties without gardens. The actual provision is around 1/8th of that required by the Solihull Green Spaces strategy.



The neighbourhood play area on Drovers Close



The neighbourhood play area on Meers Stones (there are 2 such features next to the A452 and this photo shows half the area.)

5. The nearest proper play provision is 2 miles away along the A452 trunk road to the play equipment in Lavender Hall Park.

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.

Policy BC2 needs to be amended in paragraph 2 to include the words

"Public open space amounting to 0.9 hectares must be provided on the site."

⁶ Submission plan policy P20 paragraph 7

This is required to ensure that the public open space required by the Solihull Green Space Strategy and submission plan Policy P20 paragraph 7 actually materialises, is local to the new housing and does not require children to cross main roads nor parents to use their cars to drive to public open space which already happens at Lavender Hall Park.

Policy BC2 para 4i should be deleted. There is no such place as the Holly Lane recreation ground. It is school playing field for the Heart of England school. Therefore, seeking a financial contribution is not appropriate because it is not public open space. New public open space needs to be provided on the housing allocation site to meet the requirements of the Solihull Green Spaces strategy and Policy P20 paragraph 7.

Concept Masterplan page 22 -Concept Masterplan BC2 Frog Lane paragraph 5 of the accompanying text should be amended to read:

“Based on 110 units this development will require 0.9 hectares of public open space on site in a location sensitive to the amenity of existing residents, the mechanism for its delivery can be considered at the application stage alongside other development brought forward in Balsall Common in the adopted Local Plan.”

Part B – Please use a separate sheet for each representation

Name or organisation:		Balsall Parish Council			
5. To which part of the Local Plan does this representation relate?					
Paragraph		Policy	Policy BC5 and Concept Masterplans page 37 BC5 Trevallion Stud	Policies map	

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes No
- 4.2 Sound Yes No
- 4.3 Complies with the duty to cooperate Yes No

Please tick appropriate box

<p>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.</p>
<ol style="list-style-type: none"> 1. The council generally supports the Concept Masterplan and Policy BC5 for the Trevallion Stud site. In particular it supports the placement of green space along the south eastern leg of Wootton Green Lane and between existing and new housing as shown on the Concept Master plan page 37. That placement protects the rural nature of the lane. 2. Wootton Green Lane is an important rural lane in Balsall Common bounded by significant numbers of oak trees. It is largely without pavements. Although the plan attempts to retain the rural feel of the lane by adding open space to the south west of the site, the provision of access points along its north western boundary will compromise this rurality.

October 2020

SMBC Illustrative Concept Masterplan

This site will provide a new 'gateway' into Balsall Common. The Kenilworth Road is a busy, wide road which benefits from a regular bus service. There are opportunities to increase the density of the development here and reduce the density of the development along Wootton Green Lane. This approach maximises the efficient use of the land. Development must pay regard to the settings of listed buildings and demonstrate high quality and full regard for their context.

It is anticipated that the site can accommodate 230 homes. The density across the site ranges from 30 – 40 dph. The layout promotes perimeter block development to maximise natural surveillance and encourage active streets.

Based on 230 homes 1.8 ha of public open space will need to be provided. The POS provides a buffer to the south of the development between the new and existing development providing opportunity for place-making and for the integration of the future and existing residents. A doorstep space will need to be provided on site. A local play space and neighbourhood play area will need to be provided in the locality the mechanism for its delivery can be considered at the application stage alongside other development brought forward in Balsall Common in the adopted Local Plan. Additional tree planting is promoted across the site.

The footpath which runs along side the eastern boundary requires maintenance and provides the opportunities to link the development with neighbouring pavement networks. Access points into the site are kept to the north of the site to minimise effect on the rural edge of the site and Wootton Green Lane. Streets within the development must promote safe active travel.

The site should utilise opportunities to maximise green/blue infrastructure and include linear conveyance SuDS in green routes and optimise layouts to ensure extreme flood flow paths are not impeded.

Solihull Council Conservation of the Historic Environment, Landscape Architecture, Urban Design and Ecology

Solihull Local Plan Site Allocations – Masterplans

Principles: BC5 Trevallion Stud

Proposed access points on narrow rural lane

Illustrative Masterplan

■ Public Open Space	■ Footpath	■ High density housing
■ Listed building	■ Future Access	■ Medium density housing
■ Opportunity for commercial or mixed use development	■ Road	■ Low density housing

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3. The Balsall Parish NDP⁷ Policy BE.2 Local Character and Design a), e) and f), define the need to retain the rural feel of older routes within the built-up area, protect landscape and diversity especially retaining or replacing hedges.

4. Access onto Wootton Green Lane will encourage traffic to turn left and travel towards Balsall Common centre, rather than exiting the site onto the A452. Going via the A452 entails travelling northwards away from the centre towards the new Park Lane roundabout in order to be able to turn back and travel south on the A452 and/or into Balsall Common centre. This will particularly apply to school traffic and those accessing Balsall Common centre facilities. This increased traffic alongside the proposed open space will be detrimental and potentially hazardous along this narrow and un-paved lane and contrary to the promotion of safe active travel.

⁷ <https://www.solihull.gov.uk/Portals/0/Planning/3-Balsall-Parish-NDP-Referendum-version-with-Appendix.pdf>

Part B – Please use a separate sheet for each representation

Name or organisation:		Balsall Parish Council			
6. To which part of the Local Plan does this representation relate?					
Paragraph	527	Policy		Policies map	

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes No
 4.2 Sound Yes No
 4.3 Complies with the duty to cooperate Yes No

Please tick appropriate box

<p>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.</p>
<p style="text-align: center;">Para 527 Balsall Common Relief Road</p> <ol style="list-style-type: none"> The creation of this relief road should be in one phase. Rat runs are already used through the settlement to avoid the A452 and should the new road not be implemented in one go this problem will be exacerbated. Creating the relief road in more than one phase will mean very little of the existing traffic will use it. Without the complete relief road to divert traffic from the centre of Balsall Common, the Masterplanning of the village centre will be impeded (para 528).
<p>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.</p>
<p>To create a sound plan SMBC should</p> <ol style="list-style-type: none"> Commit that the relief road will be completed in a single phase in paragraph 527 Adjust policies BC3 Kenilworth Road and BC4 Pheasant Oak to require those sites to make a financial contribution to the Waste Lane to Meer End section of the relief road <p>Justification</p> <ol style="list-style-type: none"> Sites BC3 and BC4 will create traffic in Balsall Common which, in the absence of a relief road, will cause further pressure on the A452 through Balsall Parish. Hence a proportionate financial contribution to mitigate the traffic demands that these sites will place on Balsall Common is appropriate.

- 3.1. Paragraph 556 recognises that allocation 3 *“is located a greater distance from the centre than others”*. It is 1.5 miles from the station, 1.5 miles from the doctors and 1 mile from Balsall Common shops.
- 3.2. It is recognised in paragraph 563 that allocation BC4 *“two significant (negative) effects due to the distance to the key economic assets and convenience stores or supermarket”*. The site is 1.2 miles from the shops and 1.9 miles to the station.

Part B – Please use a separate sheet for each representation

Name or organisation:		Balsall Parish Council			
7. To which part of the Local Plan does this representation relate?					
Paragraph		Policy	528	Policies map	

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes No
 4.2 Sound Yes No
 4.3 Complies with the duty to cooperate Yes No

Please tick appropriate box

<p>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.</p>
<p>1. The council welcomes the commitment within paragraph 528 to create a village centre master plan. 2. Balsall Common is to expand by over 60% to from development of allocated sites and the historical levels of windfall building⁸ in our community totalling around 2000 homes. 3. However, residents want real change on the ground and not just a plan. 4. Without real change the centre will not cope with the increased use of cars to access it in an area with levels residents make 70% of their daily trips by car versus a borough average of 50%.⁹ 5. The plan needs to make reference to funding of the improved centre.</p>
<p>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.</p>
<p>It is proposed that the similar wording is used as that for the relief road funding and the following words should be added to the end of paragraph 528.</p> <p><i>“Delivery of the enhanced centre will be from grant funding opportunities that may be available through for instance, the WMCA and/or from a combination of SMBC and Parish Council CIL funds.”</i></p>

⁸ 27 homes per year in the period since the December 2013 plan as stated in response to an FOI request

⁹ Page 24 Solihull Connected Transport Strategy
https://www.solihull.gov.uk/Portals/0/ParkingTravelRoads/SolihullConnected/Solihull_Connected_LRP.pdf

Part B – Please use a separate sheet for each representation

Name or organisation:		Balsall Parish Council			
8. To which part of the Local Plan does this representation relate?					
Paragraph	531	Policy		Policies map	

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes No
 4.2 Sound Yes No
 4.3 Complies with the duty to Yes No
 cooperate

Please tick appropriate box

<p>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.</p> <p>Primary School Provision</p> <p>The council welcomes the commitment to a new primary school in Balsall Common to support the number of homes proposed for the settlement.</p> <p>However, the council is concerned that any additional housing over and above the levels shown for the allocated sites and likely windfall housing¹⁰ will generate more primary school places than the new school can provide.</p> <p>The council is further concerned that the proposed phasing of the housing allocations in the first 5-years will exceed the current available primary school places.</p> <p>A full case on this subject is made by our sister parish, Berkswell Parish Council. We will not repeat that evidence here.</p> <p>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.</p> <p>Proposed solution</p>

¹⁰ 27 homes per year in the period since the December 2013 plan as stated in response to an FOI request

Balsall Parish Council supports the rephrasing of housing allocations proposed by Berkswell Parish Council in its submission to ensure that primary school provision keeps pace with housing development to ensure that the plan is sustainable and sound.

Part B – Please use a separate sheet for each representation

Name or organisation:		Balsall Parish Council			
9. To which part of the Local Plan does this representation relate?					
Paragraph		Policy	BC3 and associated Concept Plan page 27 from Masterplans document	Policies map	

Do you consider the Local Plan is:

- 4.1 Legally compliant Yes No
- 4.2 Sound Yes No
- 4.3 Complies with the duty to cooperate Yes No
- Please tick appropriate box

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.

- The area of low-density housing to be accessed from the existing housing area on Kenilworth Road extends too far into the wooded area defined by SMBC Additional Site Options Ecological Assessment: Windmill Lane and Kenilworth Road January 2016, the wooded area concerned is circled in blue below.

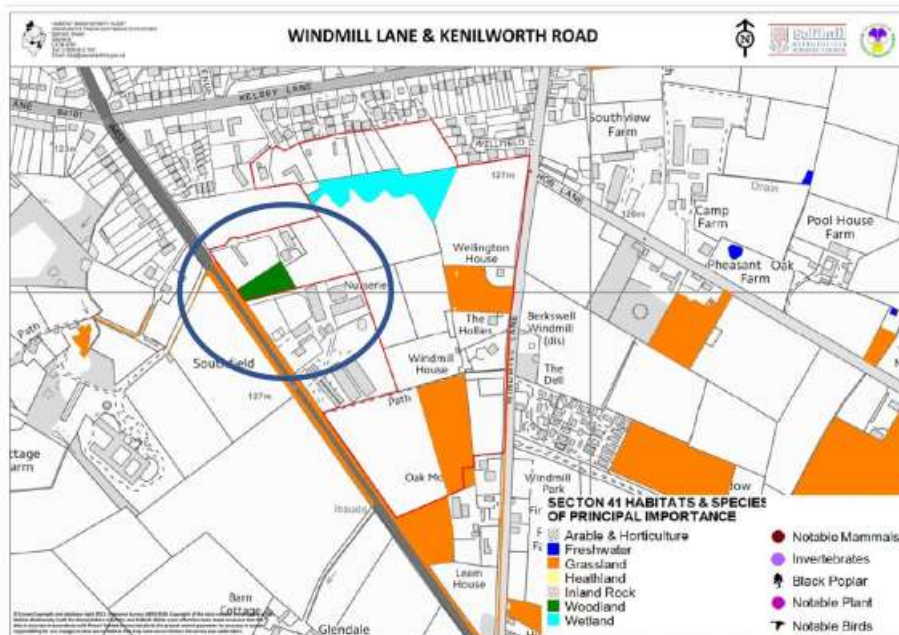


Figure 6 Section 41 Habitats and Species of Conservation Importance

- The wooded area is still there as shown in the picture below.



3. That report and its successor provide the following guidance with respect to buffers around areas of natural value.

• 30m buffer around woodland • 8m buffer either side of adjacent to watercourses • 8m buffers around ponds • 5m buffer either side of intact hedgerows • Areas of medium to high distinctiveness habitats (Values 4, 5 & 6)¹¹

4. The same ecological report stated “The areas marked in green and blue on the above constraints map indicate where development should be avoided and ecological enhancement encouraged.” That map is shown below and it can be seen that the development constraint has increased to provide a buffer around the wooded area

Constraints



5. However, the Concept Plan does extend the area by that buffer and allows housing to enter that constraint area. See below.

¹¹ Page 4 of 2016 report and page 3 of the 2020 report

SMBC Illustrative Concept Masterplan: BC3



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.

The council requests that the housing area within the red circle is marginally reduced to respect the constraint area shown in the 2016 recommendation. See below.

Constraints



Justification

1. This will implement the original report which recognised the wooded area.
2. It meets the need of Policy P10 in the submission plan, In particular the following paragraphs

2. *The council will seek to conserve, enhance and restore biodiversity and geodiversity across the borough. Development whose primary objective is to conserve or enhance biodiversity and/or geodiversity will be supported; while opportunities to incorporate biodiversity improvements in and around developments will be encouraged, especially where this can secure measurable net gains for biodiversity.*
5. *Developers will be expected to take full account of the nature conservation or geological value, and the existence of any protected, rare, endangered or priority habitats or species included in the Local Biodiversity Action Plan, national S.41 list, or sites in the Local Geological Action Plan, as well as the Wildlife and Countryside Act and Conservation of Habitats and Species Regulations.*
8. *Development will be required to demonstrate how it will secure a 'net gain' in biodiversity of at least 10% compared with the pre-development baseline.⁴¹*
9. *In the first instance, net gain should be provided in situ, as habitats and features to support native biodiversity, as well as conserving and enhancing existing nature conservation assets value within and around the development.*
11. *Where development is permitted, appropriate mitigation of the impacts and compensation will be required to deliver a net gain in biodiversity. This should be provided as:
i. habitat creation and/or restoration,*

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:

Balsall Parish Council has not objected to the increase in housing in Balsall Common, albeit few residents support the scale of development proposed. It considers that the plan has good features such as the Concept Plans and infrastructure proposals which, with the small modifications suggested in the council's representation, offers an opportunity for Balsall Common to grow whilst retaining its essential character. The council would like to explain the context of our proposed modifications and how collectively they will help achieve that aim.

***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:

[Redacted Signature]
Clerk to the Council

Date:

11.12.2020