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LPR Consultation Policy and Delivery
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Sirs

LAND WEST OF WARWICK ROAD, KNOWLE – REPRESENTATION IN RESPONSE TO SOLIHULL LOCAL PLAN REVIEW

We act for Mrs Celia Coombs of Stripes Hill Farm, Warwick Road, Knowle, Solihull, and her sons Anthony and Graham whose house and family home at Stripes Hill Farm ("the Site") is included within the greenbelt release at the Ardent Triangle ("KN2: land to the South of Knowle"). We are instructed to act on their behalf and to submit their objection to the draft Submission Version of the Solihull Local Plan Review to Solihull Metropolitan Borough Council ("the Council").

Whilst our clients broadly support the release of the land from the Green Belt for housing they object to the manner and timing of the release. That objection is, broadly, twofold: -

- 1 Mrs Coombs is 93 and will not be moving out of her residence during her lifetime as has been identified as a pre-condition of the Coombs from the start;
- 2 Anthony and Graham should, in the long term future of this project, receive a fair value for their part of the land within the proposed development. The early allocation within a masterplan of their land for a new school is unfairly affecting proper equalisation of land values. They oppose the use of the Masterplan and the siting of the relocation of the Academy itself and are not prepared to support the whole project unless the school reverts to previous Masterplan options for its relocation or is retained in situ on School Rd, albeit of course substantially refurbished and improved.

If these concerns cannot be resolved they would sooner the land not be released at all and remained in the Green Belt. Those personal reasons are supported by a detailed planning objection prepared by Claremont Planning which is enclosed with this letter. I do not repeat the assessment of Mrs Else in this letter but write merely to supplement it where appropriate.

Further Legal Representations

Soundness.

- 1 Plans are 'sound' if they are:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs...

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

- 2 As can be seen through the detailed work of Claremont Planning the Local Plan Review risks being found not sound as it potentially fails the NPPF test for soundness on all four limbs. It is particularly relevant that (1) reasonable alternatives do not appear to have been taken into account nor are (2) the policies (with their interrelationship with provision for housing for older people) consistent with national policy, nor (3) evidenced as either deliverable or in accordance with up-to-date need.

Deliverability.

- 3 There remains serious doubt over whether the allocations, in the manner they are currently being master planned are deliverable. For instance:
- 3.1 The evidence base to support a relocation and conjoined development of the Arden Academy with a new 2 FE primary school on the Coombs land, simply has not been updated to assess the differing levels of impact such a relocation would have.
- 3.2 The Council have only considered the topographical character of the Site in relation to its prominence within the landscape setting, rather than the deliverability of development.
- 3.3 The current levels of master planning exacerbate ecological impacts when they could seek to mitigate; with the increased levels of biodiversity net gain set to bite in law this is setting a trap for the future development of the site.

Concept Masterplan.

- 4 The concept masterplan (contained in the Solihull Local Plan Concept Masterplans document dated October 2020) represents a significant change from the two options presented in the previous version of the document published in January 2019 as part of the draft Local Plan supplementary consultation. We are however aware of the briefing note prepared by the head of strategic land and property (dated 21 September 2020) and the Savills Appraisal Report (September 2020) which have been prepared to justify the currently proposed concept masterplan.
- 5 Claremont Planning notes that "through Policy KN2 it is required that the allocation be delivered in accordance with the accompanying Concept Masterplan. Although this is recognised as increasingly becoming the preferred approach for delivering strategic sites that provide for major scale development, it is expected that this requirement could equally be addressed through a Supplementary Planning Document or outline application and encompassing masterplan / design documentation." Claremont Planning strongly recommend that the Concept Masterplan for Allocation KN2 is amended or removed. Without these changes the Concept Masterplan included is at risk of jeopardising the deliverability and reliance of the proposed strategic allocation. Failure to provide sufficient flexibility at this early stage could jeopardise the proposed allocations through a risk of challenge to the development extents and impacts arising. As such, to make the plan sound the reliance upon Concept Masterplan KN2 should be removed or the masterplan amended

to ensure constraints can be appropriately assessed and impacts quantified, within adequate mitigation and infrastructure provision allowed for.

- 6 At this stage in the process the only masterplan that Messrs Coombs can endorse is that from January 2019, which is supported by the evidence still being used to promote the Local Plan Review. Messrs Coombs are working with other landowners to feed into a master plan which they could endorse.

KN2 – paragraph 5.

Paragraph 5 of the proposed draft policy is the most objectionable and states

The Concept Masterplans document should be read alongside this policy. Whilst the concept masterplan may be subject to change in light of further work that may need to be carried out at the planning application stage, any significant departure from the principles outlined for Site KN2 will need to be justified and demonstrate that the overall objectives for the site and its wider context are not compromised.

- 7 It is our view that such an approach is unsound. A masterplan should either be part of the Local Plan or it should not be. To have a document which is not settled ("*may be subject to change in light of further work*") and which clearly needs to be subject to some considerable work, bound in to a policy is simply unacceptable. An Inspector will not be able to consider this concept masterplan with any degree of certainty and form any view on the likelihood of the Site to be deliverable without being able to cast his/her mind forward and form a view on what the concept masterplan may look like once those changes referred to have had the opportunity to take effect.
- 8 The current proposed concept masterplan is also non-compliant with government policy, which amongst other things requires that: -
- 8.1 *A range of other plans and technical reports may be needed alongside a masterplan, to provide supporting evidence and set out related proposals, such as a local character study, landscape assessment, transport assessment and proposals for securing biodiversity net gain.*
- 8.1.1 As evidenced by Ms Else, none of the evidence base has been updated to support the current revisions to the concept masterplan. The evidence supports previous masterplans which did not show a school relocated onto my clients land.
- 8.2 *Whoever prepares them, masterplans can benefit from a collaborative approach between the local planning authority, site promoters and local communities so that aspirations and constraints are understood early on. Masterplans produced by local planning authorities may be adopted as supplementary planning documents to give them weight in decisions on applications.*
- 8.2.1 Whilst collaboration has been attempted on this Site the creation of this version of the masterplan does not reflect either the evidence or the general agreed consensus of that collaboration.
- 8.3 *Masterplans often apply to schemes that are developed over a long time period and so may need to be subject to regular review and be flexible to adapt to changing circumstances.*
- 8.3.1 A weak policy and evidence base does not allow a masterplan to adapt to changing circumstances.
- 8.4 Care should be taken to ensure that masterplans are viable and well understood by all involved and that graphic representations of what the development will look like do not

mislead the public by showing inaccurate details or significant elements not yet decided upon.

8.4.1 The concept masterplan creates incorrect assumptions on which valuation and other assumptions are being taken forward from. This is creating a misleading impression of the development that could come forward on this release.

- 9 Alternatives to the Concept Masterplan proposed (including those in the 2019 documentation) provide a clearer approach to collaboration between landowners, with appropriate realisation of the infrastructure requirements, site characteristics and optimum location for varying uses. It is highly notable in the Claremont Planning review that no assessment of how a new school fits into the topography of the Site, with housing of either C2 or C3 integrating into the existing topography much more naturally.
- 10 The delivery of such an agreed masterplan through such methods with approval of the Local Planning Authority required is a preferable method of securing the comprehensive development of the allocation KN2, rather than the contrived Concept Masterplan drafted that has no certainty of delivery. To make the plan sound the reliance upon Concept Masterplan in KN2 at paragraph 5 should be removed or the masterplan amended to ensure constraints can be appropriately assessed and impacts quantified, within adequate mitigation and infrastructure provision allowed for. The principle aims and goals of KN2 para 5 could equally be addressed through a Supplementary Planning Document or outline application and encompassing masterplan / design documentation.
- 11 Such alternatives to the Concept Masterplan proposed provide a clearer approach to collaboration between landowners, with appropriate realisation of the infrastructure requirements, site characteristics and optimum location for varying uses and they will seek to update the inspector at any Examination in Public as soon as agreement on a suitable scheme can be reached.

Care Home Provision

- 12 The Claremont Planning response provides detailed input into draft policy P4E. Notwithstanding that Irwin Mitchell conducts a regular piece of research into the quality of Local Plans in bringing forward appropriate policies for housing their ageing population. The latest release can be found here - <https://www.irwinmitchell.com/news-and-insights/newsandmedia/2019/october/45-percent-of-the-uks-local-authorities-still-not-planning-ahead-for-elderly-persons-housing>. It showed no improvement in the Council's area for proper planning for older people with the Council still receiving a D grade (*"neither credible policy nor site allocations - with a policy at most confined to generalisations. For example 'We will make provision for housing for all types of people, including the elderly and disabled'"*).
- 13 Policy P4E in draft is clearly an improvement but is unlikely to see the Council move to being an A grade authority. It introduces a requirement that all developments of 300 dwellings or more must provide specialist housing or care bedspaces in accordance with the Council's most up to date statement of need on older person's accommodation whilst at the same time, as Ms Else points out, fails to properly consider individual care/specialist developments coming forward. The Local Plan Review as a whole however fails to allocate any sites for housing for older people and in failing, at that hurdle, the concept masterplan for the KN2 allocation not only fails to consider how specialist housing could be master planned into the overall development but arbitrarily places a school on the part of the Site which is made available by its owners for the provision of older peoples specialist housing.
- 14 Messrs Coombs have had discussions with IVG who point out in their own submission that Site 9 could provide approximately 150 much needed places for the elderly, but nothing is said of this in the Masterplan. It is similarly unclear how the evidence for the school takes into account the demographic shift of properly planned housing numbers for the elderly and older people, whether it

is assumed that all 600 homes will be for families with children, or whether an adjustment of need should be taken into account. The evidential base line should be updated for both scenarios,

14.1 compliance with draft policy P4E – provision for older people on sites of in excess of 300 homes; and

14.2 specific master planned provision of approximately 150 places within the Site.

Both scenarios are likely to have an impact on the perceived and evidenced need for new and additional school provision.

Quality and effectiveness of consultation

- 15 Messrs Coombs object strongly to the premise being put forward that a so called collaborative process on site 9 stretching back now over two years has taken place. Having reviewed with them some of the correspondence we cannot deny that attempts to negotiate, fairly typical of the level of involvement for a site allocations process has taken place however that in no way moves to describe this process as an example of good practice. “Landowner meetings” have been infrequent with inconsistent leadership and frequently cancelled at short notice. My clients have also lacked direct involvement in the process, despite being one of a set of landowners with direct experience of residential development (Grevayne Properties Ltd) whose own aspirations for the Site are directly relevant to how deliverable development would be on land within their ownership.
- 16 It is instead their view that previous consultations on the Masterplan have made assumptions on Housing mix on the development into which they have had no input at all, let alone being the result of “Collaboration”. The result of this lack of effective consultation and communication was reached in September 2020 when landowners were presented with the Savills Masterplan which, against all previous understanding and former Masterplans, suddenly relocated the school onto a new site on land owned by them and Mr Goswami without updating the evidence base for doing so but at the same time re-calibrating the land values that could be assumed to be applied to their land.

Education

- 17 This approach seems to have encouraged Arden Academy to write a recent Open Letter to parents and guardians, signed by both the Chairman of Governors and the CEO of the Arden Multi Academy Trust, which claims to have

liaised closely with local residents and community groups, SMBC and other local land owners and relevant third parties, with the aim of realising this once in a lifetime opportunity to create a 21st Century Community Learning hub. More details can be found at <http://www.arden.solihull.sch.uk/new-arden/>

and

The concept masterplan follows a place-based approach that will benefit all parts of the local community. Allowing the release of the existing Arden school site to provide for new residential development on the most accessible and sustainable parts of the Arden Triangle site, near to village centres and public transport links. The proposals will provide a mix of market and affordable homes, including smaller homes for young people and specialist housing to meet the needs of older people. This will also help regenerate Knowle and our wider local community by supporting local businesses seeking increased footfall along the high street to maintain economic strength and viability.

stating that

We fully support these proposals as the culmination of long-standing collaboration among stakeholders to find a deliverable and realisable development solution. It is clear that new

residential development within Knowle is an inevitable consequence of Local and National planning needs and obligations. Given this, we firmly believe that these proposals maximise the community benefit of these inevitable developments. We now need your assistance to help us bolster support for Policy KN2 (and the accompanying concept masterplan) and secure development in a way that will help us realise our vision for a new school and much needed community facilities.

- 18 The proposals are certainly not the culmination of longstanding collaboration among stakeholders.
- 19 Whilst there may have been attempts at effective collaboration at an early stage the unilateral allocation of a new school on my client's land and the dogmatic refusal of stakeholders to effectively address value equalisation as a result shows the proposals in the now draft Local Plan to be simply one of a number of options that could come forward but which, as is demonstrated through the work of Ms Else, is not supported by the evidence base. For them to be put forward in this way casts doubt on the quality of Local Plan support which may come forward from local people and parents of children already at the school who are now under the impression, incorrectly, that this allocation of securing a new modern school for the benefit of their children.

I can be contacted on the details below to arrange for a full and effective discussion on these matters with the Coombs and their representative but until these points are resolved we will be instructed to object in the strongest possible terms at any Examination in Public of the Local Plan review.

Yours sincerely

STUART TYM
SENIOR ASSOCIATE SOLICITOR
For and on behalf of IRWIN MITCHELL LLP

Sent electronically
Read and approved by Stuart Tym but not signed