

**SOLIHULL METROPOLITAN BOROUGH COUNCIL
REPRESENTATIONS TO THE KNOWLE, DORRIDGE & BENTLEY HEATH
SUBMISSION DRAFT NEIGHBOURHOOD PLAN MAY 2018**

General Comments

- 1.1 Overall, the Submission Draft Neighbourhood Plan is well presented and clearly structured. The Vision, Objectives and Policies are clearly set out and the document reads well and is easy to navigate. The Council is generally supportive of and welcomes many of the aims and objectives of the policies, particularly those relating to design, village character and natural environment. The addition of a new Section on 'Planning Context' is helpful, particularly its reference to the current review of the Solihull Local Plan Review (LPR). The Council welcomes recognition that the reasoning and evidence informing the LPR process is likely to be relevant in considering the Basic Conditions and that the Neighbourhood Plan should seek to align with the strategic needs and priorities of the wider area.

Village Character and Natural Environment

Policy VC1: Green Belt and Landscape

- 1.2 As outlined in the Council's response to the Pre-Submission draft consultation, Green Belt policies are already defined in the National Planning Policy Framework (NPPF) and Solihull Local Plan 2013, respectively. Therefore, it is not considered necessary to include a separate policy in the Neighbourhood Plan.
- 1.3 The Council has some concerns about the Policy's reference to the withdrawal of permitted development rights, particularly having regard to advice in the Planning Practice Guidance (PPG) which states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. However, it is acknowledged that the Policy and supporting text is heavily caveated and provides flexibility for the decision-maker to determine each planning application on its own merits.

Policy VC4 – Green Space

- 1.4 It is noted that following publication of the Pre-Submission Draft Neighbourhood Plan, the number of proposed Local Green Space designations has increased from 2 to 20. However, the NPPF states that a Local Green Space designation will not be appropriate for most green areas or open space and the designation should only be used where it meets the criteria set out in the NPPF. This includes:
- Where the green space is in reasonably close proximity to the community it serves;
 - Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including use as a playing field), tranquillity or richness of its wildlife; and
 - Where the green area concerned is local in character and is not an extensive tract of land.

- 1.5 Having regard to these criteria, the Council does not have any significant objections to the proposed Local Green Space designations identified in the Neighbourhood Plan.

Policy NE2: Habitats and Biodiversity

- 1.6 The last line of the first paragraph of the supporting text to the Policy should refer to Potential Local Wildlife Sites (pLWS), rather than 'potential wildlife sites' to keep in line with the countywide designation process.
- 1.7 In addition, the second paragraph of the supporting text states that the requirement for ecological surveys does not apply to applications for alterations and extensions to existing properties. This is not the approach that Solihull Council's Ecology team would take. Extensions or alterations which have an impact on the roof of a property have the

potential to have a negative impact on bats and/or nesting birds (e.g. swallows or swifts). In the area covered by the Neighbourhood Plan, bat roosts in properties are common. It is not therefore considered appropriate to remove the requirement for ecological surveys if they are necessary and proportionate.

Housing

- 1.8 The Neighbourhood Plan's comprehensive approach to considering housing size, type and mix to meet the needs of local residents is to be welcomed.

Policy H1: Scale of New Housing

- 1.9 Whilst Neighbourhood Plans must be in general conformity with the strategic policies of the adopted Local Plan (which is currently the 2013 Solihull Local Plan), this is currently being reviewed. As the draft Local Plan proposes significantly more housing on potential site allocations in Knowle, Dorridge and Bentley Heath (KDBH) than identified in the draft Neighbourhood Plan, there is a danger that Policy H1 will be superseded should the draft Local Plan be taken forward in its current form.
- 1.10 Although the Neighbourhood Forum suggest that 440 – 540 dwellings would be required to meet local housing need, it is important to note that the scale of housing proposed for the area in the draft Local Plan seeks to meet more than local need, both from elsewhere within the Borough and contributing to the shortfall in the wider housing market area (HMA). Whilst the Neighbourhood Forum's objection to the scale of growth proposed for KDBH in the draft Local Plan is acknowledged, there is insufficient land available in the urban area to meet the Borough's overall housing need. The Council does not consider that the draft Neighbourhood Plan gives adequate recognition to this, nor does it account for any contribution to the HMA shortfall.
- 1.11 In the current review of the Local Plan, Knowle, Dorridge and Bentley Heath has been identified as an area that has the potential to accommodate significant growth due to the high quality of facilities, accessibility and other sustainability factors. Furthermore, the allocations have sought to protect the gap between the villages and the main Solihull conurbation, thereby retaining the villages' distinctiveness. The Council does not therefore consider that Policy H1 of the draft Neighbourhood Plan would contribute to the achievement of sustainable development and the scale of growth identified in the Policy is not supported.
- 1.12 If the Neighbourhood Plan is adopted with policy H1 in its present form, then this would be one of the policies that would effectively be superseded when the reviewed local plan is adopted (if the latter plan includes allocations accommodating more than 500 dwellings). This is acknowledged in the Neighbourhood Plan policy in that it states '500 houses or such number as may be determined when the Local Plan Review is adopted.'

Policy H2: Housing on Allocated Sites and Larger Sites

- 1.13 The Council supports the development of concept masterplans in collaboration with site promoters, stakeholders and local communities, to shape new strategic developments. Indeed, concept masterplans are currently being prepared for all proposed site allocations in the draft Local Plan. For sites in KDBH, the Neighbourhood Forum will be included in discussions and the use of evidence prepared in support of the Neighbourhood Plan will be valuable in this process.
- 1.14 However, there is concern over the expectation that a full concept masterplan / design brief be prepared in consultation with the Neighbourhood Forum prior to the submission of a planning application for developments of 20+ dwellings. Whilst both the Government and the Council encourage applicants to involve the wider community at an early stage in the development of their proposals, there is no statutory requirement for community and stakeholder involvement at the pre-application stage of the process.

- 1.15 Notwithstanding this, the Council's Statement of Community Involvement (SCI) requires major development proposals to demonstrate how the local community has been consulted and engaged in the design process and suggests examples about how this can be achieved. In addition, local validation criteria would also require applications for major residential development to include a range of information such as a character assessment, landscape and public realm strategy, parking and access plan, transport assessment / statement as well as a design and access statement. Therefore, it is considered that the principal aims of Policy H2 would not be undermined if the policy were amended to 'encourage' the preparation of concept masterplans/ design briefs for sites prior to submission of a planning application. However, the Council could not invalidate a planning application or refuse planning permission due to a lack of community consultation at pre-application stage.
- 1.16 With regard to density in KDBH, the draft Neighbourhood Plan states that housing densities in the area are typically less than 20 dwellings per hectare. However, the Housing Density Map at Appendix 1 of the Plan does not map all areas and a number of more recent higher density developments are excluded. It should also be recognised that higher density developments can be provided without necessarily having an adverse impact on the character and appearance of the area.
- 1.17 Moreover, whilst the Council agrees that new development should reflect the locality, it is also important to ensure that land is used efficiently, particularly where the use of Green Belt is necessary to accommodate new development. An appropriate balance has to be struck and it is important to understand that lower densities would see a reduction in the number of houses that could be accommodated, which would in turn require the release of additional land to meet housing need. Lower density is not necessarily a key driver of good development and the Council considers that higher density development can be designed to ensure it does not detract from the character of the area, whilst also making the most efficient use of land.
- 1.18 With regard to the other matters to be addressed by the Policy, in the supporting text on open space provision, landscaping and gardens, the second consideration (on page 35) may conflict with developers' emphasis on reducing estate road widths and housing frontages, and hence impact on achieving efficient densities.

Policy H3: Affordable Housing

- 1.19 As outlined in the Council's response to the Pre-Submission Draft Plan, the provision of affordable housing is a strategic, borough-wide issue. Nevertheless, the Council has some sympathy with the Neighbourhood Plan's objective to ensure that the residents of Knowle, Dorridge and Bentley Heath are able to access affordable housing.
- 1.20 Whilst there may be some debate about whether the Policy itself would be used to determine a planning application or whether it would be used to determine the eligibility of access to affordable housing, given the potential level of development that could be accommodated in the KDBH area, the Council considers that it is not unreasonable for the Neighbourhood Plan to seek a proportion of affordable housing to be provided for local people.
- 1.21 However, it is important to note that the Borough wide approach to affordable housing reflects the fact that needs cannot always be met where they arise and that use has to be made of the development opportunities that become available. Therefore, any development may be required to provide for needs arising in another part of the Borough. In this context, the requirement that 50% of all new affordable housing shall be occupied by households with a strong local connection to the area is considered too high and could result in someone in KDBH who falls within a much lower priority for housing need being given preference over someone who is in a much higher priority housing need, but has lived in KDBH for a shorter time, or who lives elsewhere in the Borough. A figure of 25% would therefore seem more reasonable. In addition, whilst the supporting text sets out the position in the event that there are insufficient numbers

of qualifying local applicants, the wording of the Policy does not make this clear and could have the unintentional consequence of properties remaining empty.

- 1.22 The supporting text to Policy H3 also states that the local connection definition is based on suggested criteria set out in the Council's Supplementary Planning Document "Meeting Housing Needs", July 2014. However, this definition is for rural exceptions sites granted under policy P4b) 'Rural Exceptions' of the Solihull Local Plan.
- 1.23 The Council also has concerns with the final paragraph on page 37. Whilst residents' views may show a strong preference for a higher percentage of the affordable housing provision to be in the form of shared ownership to support more young people and families, the split of affordable housing by social rent and shared ownership should be defined by the strategic Local Plan Policy as evidenced by the borough's Strategic Housing Market Assessment. This is to ensure the need for affordable housing is met in full as required by NPPF.

Policy H4: Housing Mix

- 1.24 The NPPF states that the pursuit of sustainable development includes widening the choice of high quality homes. Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 1.25 The Council welcomes the reference to its Strategic Housing Market Assessment Part 2 (PBA, 2016) and regard to the borough-wide need for certain house types and sizes. However, this may conflict with the Neighbourhood Plan's stipulation for 50% detached housing.
- 1.26 As stated in the Council's previous comments on the Pre-Submission Draft, there still appears to be an inconsistency between Section 5.2 of the Plan which highlights a shifting demand towards smaller house types and the requirements of policy H4 which is seeking to maintain a high number of detached houses in the area of 50%. This is not considered compatible with the aims of widening the choice of homes, planning for a mix of housing and creating sustainable, inclusive and mixed communities.
- 1.27 The Council would recommend that the policy is more flexible with regard to house types / sizes and responds to balancing the housing market and creating more inclusive communities such as providing more small units, starter homes and homes for the elderly.

Policy H5 -Apartments

- 1.28 The policy allows for apartments in 'residential roads of a mixed nature'. However, this could be taken to preclude apartments in Knowle Centre and the NPPF is supportive of residential uses in centres.

Design

Policy D2: Design in Conservation Areas

- 1.29 The first sentence of the policy could be ambiguous in that it does not say what the standard of design should be higher than. In addition, the Council would question whether it is too prescriptive to state that no signs shall be backlit. For example some small metal trays with fret cut letters might be accepted at appeal on buildings that are not historic. The Council would suggest that the term "should normally be avoided" be used as an alternative.
- 1.30 The last paragraph on page 43 of the Plan should refer to the Station Approach, not Station Road Conservation Area. Additionally, the last sentence should say 'Not all new shopfronts and advertisements require planning permission or advertisement consent'.

- 1.31 Furthermore, whilst it is recognised that enhancement is desirable, the last paragraph on page 44 should say that ‘The design of new development should ‘preserve or enhance...’, rather than maintain and enhance.
- 1.32 Appendix 6 of the Plan provides a summary of the key principles that apply to the design of shop fronts and advertisements in Conservation Areas as referred to in Policy D2. It is considered that bullet point 2 of Appendix 6 is ambiguous in that it refers to things that will generally be considered inappropriate in an historic context, but then states that such applications will be refused.
- 1.33 Bullet point 3 refers to free standing poster-type signs. However, if this refers to A-boards, it is important to note that these would require a license and not advertisement consent or planning permission.
- 1.34 Policy D2 specifically refers to Design in Conservation Areas. However, bullet point 5 of Appendix 6 needs further clarification as it is unclear whether it refers to Conservation Areas or whether it is seeking to include setting as an area outside a Conservation Area boundary.
- 1.35 With regard to the 6th bullet point, it is important to note that planning appeals are often allowed for signs of external MDF or even painted metal panels, as requiring actual timber is unrealistic.

Traffic and Transport

- 1.36 Overall it is considered that more impetus should be given to the use and promotion of more sustainable modes of transport. At present, the balance is still being skewed towards accommodating travel by private car. Moreover, a number of policies are quite specific in their requirements (e.g. parking requirements; distances from village centres) and it is unclear whether there is evidence to support these specific requirements. If not, they could be viewed as relatively arbitrary and open to challenge.

Policy T1: Parking for Residents

- 1.37 The Council acknowledges local concerns about the adequacy of parking at some more recent residential developments in the Neighbourhood Area. However, as stated in our comments to the Pre-Submission Draft plan, it remains the Council’s position that specifying a number of parking spaces that relates to the number of bedrooms is at odds with the Council’s (and NPPF) policy that an evidence-led approach should be taken in determining both resident and visitor parking provision. For example, the evidence-led approach to parking provision should be considered in relation to public transport accessibility and public transport improvements proposed in association with the development. It is considered that the prescriptive approach proposed in the Neighbourhood Plan would not provide sufficient flexibility to fully consider the context of the site.

Policy T2: Parking for Non-Residential Premises

- 1.38 Whilst it is stated that St John’s Close is an area of particular parking stress and congestion, it is considered that a policy of not allowing proposals that are likely to result in additional on-street parking in St Johns Close, would be difficult to apply. Similarly, if a development were permitted on the basis that it is unlikely to generate such parking, how would it be enforced if parking on St John’s Close were then to occur? If on-street parking on St John’s Close is a significant issue for local residents, it may be a matter for the highways authority to consider the imposition of parking restrictions, rather than seeking to address the issue through the planning policy process.

Policy T3: Parking at Village Centres and for Rail Users

- 1.39 The Council is supportive of ensuring that provision is made for the charging of electric vehicles. However, the Council would question why the provision of parking spaces

equipped for the charging of electric vehicles is set at 20% specifically, and why then would such spaces not necessarily be provided for the exclusive use of such vehicles?

Policy T9: Public Transport Infrastructure

- 1.40 Whilst the policy seeks to improve public transport infrastructure, it is important to acknowledge that the provision of bus shelters fall within permitted development and may not require planning permission.

Policy T8: Road Infrastructure

- 1.41 The Council would expect that appropriate measures to ensure the safety and free flow of traffic is not compromised by any development, irrespective of its location and / or the road from which access is taken.

Education and Community Facilities

Policy ECF4: New Housing Development – Investment in Community Facilities

- 1.42 As outlined at the Pre-Submission Draft stage, the Council considers that it is perhaps better to 'support' new housing developments that will contribute to enhancing local community facilities to address the needs of new residents, as it cannot be expected that all new housing developments will make such a contribution.

Policy ECF6: Community Access and Management

- 1.43 The information that is required at the planning application stage is nationally prescribed and supplemented with local requirements. Community Access Statements are not a requirement for applications in Solihull and a planning application is unlikely to be refused in the absence of one. However, the Policy could certainly 'encourage' the submission of a Community Access Statement.

Employment including Retail and Other Commercial Uses

Policy E1 – Retention of Shops and Services

- 1.44 The NPPF definition of primary and secondary frontages suggests that primary frontages should have a 'high proportion' of retail uses. By implication, a proportion of other uses would be allowed within them, which seems to reflect the reality that the vitality and viability of primary retail frontages is not about retail uses exclusively.
- 1.45 Whilst the Council is sympathetic to what the Policy is seeking to achieve, it is important that there is a viable mix of uses in Knowle Centre. Resisting change of use from Class A1 retail in the Knowle Centre primary frontages may unintentionally result in vacant units which would therefore impact on the vitality and viability of the centre.

Policy E2 – New Development in Village Centres

- 1.46 The Council considers that proposals should be 'supported' rather than 'granted' when considering the criteria for the erection or change of use of buildings within the village retail centres. Moreover, the second bullet point in the Policy could include the term appearance, as in 'character or appearance of the area', to cover the duty of Local Planning Authorities with regard to Conservation Areas.
- 1.47 For a further point of clarity, all development proposals are subject to the policies in the Solihull Local Plan, not just larger development proposals, as suggested in the supporting text of Policy E2.

Conclusion

- 1.48 In summary and notwithstanding the above points, it is to be welcomed that the Neighbourhood Forum has taken on board many of the informal comments from Council officers throughout the development of the Neighbourhood Plan. However, in order for the plan to meet the basic conditions, including the need to be in general conformity with the strategic policies of the development plan, it is considered that the above changes and alterations should be made.