

OUTLINE PLANNING APPLICATION

Land at

PHEASANT OAK FARM, BALSALL COMMON, SOLIHULL

by

BARWOOD DEVELOPMENT SECURITIES LIMITED

12 October 2023

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of Barwood Development Securities Limited (hereafter known as Barwood Land) and accompanies an outline planning application in respect of land at Pheasant Oak Farm, Waste Lane, Balsall Common (referred to as ‘the Site’).

1.2 This outline planning application seeks to secure approval for the following description of development:

‘Outline Application for Residential Development (up to 250 homes, including 40% affordable) with vehicular access off Waste Lane; demolition of existing buildings/structures associated landscaping and new public open spaces; community growing area/orchard; and enhancements to Millennium Way through the Site’.

1.3 The application proposals seek outline approval with all matters reserved save for means of access.

1.4 The application proposals have been developed directly in response to the Council’s allocation of the land for housing purposes in the emerging Solihull Local Plan Review (LPR). This allocation follows active promotion by Barwood Land in the Local Plan process, including involvement in the Examination, referred to in more detail below.

1.5 In formulating these application proposals, Barwood Land has engaged extensively with the Council, local community, local parish and ward councillors and has deployed a full professional team evolve a high quality, well-considered and comprehensive proposal for the Site.

1.6 Notwithstanding the current hiatus with the LPR, the land at Pheasant Oak Farm represents a sustainable and immediately deliverable housing opportunity, capable of being brought forward in the short term and playing a valuable role in supporting the Council’s housing strategy, in a very sustainable way. It is Plan led and fully reflects the Council’s emerging strategy, as expounded in the LPR, which has recently been endorsed by the examining Inspectors. For the reasons set out in detail in this planning statement the proposals are considered to be worthy of the Council’s support, helping to meet the Borough’s housing needs in a planned way, and avoiding the risk of unplanned, opportunistic housing proposals in less sustainable locations, which might otherwise arise given the current paucity of deliverable housing land.

1.7 The remainder of this planning statement is structured as below:

- Overview of the application proposals

- EIA screening
- Site location and description
- The emerging Local Plan
- Evolution of the scheme proposals
- Development Plan Policy
- Other material considerations
- Planning assessment of the proposals
- Green Belt considerations, including Very Special Circumstances
- A sustainable development
- Draft Section 106 Heads of Terms
- Conclusion

2.0 OVERVIEW OF THE APPLICATION PROPOSALS

2.1 The application seeks approval in outline for a high quality, mixed residential development on the land for up to 250 new homes, of which 40% would be affordable and up to 5% (of the open market houses) provided as plots available for custom/self-build development. The housing development, which would be accessed by a new vehicular access off Waste Lane, is supported by a generous provision of green space both within the Site and along its boundaries. The total gross area of the site is 12.67 hectares whilst the proposed residential development extends to approximately 6.7 hectares meaning that some 47% (6 hectares) of the overall site will remain as green space.

2.2 The application proposals are described in more detail in Section 6 below.

Environmental Impact Assessment (EIA) Screening

2.3 An EIA Screening Report was submitted to the Council on 5 December 2022. This sought confirmation from the Council that the development proposed by Barwood Land did not require Environmental Impact Assessment. The Council responded on 4 January 2023 by way of a formal screening opinion and confirmed that, having considered all the material submitted and screened the proposal in accordance with the relevant criteria and thresholds set out in the EIA Regulations and related guidance, the Council considered the proposals would be unlikely to have any significant environmental impacts.

2.4 The Council therefore confirmed its view that the proposal did not amount to EIA development and thus an Environmental Impact Assessment would not be required. The Applicant has proceeded accordingly.

Application Documents

2.5 In addition to this Supporting Planning Statement, the comprehensive suite of documents submitted in support of the application comprise the following:

- Design and Access Statement;
- Transport Assessment and Outline Travel Plan;
- Landscape and Visual Assessment;
- Heritage Assessment;
- Ecological Appraisal;
- Arboricultural Impact Assessment;
- Noise Assessment;
- Air Quality Assessment; and
- Flood Risk Assessment
- Phase 1 Geo Environmental Desk Study
- Statement of Community Involvement

2.6 The following comprise application plans to which approval is sought:

- Edged red Site Plan ref 3444-20
- Land Use Parameters Plan 3444-10E
- Density Parameters Plan 3444-14D
- Height Parameters Plan 3444-12E
- Means of Access drawing, PJA Plan ref. A-0101-P3

2.7 The following plans are submitted for indicative purposes:

- Illustrative Masterplan 3444-04P

3.0 LOCATION AND DESCRIPTION OF THE APPLICATION SITE

3.1 The application site lies on the eastern edge of Balsall Common, a popular commuter village which lies some 11 kilometres west of Coventry and 12 kilometres east of Solihull. Birmingham is 28 kilometres to the north-west.

3.2 The village is well-connected to surrounding population centres, primarily via the A452, and also by rail via Berkswell Rail Station, which lies on the northern edge of the village.

3.3 Balsall Common has a popular and well-visited local centre. This includes a range of convenient shops, public houses, places of worship and other local

amenities/services. Further details are provided in the Design and Access Statement (DAS) and in the Transport Assessment (TA).

- 3.4 The Site itself extends to some 12.67 hectares overall. It is made up of a mix of land uses. The south-western portion comprises an operating farmstead where poultry, pigs and other livestock are kept. This is characterised by a range of pens and enclosures together with a range of other farm buildings which are of generally dilapidated appearance and condition. The central part of the site comprises a small trading estate type development, with a range of buildings occupied by commercial and other similar uses. Immediately to the east of this group of buildings is an area of extensive hardstanding which is used for caravan and motorhome storage. Within this overall built up part of the site there are two residential properties. These activities constitute Previously Developed Land (PDL) and in many respects appear incongruous in relation to the otherwise sylvan nature of the surrounding countryside.
- 3.5 The remainder of the Application Site is Open Pasture in relatively small fields divided by hedgerow boundaries in varying condition. The boundaries of the land comprising Waste Lane to the north, Windmill Lane to the west, Hob Lane to the south and a hedgerow to the east, are in similar state.
- 3.6 The Site is traversed by the Millennium Way, a public right of way which links Hob Lane in the south to Waste Lane in the north, from which it continues across open fields. Millennium Way is a promoted route used by pedestrians. As a recreational route it is currently severely compromised and its attractiveness diminished where it passes through the developed parts of the Site, including across the hardstanding caravan storage area. A significant enhancement of this route is a central feature of the application proposals.
- 3.7 The Site is broadly level and is generally well-enclosed, either by surrounding development (in the north-west) or by existing hedgerow/trees to its other boundaries. Further detailed descriptions of the Site are set out in the supporting technical documentation accompanying the application.

4.0 SUITABILITY OF THE SITE FOR RESIDENTIAL DEVELOPMENT

The Emerging Local Plan

- 4.1 The suitability of the application site for housing development has been recognised by the Council and is confirmed in its proposal to allocate it for housing as Site BC4 in the LPR. The draft allocation follows Barwood Land's active promotion of the Site through the emerging Local Plan process.

- 4.2 The LPR was submitted to the Planning Inspectorate in May 2021 for independent Examination. Hearings were undertaken between August 2021 and July 2022. Post-hearing correspondence from the Planning Inspectors to SMBC (September 2022) has outlined concern regarding the density and deliverability of housing proposed on the NEC site, and the redevelopment of the Arden Academy Secondary School as part of allocation KN2. Whilst the Council has contested this position, the Inspectors have maintained their concerns and the future of these sites as contributors to the housing strategy of the Local Plan remains unclear.
- 4.3 The Council has requested the Examination be paused until the updated National Planning Policy Framework (NPPF) is published, given the implications for green belt release for housing. The Inspectors have agreed to this request. It was expected that the Government would publish the revised NPPF by Summer 2023, but this has been delayed and the latest information suggests that the policy may not now emerge before September, or later, when Parliament resumes.
- 4.4 In the interim progress on the Plan is suspended and the timetable for its resumption, and how issues regarding the Inspector's concerns over the two draft allocations referred to above will be resolved, remains unclear.
- 4.5 Importantly however, in response to the Council's request for clarification on certain matters, the Inspectors have confirmed their support in principle to the Council's overall spatial strategy and, save for the sites at NEC/KN2, have indicated that the other residential allocations are 'in principle appropriate'. The Inspectors have also supported the Council's housing need calculations and trajectory, and indicated that it has satisfied the legal and soundness test under the Duty to Cooperate.
- 4.6 It follows therefore that the Inspectors have signalled their support in principle to Site BC4, and indeed the other draft housing allocations around Balsall Common, as an appropriate and sustainable means of meeting housing need, through the strategy set out in the LPR.

SNBC's Policy Position on Draft Housing Allocations

- 4.7 The current (agreed) suspension of the LPR, coupled with the uncertain timing surrounding future stages of the Examination and the Plan's ultimate adoption has given rise for the need for an interim policy position to be established by the Council.
- 4.8 The Climate Change and Planning Committee of SMBC considered a report in July 2023. This updated members on the current status of the Local Plan Review and set out a policy approach for the Council to follow in relation to planning

applications that may be submitted on draft housing allocations. This paper sets out a number of considerations which the Council will have regard to, including compliance with draft allocation policies; compliance with masterplanning; delivery of necessary infrastructure and demonstration of deliverability. The Council concluded that, provided an applicant could demonstrate compliance with these matters, this could be afforded significant weight in the planning balance and this could be sufficient to amount to Very Special Circumstances (VSC), which would be a pre-requisite to early release of draft housing allocation sites, whilst the land remains in the green belt.

- 4.9 Barwood Land welcomes the Council's recognition that VSC can, in principle, be demonstrated in such circumstances and this is the basis upon which their application has been formulated. The VSC case in favour of a grant of planning permission is set out in Section 13 below.

5.0 DRAFT SITE ALLOCATION POLICY BC4

- 5.1 The application site is allocated for housing development under Policy BC4 – Pheasant Oak Farm, Balsall Common. This policy is one of a series of allocations for significant planned housing growth around Balsall Common. It arises from the Spatial Strategy set out in the Council's LPR, in which Balsall Common is identified as a 'rural settlement identified for significant expansion'.

- 5.2 Policy BC4 reads as follows:

- 1) The Site is allocated for 200 dwellings¹
- 2) Development of this Site should be consistent with the principles of the Concept Masterplan for this Site which includes the following:
 - i) Protection of the setting of heritage assets adjacent to the Site
 - ii) Safeguarding the rural character of Hob Lane, Waste Lane and Windmill Lane
 - iii) Provision of above-ground SUDS features
 - iv) Provision of a significant area of public open space forming a buffer to Waste Lane including a play area and allotments
 - v) Facilitating easy access by walking and cycling to the rail station and other facilities
 - vi) 5% of open market dwellings to be provided in the form of self and custom build plots in accordance with Policy 4D.
- 3) Likely infrastructure requirements will include:

¹ This indicative capacity has since been increased by the Council to 220 dwellings, discussed in further detail below.

- i) Financial contribution to education provision as required by the Local Education Authority
- ii) Developer contributions to primary healthcare services in the vicinity and appropriate new HB secondary care services in the wider CCG
- iii) Provision of a cut-off drain and SUDS to the south-east of the site to reduce flood risk to properties in Hob Lane
- iv) Appropriate measures to promote and enhance sustainable modes of transport including pedestrian and cycle connectivity towards Berkswell Rail Station, Balsall Common centre and Balsall Common Health Centre
- v) Financial contribution to provision of new playing pitches and contributions to enhancement of existing recreational facilities to accord with the requirements identified in the playing pitch mitigation strategy.

4) Green Belt enhancements will include:

- i) Creation of a significant corridor of public open space between the development and the relief road
- ii) Enhancement of the public right of way network including new walking and cycling routes connecting to the wider network

5) The Concept Masterplan document should be read alongside this policy. Whilst the Concept Masterplans 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 BC4 will need to be justified and demonstrate that the overall objectives for the Site and its wider context are not compromised.

5.3 The draft policy is supported by a justification which sets out further detail and explains some of the rationale behind this site allocation.

5.4 Barwood participated in the Examination into this policy of the LPR, under matter 6A (Housing Site Allocations: Balsall Common). In broad terms Barwood strongly supported the allocation of the site and the policy itself though raised certain objections in relation to some of the detailed requirements set out in Draft Policy BC4.

5.5 The relationship of the application proposals to this Draft Policy is set out in detail in Section 10 below.

6.0 THE APPLICATION PROPOSALS IN MORE DETAIL

Evolution of the Scheme

- 6.1 Barwood have promoted the land which is the subject of Draft Allocation BC4, originally submitting it to the Council for consideration as part of a Call for Sites exercise in 2018. This included baseline technical information and assessments to test the Site's suitability, availability and deliverability for residential development, and demonstrate the sustainability of its location.
- 6.2 In recognition of this, the Council allocated the site in the Submission version of the LPR. Since that time further, more detailed technical work and assessments has been undertaken by Barwood's professional team as part of a design development process. This has included analysis of a range of factors which influence the form and nature of development appropriate to the Site, including transportation matters (car and non-vehicular modes); landscape and visual assessment; ecology, nature conservation and the opportunity to achieve biodiversity net gain (BNG); heritage and archaeology; flood risk and drainage; noise; air quality; infrastructure requirements; and ground conditions.
- 6.3 The results of this body of work have shaped the most appropriate form of development for the Site, whilst having regard to the Draft LPR Policy and the Council's other policy aspirations.
- 6.4 As part of this design development process a comprehensive submission document was prepared and submitted to SMBC under its pre-application service. A virtual meeting with a wide range of officers took place in late 2022, culminating in a detailed pre-application advice letter, issued by SMBC on 2 December 2022. Advice provided by the Council as part of this process has helped inform the continued scheme development.
- 6.5 Consultation and liaison has continued between Barwood's technical team members and relevant individual officers at SMBC.
- 6.6 This led to the creation of a draft indicative masterplan concept for the Site which was discussed initially with members of Berkswell Parish Council and local ward councillors. Subsequent to this initial engagement further revisions to the masterplan were carried out and this was then subject to a more formal public consultation/ engagement exercise, which took place in May and June 2023.
- 6.7 This took the form of both a virtual public exhibition and an 'in-person' event held in Balsall Common village hall on Saturday 20 May. This included a 'preview' session for local councillors and other stakeholders, followed by an open session for all members of the local community to view the plans and ask questions of Barwood's professional team representatives. Full details of the event are

presented in the Statement of Community Involvement (SCI) submitted as part of the application documents.

6.8 Significant changes have been made to the scheme proposals and the indicative masterplan, as a consequence of this public consultation exercise. Of particular note is the reduction in the scale of the development (originally up to 270 dwellings and now up to 250 dwellings) flowing from a decision by Barwood Land to draw the housing development further back from the Waste Lane frontage, in the north of the Site, in response to public comment. The final illustrative masterplan is described fully in the submitted Design and Access Statement (DAS) and is presented for convenient reference below.



6.9 Barwood’s scheme covers the majority of the overall allocation site (95% of the total area of BC4). A small proportion, in the north-west corner of the Site and extending to c 0.7 ha, is in third party ownership and is being promoted by a separate land promoter (Ranier Developments). The Barwood Land illustrative masterplan demonstrates how the draft emerging proposals for this small part of the Site, which are understood to be at a relatively early stage, can be accommodated and, importantly, that Barwood’s plans do not prejudice the remaining part of the BC4 allocation coming forward by way of a separate planning application in the future. This part of the Site would have its own

independent vehicular access off Waste Lane, and Barwood's indicative masterplan makes provision for pedestrian/cycle integration between the two land parcels.

The Application Proposals

- 6.10 The illustrative scheme which comprises the application proposals is described fully in the DAS and only a short summary is given here, so as to avoid unnecessary duplication.
- 6.11 The proposals have been sensitively developed by the architect/master planners, having full regard to the Sites' technical and baseline information; the context and setting; its landscape and other natural assets and relationship with adjoining/nearby residential properties, so as to protect existing residents' amenities.
- 6.12 The resultant scheme proposes a form of development which has been strongly influenced by the desire to retain and enhance existing landscape features both within the Site and those forming its boundaries. This has in large measure determined the development parcels which comprise the proposed housing areas within the Site. These parcels total some 6.7 hectares, providing scope for up to 250 dwellings at an average density across the Site of approximately 37 dwellings per hectare (dph). This aligns with the indicative densities set out in the LPR².
- 6.13 The site will be served by a sole vehicular access off Waste Lane; a secondary emergency-only access, which would also be available as a pedestrian/cycle connection to the surrounding highway network, is proposed off Windmill Lane. A network of new pedestrian/cycle ways are proposed within the site, connecting to surrounding public rights of way (PROW) so as to ensure that the development becomes well-connected with the existing built form, and can quickly integrate with the current community at Balsall Common.
- 6.14 The Millennium Way PROW traverses the Site, though for much of its length it passes through the brownfield/commercial/open storage uses which characterise a large part of the central site area. A key part of Barwood's proposals is to significantly enhance the attractiveness, safety and utility of this route for pedestrians by setting it within a new landscape corridor and providing suitable surfacing and appropriate low level lighting to ensure it is available for all year round use. Footpaths within the Site would directly connect into this promoted route.

² Local Plan Review Submission document para 239 suggests 30-40 dph as appropriate for allocations comprising significant extension of urban or larger village edge.

- 6.15 A total of some 6 hectares of new public open space/green space, of varying typologies, will be created and the indicative masterplan shows how this could be laid out. This includes a significant area of public open space in the northern portion of the Site, fronting Waste Lane, extending to approximately 1.62 hectares. Other significant areas of open space lie towards the south of the Site, along the Hob Lane frontage in two locations, one of which (in the south-eastern corner) offers scope for a community growing area/orchard which could be made available for the local community. Suggested locations for children's play areas in the north of the Site and in the central/south (both easily accessible off the Millennium Way) are shown on the illustrative masterplan.
- 6.16 A further significant area of linear green space is proposed along the eastern boundary of the Site, to ensure an effective transition and buffer between the new built form and the retained green belt land to the east. Some of these open areas double up as part of the sustainable urban drainage system (SuDS) for the site, and some will also play a role in enhancing the land's nature conservation/biodiversity value, subject to detailed design.
- 6.17 In relation to blue infrastructure, the existing, currently overgrown ponds in the northern part of the Site are proposed to be retained and restored, and would form an attractive feature adjacent to the main site entrance, and a focal point for the new large area of open space laid out in this part of the Site.
- 6.18 The precise mix of housing proposed will be determined through the Reserved Matters process but will have regard to emerging Draft Policy P4C of the LPR, and a wide mix of dwelling types is intended. Provision will be made for up to 5% of the open market housing to be initially offered as self and custom build plots, consistent with Draft Policy P4D. A total of 40% of the dwellings will be affordable, in line with Draft Policy P4, with a tenure split and range of house sizes/types to be agreed with SMBC at the Reserved Matters stage.
- 6.19 These affordable houses will be 'pepper potted' within the scheme, and be designed in such a way as to be indistinguishable from the market housing.
- 6.20 Whilst the indicative masterplan is submitted purely to show one particular form of layout and how the estimated number of new dwellings could be accommodated, a series of Parameter Plans are submitted for SMBC's approval and Barwood Land invites the Council to condition these as part of any planning permission. In this way the Council can be assured that the principles of the landscape led scheme proposals illustrated on the masterplan and described in the DAS can be delivered through subsequent Reserved Matters applications, and that a high standard of design and place making can be secured.

7.0 PLANNING POLICY

Development Plan

7.1 The Development Plan relevant to the application site comprises the Solihull Local Plan 2011-2028 (SLP) and the Berkswell Parish Neighbourhood Plan 2019-2033 (BPNP).

Solihull Local Plan

7.2 As noted earlier, the SLP is currently being superseded by the Local Plan Review (LPR). Nevertheless the SLP policies remain material for the purposes of decision-making until they are replaced.

7.3 Policies which are most relevant to the application proposals are:

- Policy 4 (Meeting Housing Needs) which sets our requirements for affordable and market housing.
- Policy P7 (Accessibility and Ease of Access) which seeks all new development to be focused in the most accessible locations and to enhance existing accessibility levels and promote ease of access.
- Policy P8 (Managing Demand for Travel and Reducing Congestion) which requires all development proposals to have regard to transport efficiency and highways safety. The policy advises that development will not be permitted which results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any users of the highway of other transport network.
- Policy P9 (Climate Change) in this the Council recognises the importance of sustainable technology and the role this will play in transitioning to a low carbon society.
- Policy P10 (Natural Environment) requires the full value and benefits of the natural environment to be taken into account in considering all development proposals.
- Policy P11 (Water Management) requires all new development to incorporate sustainable drainage systems. Developers should ensure that adequate space is made for water within design layouts for all new developments.
- Policy P13 (Minerals). Although the application site is within a Mineral Safeguarding Area for Coal, and P13 indicates that non-mineral

developments should only be permitted where it would not sterilise the mineral resource, it is understood that there is no likelihood of coal mining resuming in this area, and therefore this policy is not applicable.

- Policy P4 (Amenity) seeks to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development. It lists the expectations of development proposals, including that development should respect the amenity of existing and proposed occupiers and would be a 'good neighbour'. Important trees, woodlands and hedgerows should be safeguarded and new planting encouraged.
- Policy P15 (Securing Design Quality) sets out the principles and requirements for achieving good quality, inclusive and sustainable design. Development should conserve and enhance local character, distinctiveness and streetscape quality and ensure scale, massing, density, layout, materials and landscape of the development respect the surrounding natural and built (and historic) environment. Development proposals will be expected to contribute to or create a sense of place.
- Policy P17 (Countryside and Green Belt) supports national policy and sets out additional provisions.
- Policy P18 (Health and Wellbeing) advises that the potential for achieving positive health outcomes will be taken into account when considering all development proposals. Where any adverse health impacts are identified the development will be expected to demonstrate how these will be addressed or mitigated.
- Policy P20 (Provision for Open Space, Children's Play, Sport, Recreation and Leisure) recognises the importance of POS, sports and recreational facilities. Loss through development is not permitted where of value to the local community unless the open space is clearly surplus to requirements.
- Policy P21 (Developer Contributions and Infrastructure Provision) confirms that development will be expected to provide and contribute towards the provision of:
 - 1) measures to directly mitigate its impact and make it acceptable in planning terms and;
 - 2) physical social and green infrastructure to support the needs associated with the development.

7.4 Compliance with these policies is demonstrated in the Planning Appraisal Section below, which assesses the proposals against all relevant Development Plan policies.

Berkswell Parish Neighbourhood Development Plan

7.5 The BNDP was formally 'made' on 5 September 2019. The BNDP objectives include:

1) Housing:

- To provide the types of property to attract young people to live and work here and resizing opportunities for older current residents.
- To promote high quality housing designs and layouts that allow for space, privacy, visual amenity and ecological sustainability and water management.
- Design and layouts should create and maintain safe neighbourhoods by including measures to reduce crime and the fear of crime.

2) Landscape character and the rural objectives:

- To secure development which protects and enhances the structure and characteristics of Arden Warwickshire Landscape.
- To ensure development incorporates high quality green and blue (water related) landscape schemes to integrate the new built environment with the rural and the existing built environment.
- To retain wildlife habitat within the development.

3) Accessibility and infrastructure objectives:

- To promote improved and safe accessibility to public transport links including walking, cycling, horse-riding and public rights of way.
- To improve vehicular traffic flows throughout the Parish.
- To provide adequate space for off-road parking in residential areas and for businesses.
- To support improved community space such as meeting halls and public open space for purposes of enjoyment for Balsall Common.

- To encourage development of infrastructure for facilitating safe and secure environment, health, wellbeing, leisure and the community of all residents.

7.6 The BNDP recognises the final sites allocated and adopted within the SLP, and also states that BNDP policy will be applicable to sites selected within the SLPR.

7.7 Relevant policies of the BNDP include:

1) Policy B1: new housing – general principles including:

- Vehicular access to be for main roads.
- Larger developments to be based on character areas of around 250 dwellings with clusters of around 20 dwellings.
- Access for pedestrians and cyclists to be maximised.
- Open space to be provided in accordance with Green Space Strategy standards as updated located between existing and new housing or with buffers of around 30 metres.
- Natural environment to be integrated into the development, with priority habitats retained and naturalised.
- Measures to reduce crime and the fear of crime.
- All development to be within Flood Zone 1 with flood protection measures; and
- Tree/hedgerow lines to be provided as transition to countryside.

2) Other relevant policies comprise B3 (protecting local landscape and built character; B8 (car parking and cycling storage and B9 (improving accessibility for all).

7.8 The proposals' relationship to the BNDP is also addressed in the Planning Appraisal section below.

Emerging Policy: Solihull Local Plan Review

7.9 As described earlier the LPR has reached an advanced stage of preparation, although the Examination is currently paused. The National Planning Policy Framework (NPPF) confirms that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

7.10 These factors will influence the weight which SMBC will wish to attach to the draft LPR policies in determining this application.

7.11 The draft policies of relevance to the application site, as well as Site Allocation Policy BC4, include:

- P4 (meeting housing needs)
- P5 (provision of land for new housing)
- P7 (accessibility)
- P8 (managing travel demand and reducing congestion)
- P9 (mitigating and adapting to climate change)
- P10 (natural environment)
- P11 (water and flood management)
- P12 (resource management)
- P14 (amenity)
- P14a (digital infrastructure and telecommunications)
- P15 (design)
- P16 (conservation of heritage assets)
- P17 (countryside and green belt)
- P17a (green belt compensation)
- P18 (health and wellbeing)
- P19 (range and quality of local services)
- P20 (open space, children's play, sport, recreation and leisure)
- P21 (developer contributions and infrastructure provision)

Material Considerations

NPPF

7.12 The NPPF (2021) sets out the Government's policies for planning at a national level. Its guidance in relation to land within the greenbelt; housing provision; sustainable development and other related topics is directly relevant to the

application proposals, and is considered in more detail in the Planning Assessment chapter below.

National Planning Policy Guidance (NPPG)

- 7.13 The NPPG guidance was published originally in 2016 and provides up to date, practical guidance on the application and interpretation of the NPPF.

SNBC Policy Paper: Local Plan update July 2023

- 7.14 This Paper was approved by the Council's Climate Change and Planning Committee in July 2023. It is specifically designed to help provide a consistent policy position in relation to planning applications which are being brought forward on draft allocation sites within the LPR.
- 7.15 This policy is a response to the fact that the LPR Examination is currently paused, and the timescale for its resumption (and ultimately adoption of the Plan) is unclear. The policy recently promulgated by the Council is designed to provide guidance to applicants on how specific policies within the LPR will be applied in a decision making process, in particular in the context of demonstrating Very Special Circumstances (VSC) and sustainable development. The policy paper notes (para 3.5) that it is intended to help manage some of the uncertainty surrounding the LPR, and seeks to ensure the Council follows a consistent approach. Importantly it sets out a process whereby the local planning authority will work with site promoters and developers in advance of the LPR being adopted, such approach being founded on a number of specific sustainable development principles, namely:
- Section 38(6) remains the statutory basis for determination of applications.
 - Applicants should promote the sustainable development principles included in the NPPF and SLP.
 - The application should demonstrate community net gain and benefits through infrastructure, including in kind provision, Section 106 and CIL.
 - The application should promote a comprehensive approach to development inclusive of land agreements and free from constraints to delivery of phases or infrastructure.
 - Proposed developments should be of high quality design in accordance with national policy.
 - Proposed developments should have regard to community engagement and where relevant Neighbourhood Plans.

- Where possible new developments should be net zero and reflect regional/national ambitions.
- Proposals should be reflective of the Environment Acts' mandatory requirement for a minimum 10% biodiversity net gain (BNG).

7.16 The Council's policy paper also highlights that applicants' approach should reflect a number of specific 'tests' that can be applied which would focus on the following points:

- Compliance with draft policy within the LPR – in particular demonstrating how applications satisfy the relevant site allocation policy, having regard to the Examination process so far.
- Masterplanning – any application will be expected to include a masterplan for the site, and where schemes comply fully to the Concept Masterplan agreed by the Council in October 2020 or can clearly demonstrate that the overall objectives for the site and its wider context will be met, will likely be supported in principle.
- Infrastructure delivery – including a demonstration to delivering the necessary infrastructure required to support the proposal.
- Deliverability – demonstrating that there are no constraints or restrictions to delivery, as the Council sees that supporting schemes in advance of adopting the LPR is crucially their ability to deliver new homes quickly.

7.17 The Council concludes that, given the Inspector's view that the overall strategy and other housing site allocations in the LPR are appropriate in principle, the ability to meet the above tests could be afforded significant weight in the planning balance when considering VSC.

7.18 Barwood Land welcome the Council's recognition that, given the current hiatus surrounding the LPR, the declining housing land supply in the Borough demands an immediate and pragmatic approach to the draft Local Plan allocations. This is necessary firstly in order to guard against unsustainable, unplanned and opportunistic housing applications which may not be consistent with the Council's housing strategy, and secondly to ensure a continuing supply of deliverable housing to meet the Borough's needs (both open market and affordable). The proposals' compliance with the key facets of this recent policy paper is demonstrated in the Planning Appraisal below.

Other Local Policy/Background Documents

- 7.19 Other local policy/background documents which may be of relevance to the application include the Meeting Housing Needs SPD (2014); the Councils Community Infrastructure Levy Charging Schedule; the Councils Statement of Community Involvement and the Concept Master plan document prepared for the draft allocation sites (including this one) in October 2020, and forming part of the LPR evidence base.

8.0 PLANNING ASSESSMENT

Introduction

- 8.1 Both the overall spatial strategy of the LPR and all the other housing site applications (i.e. save for those at the NEC) are in principle appropriate in the eyes of the Examining Inspectors.³
- 8.2 In other words whilst the Inspectors are not at this stage endorsing the precise detail of the LPR housing site allocation policies, the principle of development of the land covered by Policy BC4 is, in their judgement, sound. It is this express endorsement which has led to the Council formulating its policy (approved by the Climate Change and Planning Committee in July 2023 and discussed above) to enable applications to be progressed and determined in an appropriate way pending finalisation of the LPR.
- 8.3 Until the point of adoption of the LPR however, the Site, in common with all other draft housing allocations around Balsall Common, remains within the green belt. At this stage therefore it is necessary to consider the application proposals in the context of green belt policy. With few exceptions (which does not include the housing development as proposed in this application), all development within the green belt is classified as inappropriate, and by definition harmful to the green belt. National policy is clear that it should not be approved except in 'Very Special Circumstances' (VSC).
- 8.4 The NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. VSC will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is "clearly outweighed" by other considerations.⁴

³ Letter dated 6th March 2023 from Examining planning Inspectors to SMBC.

⁴ NPPF para 148

8.5 Notwithstanding the draft allocation (which is a material consideration) it is therefore necessary, at this stage, to demonstrate VSC for the application proposals to be considered acceptable. The VSC which are referable in this case, and which Barwood Land believe amount to a compelling case for release of the land for housing purposes, are described in more detail below. First however it is appropriate to address a closely related issue, namely the impact of the proposals on the *purposes* of the green belt.

Green Belt Purposes

8.6 The NPPF defines green belts as serving five purposes:

- a) To check the unrestricted sprawl of large built up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration by encouraging the recycling of derelict and other urban land.⁵

8.7 Each of these purposes in the context of the application site at Balsall Common are considered below in turn, having regard to the Council's local plan evidence base.

Atkins Strategic Green Belt Assessment- July 2016

8.8 SMBC commissioned independent consultants Atkins to carry out a Strategic Green Belt Assessment in July 2016. This was part of a body of early work to inform the LPR.

8.9 It comprised a comprehensive assessment of the extent to which land designated as green belt in Solihull fulfilled the green belt purposes set out in the NPPF.

8.10 The assessment approaches this from two standpoints; firstly Broad Areas and secondly Refined Parcels.

8.11 The land which is the subject of this planning application was classified as Refined Parcel RP56. In common with all other land parcels it was assessed against four purposes of the green belt (i.e. excluding the purpose of assisting urban regeneration). The urban regeneration purpose was not considered in the reports' assessment, as it was considered that all green belt land fulfils this function to the same extent.

⁵ NPPF para 138

8.12 A scoring system was utilised which was then applied to each Refined Parcel. The results for RP56 were as follows:

Purpose 1: Unrestricted Sprawl

8.13 This was scored 1 (**lower performing**). The assessment criteria describes a score of 1 as 'ribbon/other development is already present and/or other development is detached from the existing built up area with no clear boundary'.

Purpose 2: Prevent Neighbouring Towns Merging

8.14 The Parcel scored 2. A score of 2 represents a **moderate** performance against this purpose. This score was ascribed to a Refined Parcel where it represents part of a gap of between one and five kilometres between urban areas.

Purpose 3: Assist in Safeguarding Countryside from Encroachment

8.15 This was scored 1. A score of 1 is also **lower performing** and in the context of this purpose, was described as adjoined by countryside and has development present within the Refined Parcel.

Purpose 4: Preserve Setting/Special Character of Historic Towns

8.16 The land parcel was scored **0** which confirms it does not perform against this purpose.

Summary

8.17 Barwood Land broadly agree with the Council's consultants' assessment of the extent to which the application site currently fulfils green belt purposes. In particular it is noteworthy that in no case was the Refined Parcel considered to be higher performing (a score of 3) against any purpose.

8.18 The purpose of preventing neighbouring towns from merging (a score of 2 – moderate) is not considered to be significant or harmful as there will still remain a substantial gap between Balsall Common and Coventry to the east. Furthermore, the design of the application scheme proposes a clearly defined, long-term defensible green belt boundary following the site's eastern edge. This will form a new green belt boundary to the settlement which will be clearly recognisable on the ground and will ensure there can be no further eastward expansion into this strategic gap.

8.19 We conclude that, overall, the application site fulfils a strictly limited function in relation to green belt purposes, a finding which has been endorsed by the

Council's independent consultants and confirmed by the Council's allocation of the site in the LPR.

Very Special Circumstances

- 8.20 This section considers the key benefits that would arise from a grant of planning permission. The key benefits essentially equate to the 'other considerations' referred to in NPPF para 148. It is these 'other considerations' which, cumulatively, need to "clearly outweigh" the potential harm to the green belt (by reason of inappropriateness, and any other harm) in order for VSC to be demonstrated. This therefore requires a planning balance exercise to be carried out, using professional judgement, balancing the material benefits against all harms.
- 8.21 The likelihood of harm arising is considered in relation to the potential for physical impacts of the scheme which is addressed in Section 9. Below we list the principal benefits (or "other considerations"). In each case weight is ascribed to the particular benefit to assist in the subsequent balancing exercise. Four potential levels are used, ranging from "**substantial**" (as the highest), through "**significant**", "**moderate**" and, at the bottom of the scale, "**low**".

Key Benefit 1: Meeting Housing Need

- 8.22 The NPPF states at paragraph 34 that unmet housing need within a particular area would not, on its own, represent a VSC case. However it is clear from the Framework that VSC can be cumulative, so the inability to demonstrate a five year supply of deliverable housing land can still be considered an important part of a VSC case to support the release of the application site from the green belt.
- 8.23 SMBC set out its latest position on land supply in a Statement of Common Ground in relation to a recent planning appeal.⁶ This showed that the Council could demonstrate between 3.01 and 3.60 years' supply of housing land in the Borough. This range with the Appellant in that case was agreed as the position as at 31 October 2022.
- 8.24 It is clear from this that the Council formally acknowledges it is unable to demonstrate the minimum of five years' worth of housing land (measured against the requirement set out in adopted strategic policies) required by paragraph 74 of the NPPF. This lack of a minimum of five years' supply means that the 'tilted balance' is engaged in relation to paragraph 11 of the Framework; this is considered further, in the context of the overall planning balance, at Section 13 below.

⁶ Appeal Ref: APP/Q4625/W22/3290303

- 8.25 The current demonstrable and significant shortfall of deliverable housing land is a situation which will continue to be exacerbated by the effective suspension of the LPR process. Successor sites to the original SLP allocations are, unfortunately, not being delivered in a systematic, plan-led way as the Council had intended. This is significant not just for Solihull Borough's local housing needs, but also those of the wider Housing Market Area, which the LPR (through its Duty to Cooperate and the housing strategy of the LPR) seeks to contribute to.
- 8.26 Given the national housing crisis and the clear Government imperative in the NPPF to 'significantly boost the supply of homes', the ability of the application site to swiftly contribute a range of types of houses utilising a sustainable site which is (subject to planning) immediately deliverable, is a key benefit to which **substantial weight** should be attached.

Key Benefit 2: Affordable Homes

- 8.27 The application seeks to provide a policy compliant level of 40% affordable homes in a range of types and sizes of dwelling (to be determined at the Reserved Matter stage) and with a tenure split which reflects the Council's requirements. As part of the LPR evidence base, consultants GL Hearn carried out a Housing and Economic Development Needs Assessment (HEDNA) and reported on this in October 2020.
- 8.28 The HEDNA identified a need for 578 affordable homes to rent per annum. The consultants advised that at this scale of need the Council was justified in seeking to secure as much affordable housing across the Borough as viability allows.
- 8.29 Accordingly Draft Policy P4A (Meeting Housing Needs – Affordable Housing) in the LPR requires sites such as the application site to provide 40% affordable housing, and targets a split of 65% social/affordable rent and 35% shared ownership tenure.
- 8.30 The supporting justification to the policy emphasises that the consequences of unmet housing need are significant. It states that *'these can include homelessness, households in temporary or unsuitable accommodation for longer periods of time and overcrowding. Insufficient affordable housing will also act as an impediment to economic growth where companies experience problems in workforce recruitment and retention'*.⁷
- 8.31 The LPR acknowledges that the level of need for affordable housing in Solihull is high in relation to the level of new housing provision overall. The Councils

⁷ Solihull Local Plan Review para 166.

monitoring report published in 2020⁸ acknowledges that house prices across the Borough are high and that there is a significant need for affordable housing.

- 8.32 This document indicates that annual completions of affordable housing over recent years have fallen well below the need established in the HEDNA. For example, over the 5-year period 2014/14-2018/19 affordable house completions averaged only 221 pa- only some 38% of the current need figure. For the 4 year period 2019/20-2022/23, when loss of affordable housing stock through the Right to Buy provisions are taken into account, the net addition to the Borough's supply of affordable homes averaged only 144 pa. This is to be compared with the HEDNA requirement of 578 affordable homes each year.
- 8.33 It is unsurprising therefore that affordability remains a major challenge for the Council and the delay in releasing sites and boosting housing supply generally throughout the Borough, as a result of the LPR hiatus, will mean that the numbers of households in housing need will inevitably continue to rise, adding further to the backlog.
- 8.34 Barwood Land is pleased to be able to confirm its intention to provide 40% affordable housing on-site which is considered to be viable and supportable commercially, subject to agreeing appropriate Section 106 obligations with the Council in respect of their proposals.
- 8.35 Given the Council's acknowledgement of an acute affordable housing shortfall and the consequential negative effects that this can have on the Borough's population and economic growth prospects, the delivery of policy compliant affordable housing by this application is a further key benefit to which **substantial weight** should be accorded.

Key Benefit 3: The Site's Allocation in the Emerging Local Plan

- 8.36 Draft Policy BC4 (Pheasant Oak Farm, Balsall Common) confirms the emerging allocation of the site for (as now proposed) 220 dwellings. This is subject to a number of development principles, which are considered in Section 10 of this Statement.
- 8.37 Pheasant Oak Farm is one of a number of allocations around Balsall Common which reflects the LPR's spatial strategy. The settlement of Balsall Common is described in the LPR as having a broad range of facilities including the rail station with links to Birmingham, Coventry and the UK Central Solihull Hub Area, with local schools, medical practice, library, retail and recreational facilities at its heart.

⁸ Solihull AMR2018/19 published 2020.

- 8.38 The evidence base underpinning the LPR; the emerging allocation of the Site in the Submission LPR; the Examining Inspector's expressed support for the housing allocations (including BC4); and Barwood Land's applications' compliance with the specific requirements of Draft BC4 are all factors which lend positive weight to this proposal. We consider that in this instance it is appropriate to accord **significant weight** to the existence of the Draft Allocation Policy and this proposal's evident compliance with its terms.

Key Benefit 4: Removal of Existing Unsightly Buildings and Hard Surfaced/Open Storage Areas

- 8.39 Barwood's development proposals involve the removal of all existing buildings on the site (save for two private residential properties) as well as the extensive areas of hard surfaced yard which are used for semi-permanent caravan storage. The agricultural buildings associated with the farm at the corner of Windmill Lane and Hob Lane comprise a miscellany of structures, including external poultry pens, as well as old vehicles and machinery occupying large areas of the farmstead, which do not make a positive addition to the surrounding area. The removal of these structures and old vehicles etc., and the cessation of the farming operations which cause odour (which we understand emanates from the poultry business and significantly affects local residents' amenity), will be a further benefit of the scheme.
- 8.40 Redevelopment of these long established areas of previously developed land in the manner presented in the submitted DAS will result in real benefits to visual amenity locally as a high quality, carefully planned and thoughtfully laid out housing development will result. This includes some 47% of the site to be laid out as green space. Development of the site in this way, and particularly the regeneration of the brownfield areas with their various 'non-conforming' uses, will be a core benefit of the proposals, to which **significant weight** should be attached.

Key Benefit 5: Enhancement to the Millennium Way Public Right of Way

- 8.41 The well-patronised Millennium Way currently traverses the Site, though for much of its length it passes adjacent to and between commercial and other non-rural activities which (as described above) diminish its attractiveness and adversely affect the enjoyment of users. It is also an unsurfaced route for much of its length which additionally limits its utility, particularly for less mobile members of the community.
- 8.42 As described in the Landscape Strategy document and the DAS, the application proposes to significantly upgrade the Millennium Way, both by providing a hard surface (details to be agreed at Reserved Matters stage), introducing appropriate lighting, as well as removing the built form which it currently has to navigate past

and instead setting the entire route through the Site in a highly attractive new landscape corridor. This will ensure that the route is fully accessible to all and vastly improve the user experience and enjoyment, both for new residents within the Site and those living in the wider local community.

- 8.43 The measures to enhance and significantly upgrade the Millennium Way are a key scheme benefit to which **significant weight** should be attached.

Key Benefit 6: Biodiversity Net Gain

- 8.44 The Council's planning policies seek a net biodiversity net gain (BNG) and emerging legislation will require this to be a minimum of 10%. The submitted Ecological Appraisal which accompanies the application⁹ demonstrates a total gain of **36.63%** for habitat units and **38.67%** for hedgerow units.

- 8.45 When compared with the emerging 10% statutory requirement, which is not yet in force, the additional and significant ecological and nature conservation benefits which will flow from the implementation of Barwood Land's scheme are immediately apparent. The NPPF (para 180 (d)) calls for development which enhances biodiversity to be supported and for opportunities to improve biodiversity in and around developments to be integrated as part of their design, especially where this can secure measureable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 8.46 The application proposals combine both of these facets; they will secure significant, measurable net gains over the current position and provide enhanced public access through the extensive (6 hectares) of new publicly accessible nature-friendly green space which the scheme proposes to create. They will enhance public access across the Site through the upgraded Millennium Way, and other new footways/cycleways which will be created throughout the scheme.

- 8.47 The high levels of BNG which are embedded in the scheme proposals, which very comfortably exceed national requirements, is another direct benefit of the scheme to which **significant weight** should be accorded.

Key Benefit 7: Green Belt Enhancements

- 8.48 Draft Policy BC4 seeks green belt enhancements and refers to:

- i) Creation of a significant corridor of public open space between the development and the Relief Road and;

⁹ EDP Ecological Assessment, August 2023 Appendix 7

- ii) Enhancement of the public right of way network, including new walking and cycling routes connecting to the wider network.

8.49 The Council's Site Allocation Profiles submitted to the Examination adopt a slightly different approach to green belt enhancements in relation to proposed site BC4. Whilst the reference to enhancement of public rights of way (no. ii above) is consistent with that set out in Draft Policy BC4 in the LPR, the other key area of potential enhancement is identified in this document as:

- Creation of a significant area of public open space to the north of the site to safeguard the character of Waste Lane

8.50 Consistent with this aspiration the application proposals promote a significant area of 1.62 hectares of new public open space in the north of the site, which will ensure the character of Waste Lane is not only preserved but enhanced. Such an approach is fully aligned with that illustrated on the Council's Concept Masterplan for this site, as is demonstrated in the DAS.

8.51 The application proposals also will deliver enhancement of the existing public right of way network, particularly in relation to Millennium Way as described above, but also through improvements to other existing pedestrian/cycle facilities, including introducing new safe crossings (of Waste Lane and Windmill Lane); new footways and potentially traffic calming measures along Meeting House Lane, to enhance the attractiveness of this route for pedestrians and cyclists, as an important (non-car) link to the village centre.

8.52 Draft Policy BC4 insofar as it requires an enhancement to the green belt to the east of the site (between Pheasant Oak Farm and any future line of the Balsall Common Relief Road) is the subject of unresolved objection by Barwood Land. Their Hearing Statement to the Examination Matter 6A explains why such a provision is unreasonable and unnecessary, and is not deliverable as this land is under third party ownership and Barwood has no control over it.

8.53 Nevertheless, the ability of the scheme to deliver positive gain in relation to the green belt enhancements specified in the LPR (Draft Policy and evidence based) is a factor to which **moderate weight** can be attached.

Key Benefit 8: Swift and Certain Delivery

8.54 A central tenet of the Council's recently approved position paper on draft housing sites is their ability to deliver new homes quickly. Barwood Land confirms that this site is capable of being delivered swiftly in line with the Council's aspirations.

8.55 The land is held under a Promotion Agreement and so is fully in Barwood Land's control. Subject to the grant of outline planning permission, it would be

Barwood's intention to offer it to the market and move swiftly to select a preferred housebuilder purchaser. There is already evidence of significant market interest in the site.

- 8.56 Once a housebuilder has been selected, they would prepare and submit a Reserved Matters application without delay, in order to bring forward the Site at the earliest possible opportunity. The assessment work which Barwood Land has commissioned, and which is presented in the various technical reports which accompany the application, have not identified any reason why delivery should be delayed. In particular there are no major infrastructure requirements deemed necessary, and highway measures, as outlined in the submitted Transport Assessment, can be procured swiftly.
- 8.57 In summary, it is expected that development could commence within 18 months of a grant of outline planning permission (allowing time for a housebuilder to be selected, and Reserved Matters approval to be obtained), and the first completions of new homes would then follow shortly thereafter. It is likely that the whole site could be developed out and completed within 4-5 years of commencement.
- 8.58 The ability for this site to come forward rapidly, and deliver both open market and affordable homes at an earlier stage than was anticipated in the Draft Local Plan is a very significant advantage of the proposals, and an important point of differentiation against other allocation sites which may be less readily deliverable.
- 8.59 Accordingly this is a key benefit to which **substantial weight** should be attached, given the Council's current housing land supply position.

Key Benefit 9: Economic Benefits

- 8.60 A range of sizeable economic benefits will flow from the grant of planning permission on the Site. These are presented in the Briefing Note prepared by Wisher Consulting and attached as Appendix 1.
- 8.61 They include the creation of 460 highly valued construction jobs over the build period; the generation of additional household spending of some £8.8m pa which will be available to support the local economy; together with fiscal benefits to the Council in the form of Council Tax (estimated at an additional £470,000 pa) and New Homes Bonus payments (estimate £510,000 pa).
- 8.62 These direct and indirect economic benefits are clearly material and are deserving of weight: we attribute **moderate weight** to this package of benefits.

Summary of Benefits

- 8.63 This section has identified a series of key benefits (or 'other considerations') which form the basis of a consideration of whether VSC can be demonstrated.

They represent important, material planning advantages of allowing housing development on this site.

- 8.64 Whether VSC exists however turns on an assessment of whether these benefits 'clearly outweigh' any harm (including green belt harm). The potential for harm is considered by reference to the range of technical issues relevant to the scheme proposals, which is considered next on a topic-by-topic basis. When the balancing exercise is undertaken, the resultant overall conclusions with respect to VSC are then brought together in Section 13 below.

9.0 TECHNICAL CONSIDERATIONS AND POLICY IMPLICATIONS

Design

- 9.1 The application is accompanied by a comprehensive Design and Access Statement prepared by BHB Architects. This fully describes the contextual assessment carried out for the Site and the careful, detailed analysis of the opportunities and other considerations affecting the land itself.
- 9.2 An iterative design development process has been followed taking into account the results of a range of technical baseline studies, which has led to the evolution of the indicative masterplan scheme which accompanies this application. The NPPF emphasises the importance of high-quality design which is, inter alia, capable of adding to the overall quality of the area, is visually attractive, sympathetic to local character and history, establishes a strong sense of place, optimises the potential of the Site and creates places that are safe, inclusive and accessible and which promote health and wellbeing.
- 9.3 The application proposals demonstrably meet these objectives. The overarching Vision of the proposals, as outlined in the DAS is to 'create a sustainable development which positively integrates with its landscape surroundings'.
- 9.4 National design policies are reflected in many of the policies of the SLP and LPR. In particular the proposals meet the terms of SLP Policy P15 (Securing Design Quality).
- 9.5 The scheme complies with SLP Policy P14 (Amenity) and has been sensitively designed so as to respect the amenity of existing and proposed occupiers and to minimise the visual impact of the scheme on the local area. This is considered in further detail in relation to the landscape and visual impact assessment below.
- 9.6 SLP Policy P18 (Health and Wellbeing) looks to achieve positive health outcomes from new development, in particular expressing support for proposals which provide opportunities for physical activity, recreation and play, and

contribute to a high quality, attractive and safe public realm. It also refers to the benefits of a high quality, safe and convenient walking and cycling network and schemes which aim to increase access to healthy food by providing opportunities for growing local produce.

- 9.7 The DAS and the submitted Landscape Strategy show a generous provision of new, publicly accessible greenspace extending to some 6 hectares, in a range of types of open spaces, which would be provided. This will provide opportunities for informal recreation, play and relaxation for new residents, and also a high level of connectivity and therefore accessibility by the existing local community. Importance has been placed on ensuring good connections to existing public rights of way in the area, the enhancement of the Millennium Way as a key design objective of the scheme, and the ability to lay out substantial areas of open space which will frame all the development parcels.
- 9.8 An area suitable for a community growing space/orchard is proposed in the south-eastern portion of the site, which could be available to the wider local community, consistent with policy objectives. The approach to the design of the site has also been strongly landscape led. It follows from a detailed assessment of the existing tree, hedgerow and landscape assets and an aspiration to protect and enhance these through the design as far as possible. The DAS and Landscape Strategy describe specific areas of landscape character which would be formed through different treatments appropriate to a particular location.
- 9.9 The legibility of the site is established through a clear strategy for movement and access within the scheme, including a hierarchy of streets using four typologies (principal, secondary, tertiary street/lane, green lanes/private drives). Parking will wherever possible be off-street, and behind key elevation lines, and to a standard based on requirements in the SLP.
- 9.10 Within the scheme a series of distinct character areas is identified for the built form and an approach to design coding is set out which could guide the detailed design of a scheme through the Reserved Matters process. Potential detailing and materials are also suggested for each character area.
- 9.11 The application is supported by a series of Parameter Plans, which include density, building heights and use. For the most part the proposals look to limit height to 9.5 metres to ridgeline, comprising two storey development with elements toward the centre of the site potentially extending to a maximum ridge height of 11.5 metres (i.e., up to 2.5 storeys). This will provide an element of scale and add interest to the site, in a way which will not affect visual amenity in any respect.
- 9.12 The proposals are also fully consistent with the objectives and policies of the Berkswell Parish Neighbourhood Development Plan (BPND).

- 9.13 In particular it provides an opportunity, through the Reserved Matters process, to develop a range of different house types and sizes, to attract young people and to appeal to older residents, as encouraged by the BPNDP. The design and layout will ensure that safe neighbourhoods are created, to reduce crime and the fear of crime, through passive surveillance and overlooking public spaces.
- 9.14 The scheme meets the requirements of BPNDP Policy B1 (New Housing – general principles) including through the provision of the main vehicular access off Waste Lane, with accessibility for pedestrians and cyclists optimised and carefully planned within the site, and by the proposed new connections (and associated enhancements) to existing PROW routes.
- 9.15 Open space is provided in accordance with the Council’s standards (indeed significantly exceeds this) and the natural environment is integrated within the development, retaining all areas of value that currently exist, and improving existing site features (such as the setting of the veteran tree and the ponds in the northern part of the site) so as to take advantage of these as natural features within the proposed masterplan.
- 9.16 In short, a high standard of design is clearly evident, one which looks to deliver a beautiful form of development which will enhance the site and fully integrate the new community with the existing built form of Balsall Common.

Transportation

- 9.17 The application is accompanied by a Transport Assessment (TA) and Framework Travel Plan prepared by PJA. This follows the approach outlined in a Scoping Note prepared and issued to SMBC Highways, which responded with its comments and which have been taken into account in the preparation of the final assessment.
- 9.18 The TA considers relevant policy at the national, regional, and local levels in relation to transport, planning and climate change. The transport measures proposed have been informed by a careful analysis of this policy.
- 9.19 The TA assesses the opportunities for sustainable travel. The availability of and accessibility to local amenities in and around Balsall Common village centre is considered, by reference to relevant guidance for appropriate distances to these facilities on foot and by cycle. It concludes that there is a good number of local facilities within walking/cycling distance of the site which provide a wide range of services for everyday needs.

9.20 An integrated transport strategy is put forward which seeks to promote and encourage sustainable travel via public transport, walking and cycling. Specific measures proposed include:

- Although the site is considered well-located in relation to existing bus stops, and that existing services are sufficient to serve the proposed development, there is a suggestion to relocate the existing bus stops on Waste Lane closer to the site entrance, and provide sheltered waiting facilities including real time bus service information, which will further enhance the attractiveness of this mode of transport.
- Berkswell Railway Station, the closest to the Site, is 1.3 kilometres to the north with existing walk distances of approximately 2.1 kilometres. There are proposals to improve the active travel infrastructure between the application site and the station, to support rail use by residents. Accessibility to the rail station from the Site will also be enhanced as a result of the proposals for the Barratt's Farm development on the north side of Waste Lane, which is the subject of a separate planning application currently.
- New pedestrian crossing points are proposed on Waste Lane close to the proposed site entrance, and to provide enhanced connectivity to the existing PROW network. A further pedestrian crossing point is proposed close to the pedestrian/cycle (and emergency vehicle) access which is shown off Windmill Lane.
- Removal of centre line markings, and resurfacing with an informal buffer area to encourage slow vehicle speeds is proposed between Old Waste Lane and the Kenilworth Greenway.
- Relocation of the speed limit change to the west of Kenilworth Greenway, and a new gateway feature also proposed to extend the 30 mile per hour speed limit to this part of the road (subject to the necessary Traffic Regulation Order).
- Measures to further enhance Meeting House Lane, a convenient and safe cycle/pedestrian link between the Site and the village centre, are also proposed, by way of additional way-finding/signage and traffic calming (in the form of informal build-out features) which could supplement existing measures imposed on this route.

9.21 This comprehensive package of measures will further underline the Site's sustainability credentials together with the other specific measures set out in the Framework Travel Plan, which would seek from the outset to embed active and sustainable travel habits in new residents moving into the new homes.

- 9.22 Finally an assessment of the operation of the existing highway network, by reference to road traffic accidents and current traffic flows is undertaken. The TA includes a detailed assessment of the highway impact of the proposed development on this existing road network. Capacity assessments of key junctions are presented and a range of assessment scenarios in line with that set out in the Scoping Report.
- 9.23 These detailed capacity assessments identify that:
- Five junctions, including the Site access junction would operate with reserve capacity in future scenarios with development traffic included; and
 - Whilst the Kelsey Lane/Alder Lane/A452 signal junction operates at capacity, the development would have only a minor impact on the operation of this junction. Notwithstanding this, as part of the integrated transport strategy, it is proposed to improve the cycle infrastructure at this junction, prioritising active travel over vehicular junction capacity.
- 9.24 It is notable that the capacity assessments represent a ‘worst case’ scenario as they are undertaken on the basis of current travel patterns, and do not account for any reduction in vehicle trips as a result of modal shift arising from the active travel/integrated transport strategy and the improvements to this which the scheme proposes.
- 9.25 The overall conclusion of the TA is that the scheme provides a sustainably located site which, with the specific measures proposed, will promote travel by sustainable modes, and that the impacts of the development generated traffic on the local highway network would not conflict with national planning policy or that at a local level.

Landscape and Visual

- 9.26 A Landscape and Visual Appraisal has been prepared by the Environmental Dimension Partnership (EDP).
- 9.27 A comprehensive Landscape and Visual Impact Assessment has also been carried out by EDP. EDP’s work confirms that the Site has no elevated landscape value, nor is it covered by any landscape designations at a national or local level.
- 9.28 Views of the development Site are short-reaching and geographically limited. Views from local PROW, notably the on-site Millennium Way, are considered to be the most sensitive. They are however largely glimpsed through intervening internal and boundary vegetation, and in the case of Millennium Way, are already

imposed upon by on-site commercial operations which do not present an attractive environment for users.

- 9.29 Visually, development of the Site would form a logical extension to Balsall Common and would not be perceived as inappropriate. Through the retention of key landscape features such as boundary hedgerows and mature hedgerow trees, and integration of new green infrastructure, particularly along the eastern boundary, the Site can make a positive contribution to the eastern edge of Balsall Common. An appropriately designed development such as is proposed, incorporating suitable mitigation and enhancement measures, can provide an excellent opportunity to increase the value of retained habitats and create new ones.
- 9.30 EDP conclude that there is no principal reason why the Site should not come forward for residential development in relation to landscape character. This conclusion is informed by a detailed assessment of the landscape and visual characteristics of the Site including a defined wider study area, with viewpoints chosen and to a methodology prior agreed with the Council's Landscape Officer.
- 9.31 The LVIA considers planning policies at all levels, including a range of policies in the SLP designed to protect, enhance and restore landscape features and promote local distinctiveness; protect and enhance amenity to local people including visual amenity; and secure provision for open space etc. (P10, P14 and P20 amongst others). Emerging draft LPR Policy P10 (Natural Environment) is also considered and relates to the importance of a healthy natural environment, with the Council seeking to protect, enhance and restore landscape features of the Borough and promote local distinctiveness.
- 9.32 The BNDP policy B3 (Protecting Local Landscape and Built Character) is also relevant in terms of ensuring new housing respects local character.
- 9.33 The key features which the application proposals have responded to, and which influence the design development process include:
- Enhance and soften the currently 'raw' landscape and visual context across much of the site.
 - Retain and enhance the landscape fabric of greatest value and intactness to achieve a development with an attractive semi-rural character.
 - Provide a generous and significant quantum and quality of open space for recreational use and provide attractive connections to those further afield.

- Significant setback of development from Waste Lane to retain the rural characteristics of the settlement approach in line with emerging policy objectives.
- A strong but accessible landscape buffer along the eastern site boundary to demarcate the new proposed greenbelt boundary.
- SUDS in the form of attenuation basins and swales throughout the Site to provide hydrological soundness to the scheme as well as amenity and ecological benefits.

9.34 Overall the proposed scheme has been sensitively designed to respond to the Site's opportunities and other considerations, through the retention of key landscape fabric elements and enhancements to ecological and amenity value.

9.35 EDP conclude overall that the development proposed would not be in discordance with the local context and local patterns of development. The location of the build form, aligned with the adjacent residential development, allows for existing boundary vegetation and the PROW to be retained and enhanced, as well as the creation of new landscaping along boundaries and internally.

9.36 Importantly the proposed development would not be inconsistent with the local landscape character and would be generally visually contained, having limited effect on the surrounding context.

Ecology and Biodiversity

9.37 EDP have carried out a detailed Ecological Appraisal of the Site, and this accompanies the planning application. This is supported by baseline ecological investigations, including a desk study, Extended Phase 1 Habitat survey, and more detailed Phase 2 surveys relating to a range of species.

9.38 No part of the Site is covered by any statutory or non-statutory designations. Designated sites within the local area are not considered to be at risk of direct or indirect impact from the proposals.

9.39 The assessment found that the habitats on site currently are predominantly of only limited, site level or local level nature conservation value. The undeveloped parts of the land comprises mainly of intensively managed grassland. However there are valuable hedgerows, mature trees and ponds present that provide a network of habitats across the Site and connections to the wider landscape.

9.40 The ecological mitigation strategy for the scheme includes:

- Avoidance measures already embedded within the masterplan, and which informed the iterative design development process;
- Measures that should be incorporated at the construction stage to offer protection where required (and which can be the subject of appropriate planning conditions) and;
- Those that are to be designed and specified within the landscaping scheme in order to ensure biodiversity net gain results.

9.41 EDP's overall conclusion is that the scheme is capable of delivering significant long-term ecology and wider ecosystem benefits that meet, and in fact significantly exceed, relevant planning policy requirements for nature conservation. The BNG matrix calculation which accompanies the Assessment calculates that significant biodiversity gain can be achieved; 36.63% for new habitat and 38.67% for hedgerow creation. Both these significantly exceed the emerging 10% BNG requirement and represent a material benefit of the scheme.

9.42 Against this background it is clear that the proposals comply with SLP Policy P10 (Natural Environment) and the BPNDP objective to retain wildlife habitats. Similarly there is a high level of conformity with emerging draft policy P10 (Natural Environment) of the LPR.

Heritage and Archaeology

9.43 An Archaeology and Heritage Assessment by EDP accompanies the planning application.

9.44 The Site does not contain any designated heritage assets. Designated heritage assets in the surrounding area have been considered using best practice guidance and EDP conclude that none would be affected, such that their significance would be harmed.

9.45 In relation to the above, particular attention has been paid to the Grade II* listed Berkswell Windmill, which lies beyond the south-western boundary of the Site beyond intervening open land (circa 230 metres). The contribution to the setting of this made by the application site is considered in the Heritage Assessment in detail. EDP consider the Site to be a peripheral element in the experience of the windmill and to make no more than a negligible positive contribution to its significance, by forming a small part of the wider rural backdrop.

9.46 The ability of the windmill to function is considered by EDP to make only a very small contribution to the significance of the asset, and this functionality was latterly reliant on diesel power in any event. As such the wind flow to the mill,

taking into consideration the buildings and vegetation in the surroundings, is considered similarly to be of very limited contribution to its significance.

- 9.47 Having regard to the location of the listed windmill, the application proposals have been carefully designed to preserve any contribution to its setting through:
- Retaining and where appropriate strengthening the hedge along the south-west boundary.
 - Offsetting the built form of the proposals further into the Site so that the screening effect of the hedge will have greatest effect; and
 - Limiting house heights to 9.5 metres (two storeys) to minimise any visual change from the windmill to this part of the site.
- 9.48 Having regard to these measures, which are embedded in the scheme design and reflected in the submitted plans, it is considered that the proposed development would not result in any harm to the significance of this listed building.
- 9.49 In terms of non-designated heritage assets, the Site is not identified as containing any previously recorded archaeological remains or locally listed heritage assets. On the current evidence EDP consider there to be low potential for the Site to contain significant archaeological remains from any period that may warrant preservation. They consider that any remains present would be of no more than negligible value, and any surviving remains (if present) could be mitigated through conditioned fieldwork, if necessary.
- 9.50 Three locally listed heritage assets are recorded within EDP's study area, but it is concluded that none would experience change to their setting such that their significance would be harmed.
- 9.51 The Heritage Assessment considers the proposals in the context of Policy P16 of the SLP and Draft Policy P16 of the LPR (which almost exactly mirrors the wording of the SLP policy). The proposals comply with these policies as is demonstrated in the submitted Heritage Assessment.

Flood Risk and Drainage

- 9.52 PJA have carried out a Flood Risk Assessment and Drainage Strategy which forms part of the Application. This identifies the current surface water and foul drainage characteristics of the Site and confirms the consultation that has taken place with relevant drainage authorities. It reviews planning policy referable to the proposals with specific reference to drainage and the objective of securing a

sustainable urban drainage system (SUDS). The assessment also confirmed that the Site is wholly located within Flood Zone 1.

- 9.53 The proposed Surface Water Drainage Strategy aims to sustainably manage surface water run-off without increasing the floor risk to on or off site, nor adversely impacting on water quality through the use of sustainable drainage systems (SUDS). This involves predominantly discharge to existing ditches within the Site at the Site boundary. Given this the topography of the Site means that the north-eastern catchments cannot drain under gravity to these water courses. As such the connection into the Severn Trent Surface Water SUD network has been proposed.
- 9.54 The proposed SUDS' strategy involves attenuation basins, ponds and conveyance features, with further source controlled SUDS (for example permeable paving and rain gardens) to be explored for their feasibility at the detailed design stage.
- 9.55 The SUDS features will aim to provide multiple functions as amenity and biodiversity assets, which may include additional proposed permanent wet features, as part of the BNG strategy. PJA's design calculations confirm that the proposed surface water drainage system is capable of attenuating, and discharging in a controlled manner, for run-off from the design 1 in 100 year storm with a 40% allowance for climate change, without flooding of the development. In relation to foul water, pre-application correspondence with Severn Trent Water confirm that the majority of the Site would be able to discharge to an existing foul sewer on Hob Lane. There may also be potential for connection to a sewer on Waste Lane, but this is subject to further modelling post the grant of planning permission.
- 9.56 PJA conclude that their design principles demonstrate that the Site is capable of being safely and adequately drained in a manner which is fully consistent with national and local policy priorities. Further refinement and detailed design, in consultation with relevant stakeholders, would be undertaken at the Reserved Matters stage.

Other Technical Matters

Noise

- 9.57 A Noise Assessment has been carried out by Noise Consultants Limited, and forms part of the application submission.
- 9.58 An initial site Risk Assessment was undertaken which demonstrated that, for the vast majority of the Site, there is a 'negligible risk' of adverse effects from noise without the implementation of mitigation measures. The northern and western

parts of the Site was found to be within the Low Noise Risk category during the daytime and nighttime, but could be subject to adverse effects from noise without the implementation of noise mitigation. Overall the Site is considered to experience relatively low levels of environmental noise.

- 9.59 Accordingly an Acoustic Design Statement was progressed for those parts of the Site found to have a non-negligible noise risk. This demonstrates that suitable internal ambient sound conditions can be achieved with the application of appropriate building envelope sound insulation performance. This can be secured by appropriate planning conditions.

Air Quality

- 9.60 An Air Quality Assessment has been carried out by Air Quality Consultants Limited. It forms part of the application submission.
- 9.61 The Assessment considers the impacts of the proposed development on local air quality in terms of dust and particulate matter emissions during construction and emissions from road traffic generated by the completed and occupied development.
- 9.62 It considers that the construction works have the potential to create dust, and therefore during the construction period it will be necessary to apply a package of mitigation measures to minimise such emissions. These matters can be covered by planning condition, to secure a Construction Environmental Management Plan (CEMP).
- 9.63 In terms of operational impact, air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives throughout the Site. It concludes that emissions from the additional traffic generated by the proposed development will have a negligible impact on air quality conditions at all existing receptors along the local road network.
- 9.64 The overall operational air quality effects are judged to be 'not significant' based upon the concentrations at existing receptors being well below the objectives and all impacts being 'negligible'.
- 9.65 The overall conclusion is that the proposed development is consistent with national policy (NPPF para 185/186) and Policy P14 of the SLP, as it will not 'significantly harm the achievement of air quality objectives'. It is also consistent with Draft Policy P14 of the LPR.

Ground Conditions

- 9.66 A Phase 1 Geo-Environmental Desk Study and Preliminary Ground Investigation has been carried out and form part of the application submission.
- 9.67 The desk study identified only limited potentially contaminative sources associated with the agricultural operations and the caravan storage which takes place on parts of the site. Further intrusive ground investigations are recommended, the scope of which can be agreed and secured through the imposition of the usual planning conditions.

Conclusion

- 9.68 This section of the planning statement has considered a wide range of technical issues and demonstrated the acceptability of the proposals in relation to each of them. This assessment is informed by technical work including detailed baseline analysis carried out by Barwood Land's professional team.
- 9.69 In each case the detailed technical reports, which form part of the application submission, assess the proposals in relation to relevant national, local and emerging planning policy and demonstrate that, with the mitigation proposed (whether embedded within the scheme design, or measures offered by the applicant which can be governed by conditions), the proposals will not have any material impacts. The overall conclusion from this analysis therefore is that the application proposals **will not lead to any material harm**. This conclusion is relevant in the context of VSC and the planning balance generally, considered in Sections 13 and 14 below.

10.0 COMPLIANCE WITH SITE ALLOCATION POLICY BC4

- 10.1 This section considers the application proposals against the emerging requirements of Draft Policy BC4 of the LPR. Each aspect of the policy is considered in turn below.

The Site is allocated for 200 dwellings

- 10.2 As a result of post submission Minor Modifications, the indicative capacity for the Site has been increased by SMBC to 220 dwellings. This was as a result of the Inspector's questions about how the Local Planning Authority would address the extension of the Plan period to 2037.
- 10.3 Extending the Plan period in this way gives rise to the clear need for further housing land supply to be identified in the Plan. One possible source of additional capacity is from existing allocations, and this was discussed in the

Council's response to the Inspectors¹⁰. This Action Point paper highlights that the LPR confirms the eventual capacity of sites will depend on various factors, many of which will need to be addressed at the application stage, including detailed design and layout. The Action Point paper is clear that the capacities 'should not be seen as either minimum nor maximum, rather they are anticipated capacities based on an understanding of the Site's opportunities and constraints.

- 10.4 The Council notes that many hearing statements from site promoters suggest they believe a greater capacity can be achieved, and this included Barwood Land. In consequence the Council regarded their assumptions around capacities in the Draft LPR to be 'cautious' and that is certainly the case in relation to BC4.
- 10.5 Detailed work carried out to inform this planning application has confirmed that the Site is readily able to accommodate up to 250 dwellings, as is demonstrated in the application submission documents. This represents a modest increase over the indicative total identified in the LPR, notwithstanding that a further small contribution is also likely to be forthcoming from the third party-controlled land forming the north-west portion of the allocation site, which will be the subject of a separate application in due course.
- 10.6 Such an additional contribution is however to be welcomed in light of the Council's search for additional capacity, a position which will be further exacerbated as a result of the ongoing delay in the Local Plan process. Optimising the capacity of sites which are released from the greenbelt expressly to meet housing need is also supported in policy and is best practice in terms of the effective stewardship of this land resource.
- 10.7 Also of relevance is the immediate deliverability of the Site. It is controlled by Barwood Land by way of a Promotion Agreement. Barwood are highly experienced land promoters and, subject only to the grant of planning permission, the Site can be immediately released for development. This, coupled with the fact that there are no major infrastructure requirements prior to development, means that this Site can make a valuable contribution in the short term to the Council's open market and affordable housing needs, which is highly material given the current shortfall in available and deliverable sites in the Borough.
- 10.8 As a result there is no conflict with this criterion of the Policy, rather it is a further benefit of the scheme that the applicant has demonstrated an incremental margin over the broad identified capacity which can help to deliver more housing to meet the Council's shortfall.

¹⁰ Examination Action Point 12.5: Submission to Inspectors by SMBC, March 2022

Development of this site should be consistent with the principles of the Concept Masterplan for this site which includes the following:

i) Protection of the setting of heritage assets adjacent to the Site.

The Heritage Assessment as summarised above, demonstrates how the setting of the listed II* windmill is protected, as are the locally listed buildings within the proximity of the Site.

ii) Safeguarding the rural character of Hob Lane, Waste Lane and Windmill Lane

The DAS, LVIA and Landscape Strategy comprehensively demonstrate how the indicative proposals will safeguard the rural character of these roads which bound the Site.

iii) Provision of above-ground SUDS features

SUDS forms the basis for surface water discharge and management of all surface water from the Site as identified in the submitted Flood Risk Assessment.

iv) Provision of a significant area of public open space forming a buffer to Waste Lane including a play area and allotments

A very significant area of new open greenspace is proposed in the north of the Site, extending to some 1.62 hectares, the extent of which closely reflects that shown on the Council's Concept Masterplan. The submitted masterplan shows this area accommodating a children's play area, with ease of access to the Millennium Way. A community orchard/growing area is also shown within the overall site, with a suggested location in the south-eastern corner, accessed off Hob Lane.

v) Facilitating easy access by walking and cycling to the rail station and other facilities

The TA and Green Travel Plan, together with the DAS show how the Site would be well-connected with existing PROWs and how this will facilitate walking and cycling to surrounding local facilities. Where appropriate measures are also proposed to enhance these active travel connections.

vi) 5% of open market dwellings to be provided in the form of self and custom build plots in accordance with Policy 4D

Subject to agreement of an appropriate 'cascade' mechanism in the Section 106 Planning Agreement, Barwood Land confirm their compliance with this aspect.

- 10.9 Draft Policy BC4 also identifies likely infrastructure requirements including:
- Financial contributions to education provision
 - Developer contributions to primary care health services and appropriate UHB secondary care services
 - Provision of a cut-off drain and SUDS to the south-east of the Site to reduce flood risk to properties in Hob Lane
 - Appropriate measures to promote and enhance sustainable modes of transports including pedestrian and cycle connectivity
 - Financial contribution to provision of new playing pitches and enhancement of existing recreational facilities
- 10.10 Certain aspects of the proposals include specific measures in compliance with these requirements (for example enhancement to pedestrian/cycle connectivity and on-site recreation provision). Where appropriate, and provided such requests meet the terms of the CIL Regulations and National Policy, Barwood Land are content to agree infrastructure contributions which will be the subject of discussion with the Council during the determination period.

Greenbelt Enhancements

- 10.11 The Policy also calls for greenbelt enhancements, as discussed earlier in this Planning Statement. Two aspects are highlighted in the draft Policy:
- Creation of a significant corridor of public open space between the development and the Relief Road and;
 - Enhancement of the public right of way network, including new walking and cycling routes connecting to the wider network.
- 10.12 As previously discussed, it is neither possible nor appropriate to seek further protection or enhancement of the land to the east of the Site lying between the development proposal and the putative line of the Relief Road, which is in third party ownership and over which Barwood Land have no control. This land will remain within the greenbelt.

- 10.13 In terms of the second aspect, measures to enhance the PROW network are as discussed above.
- 10.14 The Policy goes on to discuss the Council’s Concept Masterplan, which is to be read alongside BC4 and calls for any significant departure from that to be justified, and that applicants should demonstrate the overall objectives are not compromised. The Policy does however recognise that the Concept Masterplans may be subject to change in light of further work carried out at the planning application stage.
- 10.15 The Council recognises in the LPR that the Concept Masterplans were simply a representation of one possible form of development at a point in time. They were not informed by the detailed analysis and level of professional work which has been commissioned by Barwood Land in support of this planning application. Nevertheless there is a high degree of conformity between the Concept Masterplan and Barwood’s Indicative Masterplan which supports this planning application.
- 10.16 The alignment between the two is represented in the plans below, which show the Concept Masterplan alongside the Indicative Barwood Masterplan.



Masterplan which accompanies Policy BC4



Illustrative Masterplan Proposed Scheme

- 10.17 The extent of the development parcels, the treatment of Millennium Way, the formation of a strong boundary to the greenbelt along the eastern flank of the Site, and setting back of the development from the key road frontages are all design features which are carried forward into Barwood Land’s Indicative Masterplan. In relation to the setback of development from Waste Lane, the plan below shows the indicative line of development forming the northern extent of the Council’s Concept Masterplan overlaid on the masterplan, demonstrating the strong conformity between the two.



Summary

10.18 Barwood Land has used the key requirements of Draft Policy BC4 as guiding principles in the formulation of its application proposals. As a result there is a high degree of conformity with the Draft Policy, and no material conflicts with the Concept Masterplan. As Draft BC4 sets out the Council's aspirations for the development of this site, this is a significant material consideration in favour of the application.

11.0 CONFORMITY WITH THE COUNCIL'S CLIMATE CHANGE AND PLANNING LOCAL PLAN POSITION PAPER, JULY 2023

11.1 As highlighted earlier, this Position Paper represents the Council's latest policy and advice to applicants promoting housing schemes on draft allocation sites in the LPR.

11.2 Paragraph 3.5 of the Paper sets out a process whereby the Local Planning Authority will work with applicants in advance of the adoption of the LPR, founded on a number of specific sustainable development principles.

11.3 These principles reflect many of the planning policy and other material considerations already considered in this Planning Statement, through which the proposals have demonstrated their compliance.

11.4 The Paper also includes a number of specific 'tests' to be applied in a consistent manner. These are discussed below:

Compliance with Draft Policy

11.5 This test calls for any application to set out how it satisfies the relevant site allocation, as part of a planning statement, having regard to the Examination process so far.

11.6 This assessment has been carried out in section 10 above, and demonstrates the high degree of conformity with Draft Policy BC4.

Masterplanning

11.7 Applications are expected to include a masterplan for the Site and where these comply with the Council's Concept Masterplan they will likely be supported in principle.

11.8 The Indicative Masterplan complies with the Concept Masterplan in all material respects. Barwood Land are promoting an application covering some 95% of the overall allocation, and their Indicative Masterplan shows how the remaining small portion in the north-west corner (extending to only some 0.7ha) could potentially be laid out, based upon the best available information from the site promoter. There is no doubt that the entirety of the allocation can come forward, with the Barwood Land majority comprising the first phase, and the remainder being served independently from its own access to Waste Lane, with pedestrian/cycle inter-connectivity provided for via the Barwood Land scheme.

Infrastructure Delivery

11.9 This has been covered above, and Barwood Land confirm that where infrastructure is demonstrated to be necessary to support the proposal, appropriate Obligations will be agreed.

Deliverability

11.10 The Council's policy has been expressly promulgated on the basis of helping to advance LPR draft allocations that can deliver new homes quickly. Self-evidently this is designed to help boost the Council's five year land supply and meet the pressing housing needs of the Borough, both open market and affordable. It is indicated in the Paper that the Council will seek assurances from applicants that

there are no constraints or restrictions to delivery. Barwood Land confirms that it controls all the land covered by this planning application and, subject only to the grant of outline consent, it is capable of being brought forward via a house builder for delivery in the immediate future. This is a significant material benefit of the Site.

Summary

- 11.11 The Council, through its Policy Paper, has identified a process by which applicants' proposals are to be assessed, and SMBC have confirmed that the ability to meet the above tests could be afforded 'significant weight' in the planning balance when considering VSC.
- 11.12 This Planning Statement has demonstrated a high level of compliance with all relevant planning policies, as well as the approach outlined in the Council's recent Policy Paper and the "tests" that it prescribes. Accordingly, SMBC, consistent with its stated position, is invited to attribute significant weight in its consideration of these matters in the determination of VSC and the planning balance.

12.0 A SUSTAINABLE DEVELOPMENT

- 12.1 The NPPF calls for all proposals to contribute to the achievement of sustainable development, and sets out three overarching objectives which are interdependent and need to be pursued in mutually supportive ways¹¹. There are three key objectives:
- Economic
 - Social
 - Environmental
- 12.2 The application proposals will make a positive contribution to all three objectives. They support the economic objective by ensuring that readily deliverable housing land is provided with appropriate infrastructure in support, ensuring the availability of local homes without which economic growth prospects locally, and in the wider Housing Market Area, will be curtailed. The construction of up to 250 homes will also directly generate economic activity during the development period, with spin-off benefits into the local economy through supply chains.
- 12.3 In respect of social objectives, the DAS shows that this site will be a well-designed, beautiful and safe place with highly accessible and carefully laid out

¹¹ NPPF paras 7, 8

open spaces for sport, relaxation and community growing, which will make a positive contribution to health and wellbeing.

- 12.4 The environmental objective has also been at the heart of the scheme design, protecting and enhancing the natural environment and respecting existing key landscape features, which will be supplemented and managed so as to make a very significant contribution to nature conservation and biodiversity gain. The scheme respects the setting of listed and locally listed buildings and is resilient to climate change, through SUDS design and Barwood Land's approach to sustainability more generally.
- 12.5 In conclusion the scheme proposals will demonstrably achieve a sustainable development of this site.

13.0 ASSESSMENT OF VERY SPECIAL CIRCUMSTANCES (VSC)

Consideration of Potential Harm

- 13.1 As identified earlier, the NPPF (para 148) confirms that 'Very Special Circumstances will not exist unless the potential harm to the greenbelt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.
- 13.2 As the housing development is (until adoption of LPR) regarded as inappropriate development, it is by definition harmful to the greenbelt (para 147). The NPPF identifies that **substantial weight** should be given to this "definitional harm".
- 13.3 It is relevant to consider any harm arising to greenbelt purposes. The impact on the purposes of the greenbelt has been considered at paragraph 8.8 above which concludes, based upon the Council's evidence base, that any such harm is strictly limited. This should not therefore attract any more than **very limited weight**.
- 13.4 A third aspect of greenbelt harm is in relation to the impact on openness. The NPPG provides guidance on the factors to be taken into account when considering the potential impact of development on openness¹². There are three factors highlighted:
- Openness – seen as capable of having both spatial and visual aspects, in other words the visual impact of the proposal may be relevant, as could its volume;

¹² NPPG revised 22/7/2019 paragraph 001 Reference ID 64-001-20190722

- Duration of the development;
- Degree of activity likely to be generated, such as traffic generation.

- 13.5 The submitted LVIA demonstrates that there will be very limited visual impact arising from the development due both to its sense of enclosure, the limited zone of visual influence and the landscape proposals embedded in the design.
- 13.6 The spatial impact on openness is influenced by the fact that there will be a greater volume of development on the Site than that which presently exists in the form of buildings and hardstanding/open storage (although these factors should be taken into account in this overall assessment). Taken together – visual and spatial – it is considered that there would be a low to moderate impact on openness at a local level as a result of the development.
- 13.7 In terms of duration, the development is intended to be permanent so as to provide high quality housing for the needs of the local area for many years to come.
- 13.8 The degree of activity arising from the development will be mainly experienced through traffic generation and the Site already generates a certain degree of activity arising from the commercial, agriculture and general storage operations.
- 13.9 Taken overall, and having regard to all these factors, it is considered that the development will lead to a moderate impact on openness on the greenbelt at a local level. This impact however will only be experienced at a local level, given the surrounding landscape and land form, and will not extend to, nor impact on the wider extent of the greenbelt in this area for the reasons set out in the LVIA.
- 13.10 The issue of ‘other harms’ has been considered in Section 8 above in relation to the full range of technical issues and potential impacts arising. The conclusion from this analysis is that there is limited scope for any adverse impacts, having regard to the mitigation measures proposed. The “other harms” category is therefore ascribed **no to limited weight** in the overall assessment.
- 13.11 To be balanced against these ‘harms’ are the key benefits set out in Section 8 taking into account the weight attributed to each of them. This is summarised in the table below:

Benefit	Weight
1 Meeting housing needs	Substantial
2 Delivering affordable homes	Substantial
3 Removal of buildings/structures and creation of a new, high quality and beautiful housing	Significant

development	
4 Enhancement of Millenium Way	Significant
5 Biodiversity Net Gain	Significant
6 Green Belt enhancements	Moderate
7 Swift/certain delivery	Significant
8 Economic benefits	Moderate

13.12 Having carried out this assessment we conclude that the potential harm to the greenbelt is **clearly outweighed** by other considerations, namely these material planning benefits, and Very Special Circumstances are demonstrated. In accordance with NPPF, planning permission for this development can therefore be granted in the greenbelt.

14.0 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

14.1 NPPF paragraph 11 sets out that local planning authorities should apply a Presumption in Favour of Sustainable Development.

14.2 For decision taking this means:

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:
 - i) The application of policies in this Framework that protect areas or assets of particular importance (7) provides a clear reason for refusing the development proposed or;
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

14.3 In relation to 'policies which are most important for determining the application', it is clear that, because SMBC cannot demonstrate a five year supply of deliverable housing sites, the 'tilted balance' is engaged and relevant policies governing the location of housing are now deemed out of date. In such circumstances, the direction of the NPPF to planning authorities is to grant permission, unless either of the two cases set out above requires otherwise.

14.4 Footnote (7) in the NPPF indicates which protective land policies can be relevant in considering whether they provide a 'clear reason' for refusing the proposal. This includes land designated as greenbelt. However as demonstrated above, VSC exists in this case which means that the development proposed is considered appropriate in the greenbelt. It follows therefore that the designation

of this land as greenbelt does not, in the particular circumstances of this case, provide a 'clear reason' for refusing the development proposed.

- 14.5 The final consideration relevant under para 11 (d) is whether any adverse impacts would '**significantly and demonstrably**' outweigh the benefits, when assessed against the NPPF taken as a whole.
- 14.6 This planning balance exercise is similar to that carried out above in relation to the consideration of VSC. The same conclusion can be reached: there are no adverse impacts arising from the development which would 'significantly and demonstrably' outweigh the many benefits which attract material weight and which, collectively, we consider make a compelling case for permission to be granted.

Summary

- 14.7 The application of the Presumption in Favour of Sustainable Development in this case is influenced by the Council's paucity of housing land supply (as a result of which, the tilted balance is fully engaged, and housing land/settlement policies of the SLP are deemed out of date); the relationship to the greenbelt and consideration of the overall planning balance.
- 14.8 When these matters are followed logically through para 11 (d) it is clear that the direction to local planning authorities, in such circumstances, is to grant planning permission for what is demonstrably a sustainable form of development.

15.0 OVERALL SUMMARY AND CONCLUSION

The Site forms the majority of draft site allocation BC4 of the emerging LPR. It was selected as an appropriate location at which to meet part of the housing needs of the area following an exhaustive and detailed site selection exercise by the Borough Council and is plan-led.

The Council's choice of this site, amongst others, to meet local housing needs has been endorsed in principle by the examining Inspectors who have been considering the soundness of the LPR. They have signalled their broad endorsement of the draft housing allocations, including BC4, as well as the overarching housing strategy of the emerging Plan, and the extent of housing need the Council seeks to meet (both for the Borough, and as a contribution to other authority's needs).

This whilst the LPR is still subject to examination, site allocation policy BC4 is nevertheless capable of attracting material weight, having reached an advanced

stage in the plan preparation process and noting that the Inspector's views that this is appropriate.

The LPR is currently paused due to factors unrelated to this site's allocation. The timescale for its resumption and eventual adoption is unclear. Meanwhile housing land supply in Solihull is reaching a critical level. The best available information is that current deliverable supply earlier this year was only around 3 years; this position is certain to deteriorate further as sites are continuing to be built out and whilst the LPR is unable to deliver a supply of new land as the Council intended.

As a consequence, the Councils current adopted housing policies, and their counterpart policies (relating, for example, to settlement boundaries and protection of the open countryside) are now deemed out of date, in line with the provisions of the NPPF. One potential undesirable outcome of this is an increased vulnerability on the part of the Council, which could face unwanted applications (and appeals) on land which is not sustainably located, or is otherwise unsuitable, and which are not aligned with its intended housing strategy.

In recognition of this the Council has recently promulgated a policy position which facilitates applications coming forward on draft housing allocations, notwithstanding their current Green Belt status. This approach relies upon the demonstration of "very special circumstances" to allow approvals to be granted in a manner which is permissible under Green Belt policy.

In the case of this land at Pheasant Oak Farm, Balsall, there is a clear and compelling set of benefits which will be delivered as a result of a redevelopment for high quality housing. Conversely there would be limited harm, having regard to all potential impacts, once mitigation measures (both embedded in the scheme design, and proposed to be secured by conditions) are taken into account. Even when considering the "definitional "harm to the Green Belt (to which substantial weight must be attributed), it is Barwood Land's firm contention that these material benefits clearly outweigh all harm, and very special circumstances are therefore demonstrated.

The submitted information, which is comprehensive, illustrates a high-quality scheme is proposed which will enhance the site and make a positive contribution to the village, to which it will be well-connected.

Barwood Land has worked collaboratively with the Council, bringing this site forward through the LPR process. It has also developed its plans for the site in conjunction with Local Authority officers, as well as members of the local community and other key stakeholders. As a result, it is a proposal which we believe is worthy of the Council's support, in order that this site, which crucially is

able to make an immediate impact on the housing land supply issues that face the authority, can be delivered in the short term.

We invite the Council to grant permission accordingly.

GARY HALMAN LAND AND PLANNING

October 2023

APPENDIX 1

Briefing Note

Briefing Note

Client : Barwood Development Securities Ltd
Project : Waste Lane/Hob Lane, Balsall Common
Topic : Socio Economic Benefits
Produced by : Darren Wisher, Wisher Consulting

Date : Summer 2023

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- 1.1 Barwood Land are due to submit an outline application for a (up to) 250-unit scheme at Balsall Common in Solihull.
 - 1.2 Barwood want to ensure that the application materials outline the nature and scale of scheme benefits.
 - 1.3 This short note outlines **the main socio-economic benefits of the scheme.**

Construction Effects

- 1.4 The scheme will have a likely construction cost in the order of £70 million, over an assumed 3-year delivery period – so circa £23M of construction spend per annum.
- 1.5 The government, via the Homes and Communities Agency (HCA), have provided labour co-efficient ratios for the construction sector¹. These ratios suggest that for the house-building sector every £1m of annual construction spend will generate 20 jobs over the course of that year. On this basis, the scheme will create **460 construction jobs** across the construction programme. The job estimate relates to all jobs created in the construction supply chain as a result of the scheme. Not all of these jobs will be on-site construction jobs.
- 1.6 Construction jobs are to be **highly valued**. The construction industry offers very accessible employment opportunities, with extensive use of apprenticeships and trainees.
- 1.7 The construction sector also offers more social mobility than any other sector of the UK economy. 53% of those in management or professional roles in construction were from families where the main earning parent was from a trades/lower occupational group².

Housing Market/Social Effects

- 1.8 The scheme will deliver 250 good quality homes, including a very significant 40% affordable housing component. The development mix will span a range of property sizes.
- 1.9 These homes will help retain and attract existing families and newly forming households in the Balsall Common area. This in turn will:
 - **Preserve essential family/community ties and social networks** within Balsall Common and across Solihull more generally, that are at risk of being broken through a lack of housing options for local people. The family and community ties are particularly important for childcare and care for the sick/elderly.
 - Deliver **labour market benefits**, by providing housing for professional workers through to housing for key workers – all of whom are essential to the operation of the Solihull economy.

¹ Cost Per Job Guidance. Best Practice Note. Homes and Communities Agency (HCA). 3rd Edition. 2015.

² Source: The Real Face of Construction 2020. Chartered Institute of Building.

- 1.10 The Solihull Draft Local Plan at Para 158 states... 'Affordable housing need is exceptionally high as Solihull has one of the most severe affordability problems in the West Midlands Region'.
- 1.11 The provision of such a significant number of affordable housing units (108) – which could be delivered as both affordable rental units and affordable ownership products - provides:
- An **entry point to home ownership** for key workers and younger families.
 - Numerous **health and well-being benefits** for eventual occupiers. Affordable housing, particularly social rent, can often provide the only option for families to escape poorer quality and over-crowded accommodation.

Population Yield / Household Spending Effects

- 1.12 The scheme will provide housing for a population of 600 extra residents in Balsall Common (250 * 2.4). which will in turn create **local expenditure benefits and household services demand**.
- 1.13 The latest reliable data for household spending in the UK shows expenditure at £592 per week for 2019³, inflated to £677 in 2023 prices. This includes spend on food, leisure and household/personal services,
- 1.14 Using this data, the scheme will generate additional household spending of some **£8.8 million per annum**, a reasonable proportion of which will be retained locally in Balsall Common and Solihull more generally.
- 1.15 Retail and service businesses currently face the twin perils of consumer uncertainty (borne out of both changing retail patterns and the current cost of living crisis) and increases to their own cost base. Additional revenues are much needed.
- 1.16 No location is immune from these challenges. The trends are impacting businesses in both relatively successful local centres like Balsall Common and those in failing town centres.
- 1.17 The additional expenditure will also encourage a broader range of shops and services in Balsall Common, which will be a further benefit for the local community. The need to broaden the offer is identified in the Solihull Draft Local Plan, which states at para 526. "Although the [Balsall Common] centre provides for a range of retail services, it is **rather limited in scope** and given the level of growth proposed it provides an opportunity for additional residents to support new facilities".

Fiscal/Tax Benefits

- 1.18 Annual Council Tax will be payable on all occupied units on a recurring basis.
- 1.19 For the purposes of this assessment, it is assumed that the 250 units will all be Council Tax Band D properties.
- 1.20 The current Solihull Council Tax charge for Band D properties is £1,888 per annum. The total annual yield across 250 new homes would therefore be circa **£470,000**. This will flow to Solihull Council each and every year.
- 1.21 The government's New Homes Bonus scheme is currently under review but is highly likely to remain in place. Legacy payments (which support payments over multiple years) are to be discontinued and there will be other modifications but the main architecture of the scheme is likely to remain in place. The scheme will continue to provide an income stream to local councils in return for housing delivery.
- 1.22 New Homes Bonus payments are calculated as follows:
- The payment is made on 'Band D equivalent' properties.
 - Multiply the number of Band D equivalent units (250) by the national Band D charge (£1,898 per annum). For the Balsall Common scheme this will yield £475,000.

³ UK Living Costs and Food Survey for 2019. 2020 and 2021 survey data is also available but it is significantly distorted by COVID lockdowns.

- Add in the Affordable Housing Premium at £350 per unit. 100 of the 250 units are proposed to be affordable so this will yield an additional New Homes Bonus top-up of £35,000.
- 1.23 The total New Homes Bonus payable as a result of the Barwood scheme is therefore **£510,000**. This is a one-time non-recurring payment.
- 1.24 As with all local authorities in the UK, Solihull Council is under continual financial pressure to balance its budget and to find new ways of securing income. Council Tax and New Homes Bonus revenues are important sources of income to the Council as part of this effort.
- 1.25 These same financial pressures are outlined in the Council's Medium Term Financial Strategy⁴, which states at para 1.1.4:
- 'Local authorities' ability to plan for a balanced medium-term financial position remains severely hampered by resource constraints imposed across the whole of the public sector and the lack of clarity about funding arrangements for future years. In addition, there are clear limitations to the funding that local authorities can raise locally through Council Tax and fees and charges, while our residents' needs and expectations are increasing'.
- 1.26 The Council Tax/New Homes Bonus revenues from the scheme will provide a welcome boost to local government funding.

⁴ <https://www.solihull.gov.uk/sites/default/files/2022-04/Medium-Term-Financial-Strategy-2022-23-to-2024-25.pdf>

