

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

2. Agent's Details (if

applicable)

Please return to psp@solihull.gov.uk or Policy and Engagement, Solihull MBC, Solihull, B91 3QB BY Monday 14th December 00:00

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*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable)

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*

boxes below but complete the full co	ontact details of the agent in 2.	
Title	Mr and Mrs Nelson-Smith; Mr and Mrs Les Edwards; Nicholas and Timothy Underwood; and Sonia Smith	Mrs
First Name	(Please refer to agent)	Glenda
Last Name		Parkes
Job Title (where relevant) Organisation (where relevant) Address Line 1		Director Tyler Parkes
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		

E-mail	Address
(where	relevant)

Part B - Please use a separate sheet for each representation

Name or Organisation:				
3. To which part of the Local Plan does this representation relate?				
Paragraph 565-569 8 226	Policy BC5	Policies Map		
4. Do you consider the Lo	ocal Plan is :			
4.(1) Legally compliant	Yes	X	No	
4.(2) Sound	Yes		No	Х
4 (3) Complies with the Duty to co-operate	Yes	X	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.

Policy BC5 Trevallion Stud, Balsall Common:

Justification Paragraphs 565 to 569;

'Summary Table of Residential Allocations' Paragraph 226; and

Proposals Map revised Balsall Common Settlement boundary.

1. Our Clients comprise four landowners: Mr and Mrs Nelson-Smith; Mr and Mrs Les Edwards; Nicholas and Timothy Underwood; and Sonia Smith who own 10.03ha of the 12ha BC5 'Trevallion Stud, Balsall Common' proposed residential allocation. They fully support the principle of allocation of this brownfield, edge of settlement, sustainable site for development. The proposed amendment of the settlement boundary to accommodate housing on site BC5, as shown on the Policies Map, is sound and meets the requirements of national planning policy, guidance and the strategic objectives set out in the Draft Submission Solihull Local Plan (SLP). Including being in accordance with National Planning Policy Framework (NPPF) paragraphs 136 and 137.

- Our Clients can confirm that residential development on that area of Site BC5 over which they have control, is deliverable and developable within the first 5 and 10 years of the plan period, as set out in the Allocated sites Summary Table at paragraph 226 in accordance with NPPF Annex 2 Glossary definition and PPG Paragraph: 007 Reference ID: 68-007-20190722 and Paragraph: 019 Reference ID: 68-019-20190722.
- 3. However, our Clients contend that modifications are required to the detail of proposed Policy BC5 'Trevallion Stud, Balsall Common' (and associated amendment to the 'Summary Table of Residential Allocations' Table at paragraph 226) to ensure it is sound and fully meets the requirements of the NPPF as summarised below:
 - The site allocation at paragraph 1. of Policy BC5 and the 'Capacity' figure in the 'Summary Table of Residential Allocations' at paragraph 226 should be amended to increase the capacity of the site from 230 to 300. This will ensure that the policy is sound and more accurately reflects the density of development which has been demonstrated could be satisfactorily achieved, whilst fully complying with all national and local planning policy requirements and taking into account the findings of expert highway, ecological and tree reports. Currently the proposed policy fails to satisfy the requirements of NPPF paragraphs 122 and 123.
 - The Green Belt enhancement requirement at Policy paragraph 4 bullet point i. should either be deleted, or proportionate evidence and justification provided to:
 - define what is meant by 'significant';
 - identify the proposed location for the new area of public open space 'south of the site'; and
 - provide details of landownership and mechanisms for deliverability given that the landowners of site BC5 do not control any land south of the proposed allocation.
- 4. Full details of our Clients' objection to the Green Belt enhancement overarching strategic Policy P17A 'Green Belt Compensation' forms part of their representation. Without the proposed amendments to Policy BC5 paragraph 4 i, the policy fails to fully comply with the requirements of NPPF paragraphs 31 and 35 d) and Planning Practice Guidance (PPG) Paragraph 003 Ref ID: 64-003-20190722.
- 5. It should be noted that when land in our Clients' ownership is brought forward for redevelopment within the first two phases of the plan period, as set out in the table at paragraph 226 of the SLP, this would not impact the deliverability and developability of the proposed allocation as a whole. The remaining land, which is adjacent to Wootton Green Lane, would not be sterilised by development on our Clients' land.
- 6. In addition, it is worth noting that the most significant housing contribution from the proposed site allocation would be provided on land within our Clients' ownership. It is not anticipated that a significant number of new dwellings would be provided on the two smaller plots outside their control adjacent to Wootton Green Lane (the Builder's Yard and 'Stoneycroft' residential land). It is likely that this land would be most suitable for low-density housing

- and public open space (POS) given their proximity to the Green Belt as indicated in the 'Concept Masterplan' document, September 2020.
- 7. The proposed site capacity of 230 in the SLP will be provided, and indeed exceeded (as has been demonstrated below and through the accompanying masterplan work), even without residential development on the peripheral land parcels adjacent to the retained Green Belt along Wootton Green Lane outside our Clients' control.
- 8. It should be noted, that if there is any uncertainty over the deliverability or developability of housing on the proposed site allocation BC5 in its entirety (as delineated on the Policies Map and shown on the 'Concept Masterplan' document), a minor amendment to the site allocation 'red line' boundary could be made to exclude the Builder's Yard and 'Stoneycroft'. It would still be entirely appropriate to use Wootton Green Lane as the new strong physical defensible Green Belt boundary, with the opportunity of windfall development coming forward during the plan period on the land outside our Clients' ownership falling within the new proposed settlement boundary.

The Principle of removing Trevallion Stud from the Green Belt and Identifying it for Residential Development

 It is sound that Site BC5 Trevallion Stud, Balsall Common is proposed for removal from the Green Belt and allocated for residential development for the reasons set out below.

NPPF Requirements for Reviewing Green Belt Boundaries

- 10. 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 as demonstrated in the SLP and evidence base. It is therefore **sound** that land is identified for removal from the Green Belt and for allocation for residential development.
- 11. When identifying land for removal from the Green Belt, the NPPF states at paragraphs 138 and 139, that:
 - '138. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account... Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.
 - 139. 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...
 - 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.

Brownfield Land Register, Draft 2018

- 12. The Draft Brownfield Land Register (BLR), 2018 accepts a large part of the proposed area within the red line for site BC5 Trevallian Stud is brownfield, previously developed land, as shown on the plan extracts taken from the document below. These include:
 - Site reference BLR/037 Trevallion Stud, Wootton Green Lane, extending to approximately 5.81 ha with an estimated capacity of 14 to 16 dwellings if retained in the Green Belt, and
 - Site reference BLR/038 Builders Yard, Stable and Stud Farm, Wootton Green Lane, extending to approximately 0.84 ha with an estimated capacity of 8 to 10 dwellings if retained within the Green Belt.

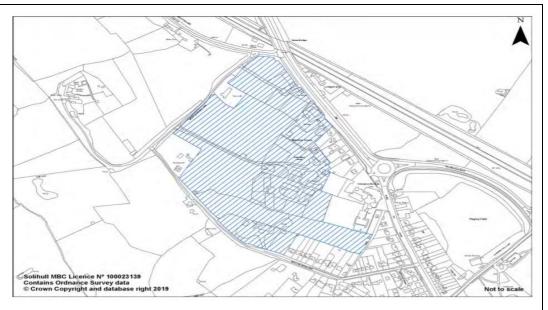
(Other areas of the proposed BC5 site allocation are also clearly brownfield, but were not assessed as part of the BLR process and, therefore, not included within the draft document.)

13. The proposed site allocation is therefore in accordance with the NPPF paragraph 138, which seeks to prioritise development on brownfield land.



Site Assessment, October 2020

14. The majority of land proposed for residential development in site allocation BC5 is assessed under Site Reference 240 'Land at Wootton Green Lane and Kenilworth Road' in the Site allocation Document, as shown on the plan extract from the document below:



- 15. This document summarises the findings of more detailed evidence reports. It concludes: 'Part brownfield site within moderately performing parcel in the Green Belt Assessment, and would result in a well defined boundary. Site has a medium level of accessibility, is in an area of high visual sensitivity with very low capacity for change. The SA identifies 5 positive and 6 negative effects. Settlement is identified for significant growth and site could make a contribution'
- 16. It is clear, therefore, that residential development on this site would meet NPPF selection criteria. The site is adjacent to a settlement identified in the SLP for 'significant growth' (under Growth Option G) and is in accordance with NPPF paragraph 139 a) which requires priority to be given to sites which are consistent with the development plan's strategy for meeting identified requirements for sustainable development.
- 17. The site has a 'medium' accessibility assessment with very high accessibility to a food store.
- 18. The site is only moderately performing when assessed as part of the Green Belt Assessment, 2016 within parcel (RP51). It is attributed an overall combined score of 7 out of a potential score of 12 for the highest performing areas of Green Belt, when judged against the purposes of including land within the Green Belt. The Green Belt parcel as a whole is considered to be highly performing in terms of purpose 3 'To assist in safeguarding the countryside from encroachment'. However, the site-specific characteristics of the site with the presence of built development means that the site itself would perform less well if considered in isolation (see paragraph 566 of the SLP).
- 19. Similarly, the overall contribution the site would make to the character and landscape is considered to be more limited than the findings of the Landscape Character assessment, 2016, which based the judgement that the site is 'in an area of high visual sensitivity with very low capacity for change' on a much larger area. The contribution a substantially brownfield site would make will be more limited (see paragraph 567 of the SLP).
- 20. The existing roads Wootton Green Lane (to the northwest and southwest) and Kenilworth Road (to the northeast) - create a robust, clear, defensible new Green Belt boundary which is likely to be permanent, in accordance with the aims of NPPF paragraph 139 f).

- 21. The identified soft constraints could easily be overcome. These include: a TPO on part of site, together with important hedgerows (trees and significant hedges could be retained within the proposed residential layout); contaminated land (small area which could be readily reclaimed); and existing uses on site (the majority of the site is available for immediate development in the first 5 years, only a small section currently accommodating the houses and stud farm buildings would come forward after this initial phase of development).
- 22. The characteristics of the site and the results from a number of expert evidence reports has demonstrated that Site BC5 meets the local and national policy site selection criteria and priorities.

Overall Approach Topic Paper, October 2020

- 23. The revised spatial strategy for SLP aims to meet the increased housing need by providing a broad area for growth around the HS2 Interchange station, and site allocations to meet housing and employment needs balanced between concentrating development in a relatively small number of locations and dispersing development over a greater number of locations a 'balanced dispersal' approach. 'The strategy also seeks to focus significant developments in locations that are, or can be made, accessible and sustainable'
- 24. Balsall Common is included under Growth Option G recognised as having the potential for significant expansion into the Green Belt to accommodate the anticipated growth. It is considered to have a high level of accessibility and a wide range of local services including a secondary school. The area around the settlement is assessed through the Strategic Housing and Employment Land Availability Assessment (SHELAA) as having 'deliverability, with generally good marketability/viability for sites assessed in this area.
- 25. The Topic Paper Appendix 'A. The Spatial Strategy and Options for Growth' concludes at paragraph 73 that significant expansion of Balsall Common would have, '...low to moderate impact on the Green Belt and the medium to high accessibility indicate that this settlement is suitable for consideration for growth...'
- 26. Clearly, Trevallion Stud site performs well in the 'Site Assessment' and it is on the edge of a sustainable settlement identified for significant expansion. Development on site BC5 would be accessible, on land which performs least well in Green Belt terms and provides strong defensible boundaries.

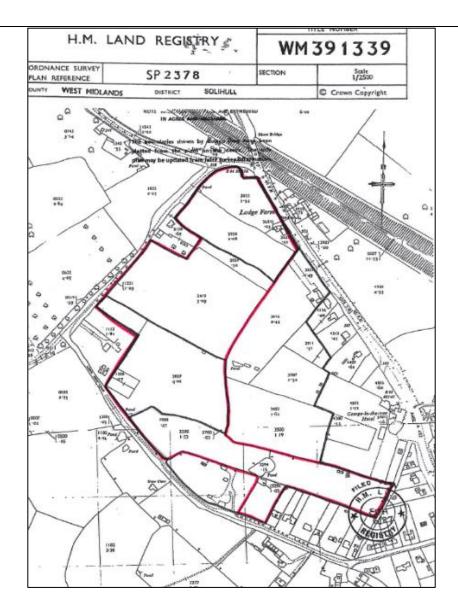
The Deliverability and Developability Credentials for the Site

- 27. NPPF Annex 2 Glossary states that, 'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years...' To be considered developable, '... sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.'
- 28. PPG Paragraph: 007 Reference ID: 68-007-20190722 Revision date: 22 July 2019, emphasises that there is a requirement for evidence to demonstrates sites are deliverable in principle. These include '...firm progress with site assessment work... or clear relevant information about site viability, ownership constraints or infrastructure provision...

29. PPG Paragraph: 019 Reference ID: 68-019-20190722 Revision date: 22 July 2019 confirms that, '...local planning authorities should identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. PPG Paragraph: 020 Reference ID: 68-020-20190722 Revision date: 22 July 2019 explains that to demonstrate that there is a 'reasonable prospect' that site are developable, '...plan-makers can use evidence such as...written evidence of agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates...'

Landownership

- One of the main factors in assessing the deliverability of larger sites, in multiple ownership, is the willingness of landowners to work jointly together to bring the site forward for timely development.
- 31. The proposed allocation BC5 is fully supported by our Clients who are keen to bring the site forward for development at the earliest opportunity. A legal agreement is in place to provide assurance that there is no legal impediment to the deliverability of the site. A letter from The Wilkes Partnership Solicitors dated 11th February 2020 (included within this representation with the accompanying Title Deed reproduced below), confirms that four landowners have entered into a Promotion Agreement with an instruction for planning permission to be obtained and the site marketed for sale.



32. The suitability of the site for development and firm evidence of progress with the assessment work is set out under the detailed analysis and masterplan work section below.

Detailed Site Analysis and Masterplan Work

- 33. The masterplan work, undertaken by our in-house Chartered Architect, qualified Urban Designer and Certified Passive House Designer, has used as a starting point, the local characteristics of the area and the findings of the expert reports commissioned as part of the site assessment work. A copy of the masterplan forms part of this representation, plan number 10607(MP)02-C
- 34. A 'Site Analysis and Concept Document' reference 10607(RP)01 201210 (which forms part of this representation) illustrates the approach taken, including: incorporating existing important site features (such as important trees and ponds), promoting opportunities for areas of ecological enhancement and open space (ensuring a soft border with the new Green Belt boundary), meeting highway safety requirements, whilst achieving the policy ambitions of the SLP.

35. The expert reports which have informed the masterplan work include the following. All reports not already available on SMBC's 'Updated Evidence' website, are attached and form part of the background evidence for this representation:

36. 21122-02 Site Appraisal - Transport by David Tucker Associates, 2nd October 2019.

- 37. In line with the 'Concept Masterplan' ambitions that access into the site is kept to the north of the site, to minimise effects on the rural edge of the site and Wootton Green Lane, the expert highway report recommends that access to the site should be from the A452 Kenilworth Road. This will avoid the need for extensive highway improvements to Wootton Lane and Wootton Green Lane where only two heavily traffic calmed secondary points of vehicular access are proposed together with a new pedestrian/cycle only access route.
- 38. The Masterplan incorporates the recommended new three-armed roundabout with access taken from the A452 with allowance for vehicular, pedestrian and cycle access into the site. It would also provide the opportunity for a bus stop to be provided within the BC5 red line site boundary, to further increase its access sustainability credentials.
- 39. Currently, the bus services from the bus stops on Kenilworth Road provide three services a day to Solihull and three services a day to Balsall Common, with one of these extending to Coventry. It would be possible for this development to contribute towards an improved route 89 service to provide an hourly service to Solihull and Coventry in the morning and afternoon peak period.
- 40. The report notes that the, '...site is well situated in terms of access to sustainable modes of travel and local facilities in Balsall Common within walking distances of the site. Footways are provided to the village centre and the bus stops on the A452 and Station Road. Additionally, a footway / cycleway provides access to the railway station. Bus services are provided from stops within the vicinity of the site and additional services are provided from stops within the village centre. The train station is accessible by walking and cycling and provides regular services to wider destinations including London, Birmingham, Birmingham International, Wolverhampton. Crewe and Liverpool....'
- 41. It concludes that, '...the impact of the development would have a negligible impact on the operation of the local network.'

Additional Site Options Ecological Assessment: Trevallion Stud, January 2020 (commissioned by SMBC).

- 42. The Ecological Assessment concludes that, 'Much of the biodiversity value of the development parcel lies on the periphery or just outside of the development parcel as linear and small blocks of broad-leaved seminatural woodland and as associated veteran and/or notable trees...Planned access should be from the north of the development parcel so that the value of Wootton Green Lane remains intact.'
- 43. The retention and establishment of lines of trees along Wootton Green Lane is proposed to allow and enhance connectivity within the wider landscape. It is anticipated that this provision will provide important habitat for woodland birds and improve the connectivity and function of the surrounding fragmented plots of woodland, scrub and hedgerow.

44. The masterplan work has responded to this recommendation with proposals to retain boundary trees and hedges and to introduce additional planting to enhance the ecological value of the site and improve the linkages with surrounding networks – as shown in the 'Site Analysis and Concept Document' reference 10607(RP)01 201210.

Preliminary Ecological Appraisal v2 by Cotswold Wildlife, 22nd October 2019.

- 45. The Preliminary Ecological Appraisal, October 2019, assessed the site in more detail than the Ecological Assessment commissioned by SMBC in January 2020. The Cotswold Wildlife appraisal concluded that, 'Excluding the woodland, hedgerows and ponds, the site was concluded to be of generally low wildlife interest, in particularly the horse paddocks, which were not botanically diverse and of poor quality, although they would hold some limited value for invertebrates, small mammals, and foraging birds...'
- 46. The pond in the woodland area was considered excellent for Great Crested Newts, whereas the pond in the stud complex was considered poor. Some of the hedgerows were considered important under the regulations and most were species rich.
- 47. Several trees were considered suitable to support bat roosts. The majority of the site was thought to be of at least moderate value to foraging or commuting bats.
- 48. The woodland, trees, hedgerows and farm/stud buildings were considered to provide suitable habitat for nesting.
- 49. There were no signs of Badger activity within the site, and the only evidence of mammals was from Rabbits and Grey Squirrel.
- 50. Given the intense use of the paddocks, and since the majority of the site was grazed paddocks, buildings and hardstanding, reptiles were considered unlikely to be encountered.
- 51. The report advises that, '...None of the designated areas will be impacted on by potential development at the site, as there is no direct connectivity, and all are separated by barriers, some significant, including main and local roads, a mainline railway, arable farmland under continuous cultivation, and extensive residential areas.'
- 52. The appraisal states that, '...Any proposed residential development is unlikely to impact significantly upon flora and fauna, as the majority of the hedgerows and trees will be retained, thereby maintaining bat foraging routes, whilst there will be large areas of public open space and green infrastructure to maintain wildlife connectivity.'
- 53. Additional species surveys are, of course, recommended prior to development.
- 54. Our clients would support the proposal within the report that, 'Any proposed scheme will be required to provide ecological enhancements where possible. Examples include tree and shrub planting, seeding of grassland with wildflower mixes, pond improvements, provision of bat and bird boxes, insect boxes, Hedgehog domes, log pile refugia and subterranean hibernacula.'
- 55. 64. It is evident from the Masterplan submitted with this representation that the ecological constraints and opportunities, highlighted in the report, have been accommodated within the proposed layout with significant areas of POS and tree

planning proposed – as illustrated in the 'Site Analysis and Concept Document' reference 10607(RP)01 201210.

Arboricultural Appraisal based on BJ Unwins Tree Plans, August 2019.

The 'Site Analysis and Concept Document' reference 10607(RP)01 201210 illustrates clearly those areas identified on the tree plans which have medium and high value. These areas are proposed for retention, with additional planting, in the illustrative masterplan prepared for the site, Plan number 10607(MP)02-C This approach is supported by the ecological assessment recommendations as set out above.

Supplementary Heritage Impact Assessments, October 2020 (SMBC)

- 57. A detailed heritage impact assessment (HIA) has been caried out for Site BC5 on pages 32 to 46 of the Supplementary HIA. There are no Listed buildings or Scheduled Anciant Monuments within the proposed site allocation, and it does not lie within or adjacent to Berkswell Conservation Area. The site is considered to make a 'moderate' contribution towards the setting of the nearest Grade II Listed Blythe Prior, which lies approximately 100 metres away from the site to the northwest.
- 58. The final section, 'Minimising Harm and Enhancing Significance' at paragraph 1.8 includes suggestions that, '...the field edges closest to Blythe Prior should remain undeveloped. The scale, massing, layout, design and materials of any new buildings should then have due regard to its setting and to local character and distinctiveness, and should be carefully chosen to minimise visual intrusion. New or retained planting should not be relied upon to reduce impacts that ought to be designed out instead...an expectation of two and a half storey maximum height where reasonable and details and materials that would be appropriate to this village edge context...Hedgerows and trees should be retained wherever possible and added to as appropriate, so that the historic landscape character of the general area is maintained or enhanced as far as possible...The retention of these roadside hedgerows would help to restrict the amount of new building seen by car drivers and passengers as a major visual receptor in this area...'
- 59. It is clear from the HIA that the site does not contain any significant heritage assets and any potential impact on the historic landscape and the setting of the nearest heritage assets, could be effectively mitigated by sensitive design and layout, as proposed in the masterplan prepared on behalf of our Clients, plan number 10607(MP)02-C.

Flood Risk Assessment for Sites 2020 (SMBC)

- 60. Site BC5 lies predominantly within a low-risk area with regards to fluvial and surface water flooding. However, the Environment Agency mapping does identify some surface water flooding to the south of the site.
- 61. The site assessment requires that the layout should 'reflect the local topography and ensure extreme flood flow paths are not impeded by properties thus resulting in a residual risk.'
- 62. It recognises that the central hedgerow link 'could be further bolstered by linear SuDS features to make the most of the multi-functional benefits these offer.'
- 63. In terms of risks, the report states that no allowance has been made for SuDS drainage within the SMBC's Concept Masterplan. It suggests that the integration

- of SuDS features may result in a loss of residential area within the sit, in order to accommodate the necessary storage volumes.
- 64. It is clear from the Masterplan prepared on behalf of our Clients, that the necessary SuDS requirements has been taken fully into consideration, within the proposed masterplan scheme, with the introduction of a 'dry swale', as shown on the 'Site Analysis and Concept Document'. This is a shallow drainage channel with gentle side slopes, where water running off a site can collect and soak away.
- 65. Therefore, no capacity reduction will be needed below the 300-dwelling figure shown on the masterplan.

Policy Compliant Credentials and Site Capacity

- 66. The masterplan 10607(MP)02-C, prepared in support of this representation, demonstrates that 300 new dwellings could be satisfactorily accommodated on the 10.03ha area of Site BC5 within our Clients' ownership, whilst meeting and/or exceeding the policies within the emerging SLP.
- 67. The Masterplan demonstrates how development on the site meets the requirements of the following policies:
 - Policy P5 'Provision of Land for Housing' meeting national space standards and density of development requirements.
 - Policy P4 A, C, and D 'Meeting Housing Needs' with a mix of dwelling sizes and types, including 40% affordable housing.
 - Policy P7 'Accessibility and Ease of Access' with improved pedestrian, cycle and public transport access and routes.
 - Policy P8 'Managing Travel Demand and Reducing Congestion' meeting highway safety requirements, encouraging sustainable modes of transport.
 - Policy P9 'Mitigating and Adapting to Climate Change' with integrated green infrastructure, including SUDs, green spaces and corridors as well as with the potential for use of renewable energy and electric charging points etc.
 - Policy P10 'Natural Environment' including the potential for at least 10% biodiversity net gain within the protected areas of open space and landscape improvements through protecting and improving features/habitats.
 - Policy P11 'Water and Flood Risk Management' use of SUD, including a dry swale to mitigate potential surface water flooding.
 - Policy P14 'Amenity' with high quality design and layout; the safeguarding
 of important trees, hedgerows, habitats, woodlands; protection of health, local amenity and natural environment; remediation of the small area of contaminated land.
 - Policy P15 'Securing Design Quality' creating a high-quality space with regard to local distinctiveness, local character, and sustainable design principles making 'efficient use of land, optimising densities...whilst responding to the surrounding natural, built and historic environment' and ensuring the proposed development 'does not prevent, constrain or otherwise impact negatively upon relevant development opportunities' of land not in our Clients ownership within site BC5.
 - Policy P18 'Health and Wellbeing' facilitating opportunities for formal and informal physical activity, increasing opportunities for active travel, improving safe access and design principles, and enhancing green infrastructure.
 - Policy P20 'Provision for Open Space, Childrens Play, Sport, recreation and Leisure' – with provision of 2.65ha of POS comprising a mix of open fields, a village square including a play area, various green 'nodes' at the ends of

streets to help with placemaking, and wooded areas. This provision exceeds the minimum requirement of 3.57ha POS per 1,000 population (minimum 2.46ha on this site) by 1,900m2.

- 68. More specifically, the Masterplan submitted with this representation, includes the delivery of 300 homes in two- and two-and-a-half storey buildings at a density across the site of 30 dwellings per hectare. The mix of housing shown comprises 1-2 bedroom- 50%; 3 bedrooms -30%; 4 or more bedrooms -20%, including 5% of plots able to accommodate open market housing in the form of self-build and custom build plots. 5% of the new homes would be wheelchair-user dwellings to Approved Document M Regulation M4(3). 40% the proposed dwellings would be affordable homes and provision of specialist housing or care bed spaces could be provided to meet any identified need.
- 69. The Masterplan also meets the objectives set out in the site-specific Policy BC5 'Trevallion Stud, Balsall Common' and the 'Concept Masterplan' document, September 2020 (referenced in paragraph 5 of Policy BC5). Specifically, the 'Site Analysis and Concept Document' and Master Plan demonstrate that the following requirements have been satisfied:
 - Medium density (approx. 40 dph) development close to Kenilworth Road with lower density (approx. 25 - 30 dph) closer to Wootton Green Lane.
 - Public open space opportunities to the south west and Wootton Green Lane.
 A POS buffer to the south of the development between the new and existing development. Total POS provision of 2.56ha across the site.
 - Using a landscape-led development approach by using the hedgerow and tree constraints to act as green corridors, connecting and linking across the site and beyond.
 - Above ground SuDS, including a linear dry swale, SuDS within a central open space area and retention and enhancement of the main pond highlighted as a potential habitat for Great Crested Newts.
 - Additional pedestrian and cycle routes to form connections to the existing recognised cycling and pedestrian network improve accessibility to the railway station, community facilities and the Green Belt enhancing the Green Belt.
 - Housing mix to allow for 5% self and custom build plots.
 - Enhancements to Wootton Lane corridor to enhance the Green Belt.
 - Additional planting and additional tree planting across the site.
 - Creation of additional open space with native planting on and around the new roundabout.
 - Development proposal will provide a new 'gateway' into Balsall Common which currently lacks a sense of arrival at its northern entrance.
 - The main site access point into the site to be kept to the north of the site to minimise the effect on the rural edge of the site and Wootton Green Lane.
 - To address the Council's Climate Change declaration (October 2019) and make a full contribution to targets for carbon emissions reduction.
- 70. The capacity of proposed site allocation BC5 Trevallion Stud would be increased with development of the Brownfield Land Register Site reference BLR/038 Builders Yard, Wootton Green Lane, which extends to approximately 0.84 ha. Even with the Green Belt policy restrictions, this was estimated to have a capacity of 8 to 10 dwellings. The promotion of the site through the Brownfield Land Register suggests that the landowner will be willing to bring the site forward for development, if the site is removed from the Green Belt and allocated for residential development. Conservatively, it is therefore appropriate to add at least 10 dwellings onto the total achieved through the masterplan work, taking the overall total for the site to approximately 310 new dwellings.

71. However, it is accepted that, should there be any uncertainty about the deliverability credentials for this land, and land at 'Stoneycroft', it could be removed from the proposed site allocation and instead included within the settlement boundary for windfall development if, as and when it becomes available for development.

Site Capacity

- 72. The site capacity of 230 dwellings proposed in Policy BC5 and tabulated at paragraph 226 is **unsound**, because it is a significant underestimate of the scale of development which could sustainably be delivered. The site assessment evidence and detailed masterplan work undertaken, summarised above, demonstrates the deliverability and developability of the land within our clients' ownership to achieve a capacity of 300 new dwellings. Even without adding the conservative estimate of an extra 10 dwellings on the builder's yard BLR site, this represents an uplift of 30% more development (on a smaller area of land) than currently proposed in Policy BC5.
- 73. To ensure that only the minimum amount of Green Belt land is removed from its protected designation to meet the 'exceptional circumstance' arising from the unmet housing land shortfall, it is important to ensure that all land, which it is proposed for removal from the Green Belt, is put to the most effective sustainable use. This will ensure the most efficient use of resources and reduce future pressure to review Green Belt boundaries and ensure their permanence in the long-term, as required by NPPF paragraphs 136, 122 and 123.
- 74. NPPF paragraphs 7 and 8 advise that, '7. The purpose of the planning system is to contribute to the achievement of sustainable development... 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways...' These comprise economic, social and environmental objectives. Paragraph 8 c) confirms that the environmental objective should be '...to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land...'
- 75. Encouragement is given to sustainable development of land, NPPF paragraph 122, states that,
 'Planning policies and decisions should support development that <u>makes efficient use of land</u>', 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.
- 76. 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.'
- 77. 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) <u>local planning authorities should refuse applications which they consider fail to make efficient use of land,</u> 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)'
- 78. The Indicative Density table beneath paragraph 240 of the SLP suggests it would be appropriate for 'Significant extension of urban or larger village edge', such as at Balsall Common, to be developed at a density of 30 to 40 dph, apartments as appropriate and mixed development at 40 to 50 dph.
- 79. SLP Policy P5 'Provision of Land for Housing' accepts that there is a need for densities of development to 'maximise the efficient use of land', whilst also responding to: policy requirements, local character, accessibility, constraints and sensitivities. The developable area of a site 'will include site plots and estate roads but exclude land for other development requirements such as open space, SuDS and strategic highway infrastructure.'
- 80. Justification paragraph 237 confirms that, 'It is important that efficient use is made of the land available to ensure delivery of sufficient new homes in the Plan period.'
- 81. The submitted masterplan commissioned by our Clients confirms the proposed allocation is positively prepared, justified, effective and consistent with national and local policy. It demonstrates that the area of the proposed site allocation within our Clients' control would be capable of delivering 300 new dwellings at a density range of between 25dph to 40dph and an average density of development of 39dph (across the site minus the POS) in line with the requirements of Policy P5.
- We therefore propose that the capacity of the site set out in Policy BC5 is increased to at least 300 dwellings at paragraph 1.

Policy BC5 Paragraph 4 Green Belt Enhancements

- Our Clients have submitted detailed representations in response to the overarching proposed Policy P17A 'Green Belt Compensation, which should be read alongside this representation to Policy BC5.
- 84. In summary, the representation to SLP Policy P17A explains that the policy, as drafted, is **unsound** on the basis that no evidence, methodology, sustainability appraisal or viability assessment has been provided to justify the strategy or in the linked site allocation policies such as BC5.
- 85. In addition, no mechanism has been set out to demonstrate how the proposed compensation measures, sought on Green Belt land outside the ownership of the developer, would be delivered contrary to the requirements of NPPF paragraphs 31 and 35 d) and Planning Practice Guidance (PPG) Paragraph 003 Ref ID: 64-003-20190722.

- 86. NPPF paragraph 16 requires that plans should, 'a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable;...d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals...'
- 87. PPG Paragraph 004 Reference ID: 23b-004-20190901 states that policy requirements for planning obligations should be 'clear'.
- 88. NPPF paragraph 34 states that, 'Plans should set out the contributions expected from development...Such policies should not undermine the deliverability of the plan.'
- 89. PPG Paragraph: 002 Reference ID: 10-002-20190509, Revision date: 09 05 2019 requires that, '...Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. It is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies...'
- 90. The requirement in Policy BC5 paragraph 4 i. 'Creation of a significant area of public open space to the south of the site' has not been tested in the Sustainability Appraisal or Viability Assessment to demonstrate deliverability. This proposed Green Belt enhancement has not been discussed with the landowners or Tyler-Parkes, acting as their agent.
- 91. In addition, the policy wording is not clearly written. It is unclear what size a 'significant' area of POS would be in the context of this policy. It also unclear where the POS would be expected to be provided as 'south of the site' covers a vast area of undeveloped Green Belt land.
- 92. Finally, there is no mechanism set out for delivery of POS south of the site, where land is not in the ownership or control of the developer.
- 93. This approach is therefore contrary to the requirements of the NPPF paragraphs 16 and 34 and PPG Paragraphs 004 Reference ID: 23b-004-20190901 and 002 Reference ID: 10-002-20190509 making Policy BC5 paragraph 4 bullet point i. unsound.

(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.
- 94. It is recommended that Policy BC5 paragraph 1 is amended as follows:
 - 1. The site is allocated for at least 300 dwellings.

- 95. Policy paragraph 4.i. 'Creation of a significant area of public open space to the south of the site'
 - should be **deleted** or,
 - sufficient evidence, explanation and delivery mechanism should be provided to justify and clarify the policy requirements.
- 96. Should there be any uncertainty over the deliverability or developability of housing on the proposed site allocation BC5 in its entirety (as delineated on the Policies Map and shown on the 'Concept Masterplan' document), a minor amendment to the site allocation 'red line' boundary could be made to exclude the Builder's Yard and 'Stoneycroft'.
- 97. It would still be entirely appropriate and compliant with national policy to use Wootton Green Lane as the new strong physical defensible Green Belt boundary with the opportunity of windfall development coming forward during the plan period on the land outside our Clients' ownership falling within the new proposed settlement boundary i.e. on the Builder's Yard, Stoneycroft and The Croft.

(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

necessa	ary to participate in examination he	earing session(s)	?
	No , I do not wish to participate in hearing session(s)	X	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:	Glenda Parkes	Date:	11/12/2020
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