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LPR Consultation Policy and Delivery
Solihull Metropolitan Borough Council
Manor Square
Solihull
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Dear Sir/Madam

**Solihull Metropolitan Borough Council Local Plan Review (2018 – 2036) Draft Submission Plan Consultation (Regulation 19) October 2020
Land at Sharman's Cross Road.**

Introduction

Cerda planning Ltd has been instructed by Oakmoor (Sharman's Cross) Ltd ('Oakmoor') to prepare these representations to the Solihull Local Plan Review Draft Submission Plan. Oakmoor are the owner (part freehold and part long leasehold) and prospective developer of the site known as 'land at Sharman's Cross Road, Solihull' (SHLAA Ref 246), a sustainably located site within the built-up urban area of Solihull and consider it would be suitable as a housing allocation for circa 270 dwellings.

The site was allocated for residential development in the Solihull Local Plan Review Draft Concept Masterplan document published in January 2019 but is now omitted from the draft submission plan. Despite the omission, the council remain reliant on site to come forwards within the 2020-2036 plan period in order to deliver the 15,017 additional homes it plans for. Its previous allocation unequivocally demonstrates technical deliverability for at least 100 units.

To this end, these representations seek to propose a revision to the plan to reinclude this site as an allocation in order to assist in ensuring the plan delivers certainty and ultimately success as a tool for meeting its housing needs. A concept master plan is included with these representations which demonstrates how the site could be developed to make best and efficient use of the land available in accordance with the council's proposed density aspirations for sustainable sites in urban areas. In addition, a technical Transport note is included which demonstrates how the

quantum of development set out within the concept masterplan could be safely accommodated. To this end we use this opportunity to confirm that we wish to participate in the hearing sessions when the plan is ultimately examined in public.

These representations set out our client's position in relation to the emerging policies as set out in the Draft Submission Plan with particular focus on housing growth. More specially, the need to plan for a greater quantum of housing provision than the plan sets out, having regard to the latest figures set out in the Government's standard methodology.

For ease of reference and where relevant, these representations will refer to the paragraph numbers and policies as they appear in the Draft Plan.

Overall levels of Housing Growth

Policy P5 Provision of Land for Housing

a) Comment

Policy P5 sets out that the average annual housing land provision target is 938 net additional homes per year between 2020 and 2036. The Local Plan Review is being brought forward at a time when there continues to be ongoing review of the Government's standard methodology for calculating housing need. In the 2019 calculation, Solihull is required to deliver 807 houses per annum. In the latest consultation version, this figure rises to 1,011 houses per annum. As the PPG makes clear, this is the *minimum* starting point and is not to be regarded as a housing need figure to plan for.

The plan period base date is likely to be very close to being the adoption date, if not the same date. As a result, for Solihull, the plan period extends some way into the future. This brings into sharp focus the difference between the annual housing target being proposed in the Local Plan Review and the latest figure set out within the Government's standard methodology. Based on the latest emerging position, the Local Plan Review will be falling significantly short of housing need for the Borough.

We recognise the requirement to consider a partial or wholesale plan review within five years of adoption of the Local Plan Review. However, in practice this is a process which the Council can unilaterally decide upon and even

if a partial or wholesale plan review is to be undertaken, this is a 3-4 year project based upon the timescales for the preparation of this Local Plan Review.

Having regard to these timescales, in total, it could be almost 10 years before a review to this Local Plan Review is in place which responds to the Government's latest standard methodology. In other Local Plans, (such as Bedford's) Inspectors have imposed a timescale upon such a review with the plan being presumed to be out of date if the timescale is failed

As a consequence, should the plan proceed in its current form, there is a significant period where there will be less open market and affordable housing being delivered than the latest evidence would indicate is required for the borough which has a significant adverse impact in relation to the economic, social and environmental dimensions to sustainability.

It is therefore more than surprising that the council have omitted the land at Sharman's Cross Road as an allocated housing site. It is evidently a sustainable but underutilised site within the built-up area of Solihull which is technically unconstrained, available and deliverable over the next 5 years. Indeed, such are its credentials as a site to deliver housing over the plan period, that it was allocated for this purpose within the last iteration of the plan and indeed **remains part of the council's housing land supply calculations** (Row 3 – Sites identified in land availability assessments) which underpins the plan as proposed.

b) Suggested Modification

Notwithstanding our concerns around the total number of homes which are planned for, as set out, on the basis that the council are evidently relying on this site to come forwards in order to deliver the plan as currently proposed, it is submitted that in order to provide the requisite levels of certainty for an Inspector to conclude the plan is sound, this site should receive an allocation within the plan (as was the case previously).

To this end, the council should revisit its site assessment/selection process to ensure that this site (and indeed the others which the council are reliant on to come forwards within the plan period) is specifically allocated within the plan. In doing so, the council should have regard to the work which Oakmoor have done (enclosed with these representations) to explore how the site could be feasibly developed to provide a greater quantum of development than the plan indicates the site has capacity for. In doing so, it would assist the council in demonstrating its ability to comply with the requirements of Framework paragraph 137 which in part relates to the testing of underutilised non green belt land to ensure that its development is fully optimised.

We submit that the appropriate vehicle for incorporating this this further site assessment work and associated additional plan allocations would be an addendum to the plan published for consultation before the plan is submitted for examination.

Specific Housing Needs

Policy P4 - Meeting Housing Needs - P4A Affordable Housing

a) Comment

The explanatory text of the policy recognises that a broad range of housing of different types, sizes, values and tenures are required to meet needs and create maintain mixed and balanced communities. Moreover, it recognises that a well-functioning housing market is essential for Solihull to meet its full potential as an area which is a good place to live and for its future economic success.

There is recognition that meeting housing need does not just mean building additional housing. It is important that the right type of housing is delivered (underlining our emphasis).

There is further acknowledgement that the affordable housing need is exceptionally high within the borough and that Solihull has one of the most severe affordability problems in the West Midlands region. Paragraph 159 notes that in addition to the need for more market and affordable housing, there is also the need for more specialist and supported housing as well as housing that can provide opportunities for households to downsize.

Finally, the explanatory text makes it clear that new homes should address the needs of all types of household. New homes should be affordable by those who are seeking a first home and those who wish to move home. There must be increased provision of affordable housing, both for rent and intermediate tenure to meet the growing needs of households which cannot afford market housing.

To this end, we note that the policy as drafted does not include low-cost market housing. That is housing which is specifically designed to cater for the needs of the significant part of the market whose income excludes them from the traditional affordable tenures but does not enable them to viably enter the open market as a private renter.

Oakmoor's concept proposals have been designed in part to specifically respond to this part of the market.

b) Suggested Modification

It is submitted that the definition of affordable under Policy P4C should be widened to specifically include low cost market rental properties under paragraph 1.

Policy P4 - Meeting Housing Needs - P4C Market Housing

a) Comment

Whilst the general principle of having a mix of market housing which reflects the latest evidence on need for household types and sizes so that market provision reflects borough demand and promotes and sustains mixed and balanced communities, is accepted, it is submitted that the policy as drafted lacks sufficient flexibility.

It will not be appropriate on all sites to employ a borough wide housing mix. For example, there are areas within the district which already have a heavy bias of large detached homes and introduction of further such properties which a market mix would undoubtedly deliver, would be unnecessary and do little to promote mix and balanced communities.

In addition, the outputs from the 2020 HEDNA are not the only measure which should be employed to determine the market mix on any particular site. Rather, the policy should have the inbuilt flexibility to allow developers to provide their own evidence to determine the mix of open market homes that are best suited to the individual needs of that specific location.

Criterion 1. ii) of the policy sets out that in determining the mix, the council will have regard to current indicative borough wide needs assessments. As has been set out above, the plan needs to have regard to the emerging standard methodology which will have a bearing on needs assessment.

Criterion 1. iii) whilst it is appreciated that this criterion is designed to provide some flexibility, it is submitted that as drafted, the policy may well provide unwelcome justification for resisting certain types of development because they do not conform with the prevailing characteristics of a particular area even if the need for that type of development is proven.

Criterion 3. The prescribed mix is too rigid and does not allow for development to respond to the specific characteristics that may be prevalent to a particular site.

b) Suggested Modifications

The policy should be redrafted to allow developer evidence to inform housing mix under Criteria 1. Criterion 3 to be redrafted to include provision for a departure from the mix where specific circumstances justify it.

Other policies

Policy P7 Accessibility and Ease of Access

a) Comment

This policy is supported. It is indeed of utmost important to ensure that all new development should be focused in the most accessible locations. This evidently underpins one of the main strategic aims of the plan, which is to ensure that the existing urban area should be the initial focus for accommodating development. We submit again that the omission as an allocation of the land at Sharman’s Cross Road serves to indirectly undermine the credibility of this policy given its obvious alignment with the fundamental aim of both the spatial strategy and this policy.

Policy P14 Amenity

a) Comment

Whilst the general thrust of policy P14 is supported, we submit that criterion vii, which seeks to protect, amongst other things, community facilities and open space from the introduction of incompatible development, is too rigidly drafted. It does not for example allow for the loss of such facilities through development where the benefits of that development significantly outweigh the disbenefits of the loss.

b) Suggested modification

Criterion vii to be amended to allow for a balancing exercise to be the determinative factor where development can deliver significant benefits which could include but not limited to including significant housing provision.

Policy P15 Securing Design Quality

a) Comment

The general thrust of this policy is also supported; high quality design is of course of fundamental importance to good-quality place making and ultimately to delivering sustainable development.

Nevertheless, the policy as drafted lacks the necessary flexibility to encourage and indeed deliver designs which are innovative and bring about change.

More specifically, criteria 1 and 2 reference design which has regard to local distinctiveness and the expectation that design conserves local character.

Whilst it is of course acknowledged that good design should have regard to local distinctiveness, good design does not need to conserve every facet of what makes a place distinctive or indeed conserve every aspect of local character.

It is for this very reason that the council's existing supplementary planning document '*Meeting Housing Needs*' make a clear distinction that on larger sites the type size dwelling is not restricted by policy requirement to conserve and enhance local character, distinctiveness and streetscape quality.

It is submitted that there will be instances where in order to secure high standards of design quality, a departure from obvious local character will be necessary and as drafted therefore, the policy would stifle innovation and ultimately the ability to secure such high design standards.

b) Suggested modification

The policy should be redrafted to exclude the word 'conserve' and instead replace it with 'respond' which is more appropriate in urban design terms; given that it's use promotes a flexible approach to design which is consistent with the requirements set out at Framework paragraph 127 of not preventing or discouraging innovation or change.

Moreover, there should be explicit recognition that on larger sites (suggest over 50 units) that the type and size of proposed dwellings should not be expected to slavishly mimic the overriding existing property types/ sizes which may be prevalent in that area.

Policy P 20 Provision for open space, Children's Play, Sport , Recreation and Leisure

a) Comment

The spirit and purpose of the policy is supported but as drafted it lacks the flexibility to respond to a range of circumstances. Criterion 3 sets out that it is existing facilities which are of value to the local community for a range of uses which will be protected.

There is no definition however of *'of value to the local community'* and as such it is submitted that this lack of precision could be used as justification to unduly object to a scheme which results in the loss of a community facility which has little or no value simply because a third-party claims that it is of value to them. The definition needs to be objective. It is submitted that a lack of use for a prescribed period of time should set the basis for a definition of *'of value to the local community'*

It is further submitted that the policy should be specific about the conjunctions which applied to the exceptions i) - v), that is it is not clear from the drafting whether the council expects all criteria to be met or just one. It is submitted that it should be just one of the five criteria set out under criterion 3 and that the conjunction should be 'or' after each sub criteria.

In terms of criterion 4, it is submitted that it is too inflexible. As drafted, the loss of any existing facility requires appropriate compensatory measures in the form of a physical facility. It is submitted that if the requisite evidence has been submitted to demonstrate that there is no existing need for that facility, there should be no requirement to provide an alternative one. Doing so would not make any logical sense.

In addition, where compensatory measures are deemed appropriate, it will not always be possible or appropriate to provide alternative provision. Instead, it may be more appropriate to make a contribution to an existing facility that is already being provided or planned to be provided elsewhere. Moreover, providing compensatory provision which is the same size may well be a necessary. Rather, the quality of the compensatory provision should be the determinative factor.



b) Suggested modifications

Policy should be redrafted to allow the flexibility set out above and provide a definition of what is meant by *'of value to the local community'*.

Policy P21 Developer contributions and infrastructure provision

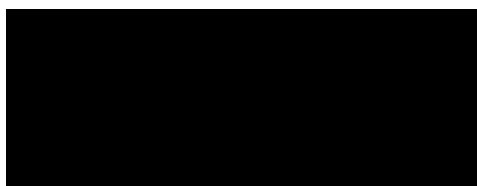
a) Comment

All obligations need to meet the relevant community infrastructure levy tests set out in CIL regulation 122. That is, the obligation must be necessary to make the development acceptable in planning terms, directly related to development and fairly and reasonably related scale unkind to the development.

b) Suggest modification

It is submitted that the policy should make it clear that obligations are grounded in this assessment.

Yours sincerely



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Associate**



Enclosed

- Concept Master Plan Sept '20
- Technical Transport Note Sept 20.