

**SOLIHULL LOCAL PLAN REVIEW  
CONSULTATION AND CALL FOR SITES**

**LAND AT JUNCTION 4 M42,  
BOXTREE FARM, STRATFORD ROAD, SOLIHULL**

**REPRESENTATIONS ON BEHALF OF  
SHIRLEY ESTATES (DEVELOPMENTS) LTD**

**JANUARY 2016**

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**Representations on behalf of Shirley Estates (Developments) Ltd  
Land at Junction 4, M42,  
Boxtree Farm, Stratford Road, Hockley Heath, Solihull**

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Drawing No 16.19.101 – Site Location

## 1. Site Description

This site extends to some 22 hectares and is located at Junction 4 of the M42. It consists of three fields immediately to the north east of the Junction on a gently rounded spur between two shallow valleys. Part of the site falls broadly north west towards the motorway and the River Blythe, and part falls broadly eastwards towards a tributary that flows northwards through Moat Coppice, a woodland to the east.

The western and the northern parts of the site slope at gradients between 14% and 5% towards the river and the motorway. A ridge runs in a south west/north east direction through the central part of the site, and the land to the east of this ridge slopes away from the motorway at gradients of between 4% and 3%. The fields are mainly used for grazing but are occasionally put to other short term uses.

The site is within the West Midlands Green Belt which is about 1.5 km wide in this location and is about 3.5 km from the centre of Solihull. Junction 4 of the M42 is a grade separated signalised roundabout which joins the M42 and the A34 and Blythe Gate, the access to Blythe Valley Business Park. The site is part of Boxtree Farm, the farmhouse for which is located to the south on the west side of Stratford Road.

The site is bounded by farmland and woodland to the north, with the River Blythe, the M42 and the residential settlement of Monkspath beyond. The eastern edge of the housing development at Monkspath lies at a distance of about 500 m from the site. To the east of the site there is woodland and within that area a hotel and conference centre have been developed and the area also contains an equestrian centre including a large building housing an indoor riding school, a golf driving range which is floodlit at night to allow evening activity, further farmland and woodland. Bentley Heath and Dorridge are about 1 kilometre away. Further farmland and woodland at Monkspath Wood and Little Monkspath Wood lie to the south of the site.

The A3400, Stratford Road extends south of the site and links Solihull with Henley in and Stratford on Avon. To the south west on the northern side of the M42 is Blythe Valley Business Park and to the north east is Aspire Park, a Tesco superstore and Notcutts, a garden centre complex.

Gate Lane forms the southern boundary and is a signalised T junction with the A3400 south of J4 and provides access to Dorridge and south east of Birmingham. The exit from Blythe Valley Business Park also forms a T junction

with the A3400 to the south of Gate Lane. Footpath No SL56, part of the Trans Solihull Link public footpath crosses the central part of the site in an east west direction.

## 2. Planning Context – Solihull Local Plan and the National Planning Policy Framework

**Policy P1** of the Solihull Local Plan sets the theme for the Plan and says:-

### ***“Policy P1 – Support Economic Success***

***Solihull’s key economic assets and growth drivers are located near the M42 in the area between junctions 4 to 6 that forms the M42 Economic Gateway. This area supports more than 100,000 jobs and has strong potential for further sustainable growth that can create employment and contribute to regeneration.***

#### ***a) National Exhibition Centre and Birmingham Airport***

*The Council will support the continued development of the NEC and Birmingham Airport within their boundaries as defined in this Local Plan to enable them to meet their future aspirations.*

#### ***a) National Exhibition Centre (NEC)***

*The NEC is a key economic driver of the local and regional economy and, located adjacent Birmingham Airport, is at the Region’s international gateway. The role of the NEC is as a major exhibitions, events, tourism and leisure venue, serving business and leisure markets. The NEC aims to encourage visitors to stay longer on site through enhanced attractions, provide a stronger sense of arrival, strengthen its brand and be attractive to all ages and cultures. To enable the NEC to meet its future aspirations and to drive economic and employment growth, the Council will enable a broad range of developments to enhance visitor offer, diversify facilities and increase international competitiveness. Development the Council will support and encourage will include that needed for operational purposes such as new or refurbished exhibition halls, transport facilities and other development needed to enable the NEC to enhance its international competitiveness. The Council will also support a broad range of ancillary and complementary facilities needed to enhance visitor experience and support operational needs. These will include hotels, administrative offices, warehouses, catering, meeting space, appropriate leisure and other supporting development, provided it is justified in terms of scale, its support for the NEC as a whole and is appropriately located within the NEC.*

#### ***Birmingham Airport***

*Birmingham Airport is the principal international gateway into the region and an important part of the national airports infrastructure. It is vitally important in the local and regional economy, attracting investment and supporting business growth and international trade in key sectors. The Council will support and encourage further development including the extension to the main runway south of the A45, in accordance with the approved planning application, and development needed for operational purposes such as passenger and freight facilities, terminals, transport facilities and other development that supports operational needs. The Council will also support a broad range of ancillary and complementary facilities including hotels, administrative offices car parks and other appropriate facilities needed to serve the needs of air travellers using the Airport. Proposals should be justified in terms of scale and in terms of supporting the Airport function and be appropriately located within the Airport so as not to detract from Airport function.*

#### ***b) Birmingham Business Park***

*The Council will support and encourage the development of Birmingham Business Park within its boundary defined in this Local Plan to support its role as a prime employment location and*

enhance its important role as a high quality, managed business park. Development that will be supported and encouraged at Birmingham Business Park is as follows: Business development for uses falling in the Business Use Classes (B1, B2 and B8 of the Use Classes Order). The Council will expect development to progress in a well planned way that will maintain the attractiveness of the business park to investors and that will protect and enhance the environment including the natural environment. The Council will support a broad range of supporting ancillary or complementary uses needed to enhance the attraction of the business park to occupiers. These could include hotels, health and fitness, leisure, childcare facilities and local facilities falling within use classes A1 to A5 (of the Use Classes Order) of a scale that does not compete with existing or planned facilities outside of Birmingham Business Park. The Council will support the expansion of Birmingham Business Park to the south-west as indicated on the Proposals Map. The Council will expect the land to be developed as an integrated part of the business park and in a way which facilitates access by public transport.

**c) Blythe Valley Business Park**

The Council will support and encourage the development of Blythe Valley Business Park within its boundary defined in this Local Plan to support its role as a prime employment location and enhance its important role as a high quality, managed business park. Development that will be supported and encouraged is as follows: Business development for uses falling in the Business Use Classes (B1, B2 and B8 of the Use Classes Order). The Council will expect development to progress in a well planned way that will maintain the attractiveness of the Business Park to investors and that will protect and enhance the environment including the natural environment. The Council will also support a broad range of supporting ancillary or complementary uses needed to enhance the attraction of the business park to occupiers. These could include hotels, health and fitness, leisure, childcare facilities and local facilities falling within use classes A1 to A5 (of the Use Classes Order) of a scale that does not compete with existing or planned facilities outside the business park. At Blythe Valley Business Park the Council will support and encourage the delivery of a major quantity of employment floorspace by improving the attractiveness of the park to investors through an improved range of amenities, supported by well planned residential development that will create an overall sense of place and a more sustainable location. The Council will expect new facilities, including the residential element of Blythe Valley Park, to be developed within the context of a masterplan to demonstrate how integration would be achieved between existing and planned facilities and with the network of villages that lie nearby.

**d) Jaguar Land Rover (JLR)**

JLR is important to the national, regional and local economy and is a major employer. JLR remains committed to the Lode Lane plant in Solihull and has the opportunity to develop advanced manufacturing, the low carbon economy and technology that will stimulate new skills and new opportunities. The Council will support and encourage the development of Jaguar Land Rover within its boundary defined in this Local Plan. This will include a broad range of development needed to maintain or enhance the function of Jaguar Land Rover as a major manufacturer of vehicles. The reasonable expansion of the site into the Green Belt will be given positive consideration where economic need can be demonstrated and appropriate mitigation can be secured.

The Council considers that the above key economic assets represent an important opportunity to improve access to employment. It is also important that economic growth does not harm the quality of the environment. The Council will expect development proposals that generate significant numbers of jobs to demonstrate measures to improve access to employment from parts of the Borough where unemployment persists, in particular North Solihull or where economic opportunity can be taken, for example, Solihull Town Centre. This could, for example, include public transport improvements and practical support for partnership working arrangements that will enable residents to take advantage of training arising from developments. Applicants for development are expected to have regard to other relevant policies of the Local Plan, including those referring to design, climate change, access and amenity."

This site at Junction 4 adjacent to the M42 with viable and proven workable access is in the heart of the M42 Corridor and Economic Gateway and is capable of contributing further sustainable growth for Solihull creating employment and contributing to regeneration.

This site is well related to all the key economic assets and could compliment and support sustainable economic growth in the Borough. Design sensitive to the aims of Green Belt policy and the purposes of the Green Belt could improve the quality of the environment for both local residents and the public travelling on the M42.

Shirley Estates (Developments) Ltd in revisiting the former proposal for an MSA on the site has explored the possible role of new architectural techniques to minimise impact of built development on the openness of the Green Belt. These techniques could equally be applied to new proposals for development at Junction 4 and innovative design will be central and an essential part of any development proposal for this site located in the Green Belt.

New techniques explored included energy efficiency measures, local sourcing of materials and goods, and a radical "stealth" architectural style which gave the built development a "camouflage" both by design to slip into the landscape form and the use of materials to disguise the buildings presence in an open landscape.

Shirely would intend to use the same design brief for any new development at Junction 4 to minimise the visual impact.

**Policy P17 "Countryside and Green Belt" says:-**

*"The Council will safeguard the "best and most versatile" agricultural land in the Borough and encourage the use of the remaining land for farming. Development affecting the "best and most versatile" land will be permitted only if there is an overriding need for the development or new use, and there is insufficient lower grade land available, or available lower grade land has an environmental significance that outweighs the agricultural considerations, or the use of lower grade land would be inconsistent with other sustainability considerations. Development involving farm-based diversification will normally be permitted in order to support farm enterprises and the management of land, providing it is in an appropriate location, of a scale appropriate to its location, and does not harm the Green Belt, conservation or enhancement policies. The Council will not permit inappropriate development in the Green Belt, except in very special circumstances. In addition to the national policy, the following provisions shall apply to development in the Borough's Green Belt:*

- *Development involving the replacement, extension or alteration of buildings in the Green Belt will not be permitted if it will harm the need to retain smaller more affordable housing or the purposes of including land within the Green Belt.*
- *Limited infilling will not be considered to be inappropriate development within the Green Belt settlements, providing this would not have an adverse effect on the character of the settlements. Limited infilling shall be interpreted as the filling of a small gap within an otherwise built-up frontage with not more than two dwellings.*
- *The reasonable expansion of established businesses into the Green Belt will be allowed where the proposal would make a significant contribution to the local economy or employment, providing that appropriate mitigation can be secured.*
- *Where the re-use of buildings or land is proposed, the new use, and any associated use of land surrounding the building, should not conflict with, nor have a materially greater impact on, the openness of the Green Belt and the purposes of including land in it, and the form, bulk and general design of the buildings shall be in keeping with their surroundings.*
- *Where waste management operations involving inappropriate development are proposed in the Green Belt, the contribution of new capacity towards the treatment gap identified in the Borough may amount to very special circumstances, providing the development accords with the waste management policy of this Plan.*

*The small settlements of Hampton-in-Arden, Hockley Heath, Meriden and Catherine de Barnes are inset in the Green Belt and are not therefore subject to Green Belt policy. Nevertheless, the Council, in considering applications for development in these settlements, will take into account the importance of their rural setting and of their attributes, such as historic buildings, open space, density of development, landscape and townscape that contribute towards their special character. Immediately beyond the inset boundary, strict Green Belt policies will apply."*

The proposed uses take account of the impact on the openness of the Green Belt and buildings will be designed to be in keeping with their surroundings. The land is low grade agricultural land damaged by noise impact from the M42 and light impact from the Golf Driving Range which affects the well being of stock.

As urban “fringe” land it is frequently the subject of vandalism, fly tipping and trespass. The developments on the north west side of the M42 have brought Solihull right up to the motorway so the site is dominated by urban form and noise and lights.

The used proposed are all significant contributors to the local economy and have a need to be located close to the transport network and M42 Economic Corridor. They are all capable of being designed in a manner to retain the openness of the Green Belt.

The Local Plan says:-

*“The M42 Economic Gateway is a major economic growth driver in the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) area and is home to key strategic assets and employers including Birmingham Airport, the National Exhibition Centre, Jaguar Land Rover, Birmingham and Blythe Valley Business Parks as well as more local assets such as Whale Tankers and Solihull Business Park. The LEP is a partnership led by key businesses and Local Authorities to drive sustainable growth and job creation across the area, which extends to and includes parts of Southern Staffordshire and Northern Worcestershire. The M42 Economic Gateway is one of the key investment locations within the LEP. It is estimated that realising the full potential of the Gateway could create over 36,000 additional jobs by 2026 and add £5.9bn to the West Midlands economy. Expansion of Birmingham Airport and proposals for a high speed rail link could add to the existing strategic transport infrastructure of the M42, A45 and West Coast main line. The area’s economic success has put pressure on the M42 motorway junctions, although this has been alleviated recently by the Managed Motorways system. Despite its excellent connectivity to the strategic transport network, the area suffers from poor bus access and infrequent services to adjacent areas. Much of the Gateway is situated within the Green Belt and its attractive rural setting is a key draw for investors and employees.”*

The site at Junction 4 is a key site in the M42 Economic Gateway and its attractive rural setting can draw in appropriate investors to development which can be compatible with its Green Belt setting.

The National Planning Policy Framework (NPPF) says that as with previous Green Belt policy inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “very special circumstances.” These representations therefore seek to put forward possible uses which will not harm the aims of Green Belt Policy, where mitigation can keep essential Green Belt attributes from harm, and where the need for such a facility in this

location is of a magnitude to allow development supported by “very special circumstances.”

Section 90 of the NPPF says that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate in the Green Belt.

Section 31 of the NPPF, “sustainable transport” says that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.

This site has been consistently promoted as a site for a Motorway Service Area as a solution to the damage to safety and welfare of the road users by the gap in facilities on the M42 to serve to travelling public.

Shirley Estates (Developments) Ltd still maintain the view that this is the best site along this stretch of the M42 to provide MSA facilities. However in view of the current application submitted to the Council by Extra on 30<sup>th</sup> June 2015 for a new MSA at Catherine de Barnes (PL/2015/51409/PPOL, PP-04313180) which as yet has not been determined, Shirley Estates are submitting alternative uses for this site in this submission which take full account of the Inspector’s views on the previous Motorway Service Area appeals on the impact on the Green Belt as this appeared to be the only main obstacle to development on this site.

Paragraph 16.275 of the Inspector’s report (APP/Q4625/A/98/1013084 and A/06/1199380) says that:-

*“I conclude that very special circumstances have not been demonstrated to justify the MSA proposal at J4, and that the appeal therefore be dismissed.”*

The proposals therefore outlined for consideration in these representations all comprise schemes that have “very special circumstances” justifying the location in the Green Belt.

### **3. Planning History**

In 1994 planning consent was granted for a market and car boot sale. In 1999 and 2008 two planning applications were considered at joint Public Inquiries with competing schemes for proposals for a Motorways Service Area (MSA).

Both appeals were dismissed.

The proposals put forward in this consultation document have drawn on the Inspector's views as set out in his report of 17<sup>th</sup> September 2008 on the 2008 Inquiry

The site is in Green Belt therefore any development must be justified by a need for the facility to justify very special circumstances for the proposal to be located in an area shown as Green Belt in the Local Plan.

## 4. Proposals

As the site is all within the Green Belt in the Local Plan and its Green Belt location was the main reason for the Inspector dismissing the previous planning appeals on the site, all the proposals put forward are justified as “very special circumstances” which allows development in a Green Belt location.

The justification for “very special circumstances” is either overriding need, (in the case of for example hotel development, lorry over-nighting and facilities for motorists to rest or the lack of any viable alternative non Green Belt site for example, in the case of the proposed Park and Ride.

Proposals put forwards in response to the Council’s letter dated 30<sup>th</sup> November 2015 in the call for sites identifying land which is available for new development at Junction 4 include the following potential uses but do not rule out other potential uses which may be identified by the market once the market becomes aware that the land is available.

### **Hotel**

### **Hotel and Spa**

### **Hotel and golfing facility**

### **Motel**

### **Motel and associated public house/restaurant**

There is a severe shortage of hotel accommodation in this location to serve the demand created by the NEC, Birmingham Airport and the travelling public on the M42. This lack of facilities for overnight accommodation could impact deleteriously on the provision of facilities of regional importance and therefore provision at this location could satisfy the qualification of being very special circumstances. There would be no adverse impact on the safety and the operation of the strategic road network from a net increase in travel as provision at Junction 4 would replace destinations further from the facilities.

### **Cafe at budget prices (Little Chef/Burger King/MacDonalds etc) with car park and toilets**

### **Drive through fast food facility e.g. KFC or MacDonalds with car park and toilets**

This would satisfy a need from both the travelling public and the urban area and provide motorists with a facility to stop and rest whilst travelling on the M42.

**Club facility with restaurant in landscaped grounds providing indoor and outdoor recreational facilities e.g. tennis with coaching facilities, football training pitches, swimming, track and field events training facilities, paint balling, motocross, four wheel drive outdoor training courses etc.**

This edge of town facility would provide sustainable outdoor leisure and recreation for the urban population in accordance with NPPF in paragraph 89.

### **Park and Ride facility for Solihull**

This would accord with the provisions of the NPPF in paragraph 31. The facility could include coach interchanges, park and ride and park and share. Negotiations would have to take place with transport operators, the Borough Council as Highway Authority and the Highways Agency who would take account of the local transport benefits in that there would be a material benefit to safety and the operation of the strategic road network. The proposal will produce a net reduction of trip mileage.

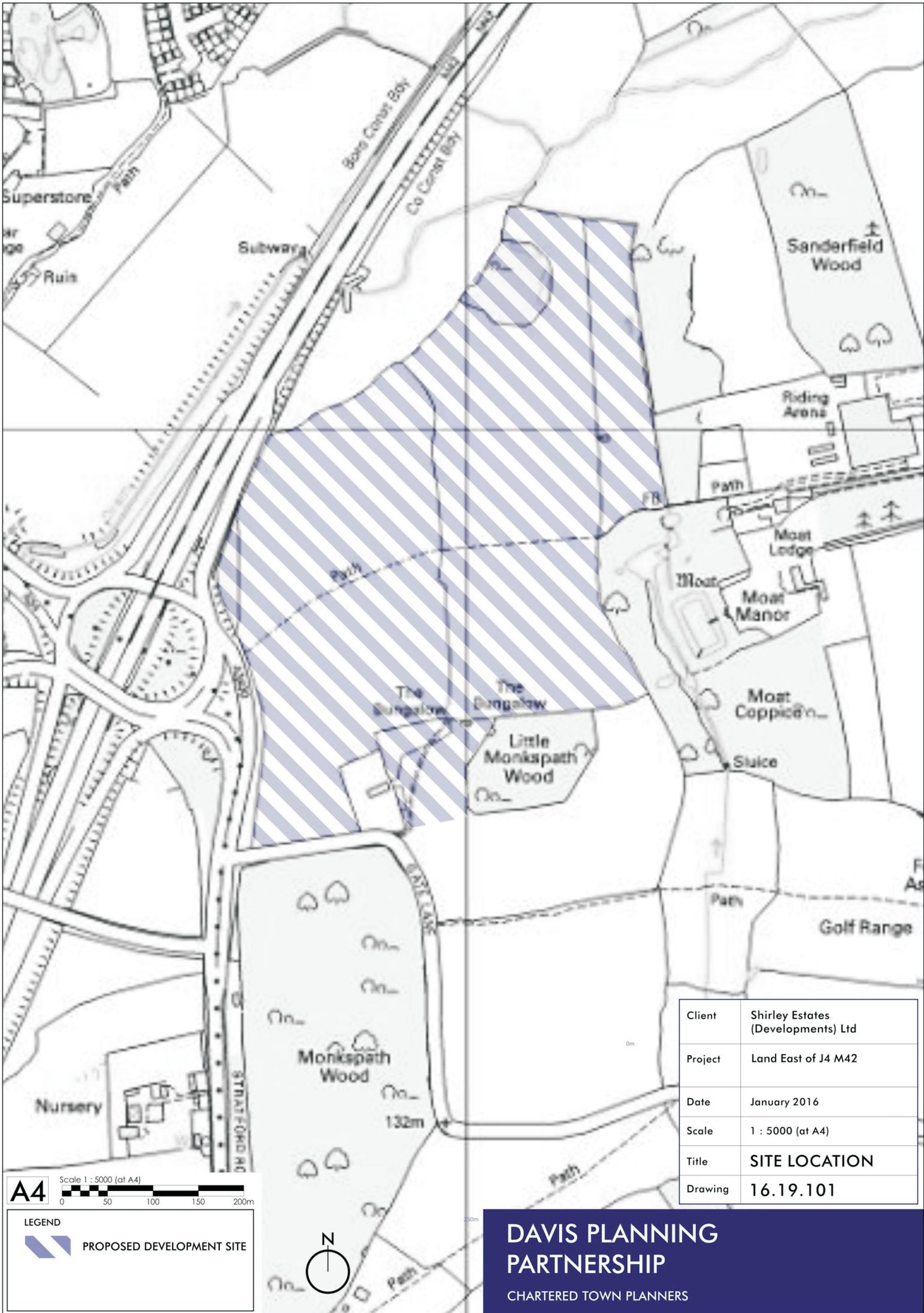
### **Overnight lorry parking and driver facilities or motorway truckstop**

This accords with paragraph 31 of the NPPF. The proposed facility would require extensive landscape screening but would offer a solution to a current problem and shortage in the area which is exacerbated by a shortage at Hopwood Services and which is causing a lorry parking problem in this locality.

### **Motorway Rest Area providing "Interim" services and facilities for motorway travellers (see NPPF) to supplement local provision**

Roadside facilities of an "interim" scale providing facility to park and rest, cafe/snack facilities, toilets and picnic area. There should be provision of a minimum of 10 tables each with seating for six to accord with requirements of Highways Agency.

These are examples of uses which could be catered for on the land at Junction 4 at Boxtree Farm, Solihull. Shirley Estates (Developments) Ltd would wish to promote the site at Junction 4 for sustainable development compatible with the aims of the Local Plan, supporting existing business sectors as well as enabling new growth. This site offers Solihull the potential for sustainable growth and allowing change for the better in our built environment. Sustainable growth is positive growth and the Local Plan is about making this happen and making economic, environmental and social progress.



Client	Shirley Estates (Developments) Ltd
Project	Land East of J4 M42
Date	January 2016
Scale	1 : 5000 (at A4)
Title	<b>SITE LOCATION</b>
Drawing	<b>16.19.101</b>

**A4** Scale 1 : 5000 (at A4)  
 0 50 100 150 200m

**LEGEND**

 **PROPOSED DEVELOPMENT SITE**

**DAVIS PLANNING PARTNERSHIP**  
 CHARTERED TOWN PLANNERS