

EXAMINER'S REPORT
KNOWLE, DORRIDGE AND BENTLEY HEATH
NEIGHBOURHOOD DEVELOPMENT PLAN

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ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

HRA - Habitat Regulations Assessment

KDBH - Knowle, Dorridge and Bentley Heath

LPR - Solihull Draft Local Plan, Local Plan Review, November 2016

NF - Neighbourhood Forum

NPPF - National Planning Policy Framework

NPPG - National Planning Practice Guidance

SEA - Strategic Environmental Assessment

SMBC - Solihull Metropolitan Borough Council

The Plan - the Neighbourhood Development Plan under examination

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Neighbourhood Forum (NF) in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

4. I have been appointed by the Solihull Metropolitan Borough (SMBC) in consultation with the NF to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

5. I confirm that I am independent of the NF and SMBC and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).

6. This report is the outcome of my examination of the submitted version of the Plan.

7. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If SMBC puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Authority as the Local Planning Authority.

BACKGROUND DOCUMENTS

8. I have considered the following documents as part of this examination:

Documents submitted for the examination

Knowle, Dorridge and Bentley Heath, Draft Neighbourhood Plan 2018-2033, Submission, May 2018.

Basic Conditions Statement.

Consultation Statement Part 1 and 2.

KDBH Draft Neighbourhood Plan Health Check.

KDBH Neighbourhood Plan Residents' Survey Results.

KDBH Neighbourhood Plan Business Survey Results.

KDBH Housing Needs Assessment, February 2107, Aecom.

KDBH Heritage and Character Assessment, Urban Vision Enterprise CIC, October 2017.

KDBH Masterplanning / Design and Design Coding, November 2017, Locality.

KDBH Housing Density map.

KDBH Local Green Space Assessment.

2016 Knowle Ward Profile.

2016 Dorridge and Hockley Heath Ward Profile.

Knowle Conservation Area Appraisal, September 2007, SMBC.

Solihull Borough Local Character Guide, (Non-technical summary), November 2106, Waterman.

Solihull Borough Landscape Character Assessment, December 2016, Waterman.

Warwickshire Landscapes Guidelines – Arden.

Trees in relation to Design, Demolition and Construction – Recommendations, BIS Standards Publication BS 5837:2012.

Traffic Surveys submitted for examination by email of 25/06/18 from Emma Tinsley-Evans of SBC.

Local and National Policies and relevant evidence:

National Planning Policy Framework (NPPF)¹; National Planning Practice Guidance (NPPG).

Solihull Local Plan, December 2013.

Solihull Draft Local Plan, Local Plan Review (LPR) November 2016

SMBC Strategic Housing Needs Assessment 2016, Peter Brett Associates.

SMBC adopted supplementary planning documents “Vehicle Parking Standards and Green Travel Plans” 2006 and “Meeting Housing Needs”, July 2014.

¹ The relevant version for this Plan is the NPPF, March 2012.

Documents created during the examination:

Examiner's question 10/7/18 and responses from NF of 16/7/18 and SMBC titled "SMBC Response to Examiner's Initial Questions dated 10/7/18".

Examiner's document "Further Information Required of Neighbourhood Forum" 8.8.18. Response from NF received by email from SMBC on 15.8.18 containing maps of Dorridge and Bentley Heath centres.

THE EXAMINATION

9. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

10. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

11. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

12. I visited the Plan area on the 10th August 2018 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

13. It is necessary to determine that the plan complies with the following procedural matters²:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

14. The plan had been prepared and submitted by a qualifying body, the Knowle, Dorridge and Bentley Heath Neighbourhood Forum. It relates to an area designated as a neighbourhood area by Solihull Council on 1 October 2015.

² Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

15. The plan sets out policies in relation to the development and use of land and does not refer to “excluded” development. It specifies the period for which it has effect (2018-2033). It does not relate to more than one neighbourhood area.

CONSULTATION

16. The NF has submitted a Consultation Statement, which explains how it has carried out a programme of consultation as the Plan has progressed.

17. The NF has through a dedicated team carried out a systematic and thorough programme of consultation from October 2016 until the submission of this Plan, which has been aimed at residents, various community organisations, the business community and developers.

18. The Consultation statement illustrates a variety of measures were employed to engage the community including surveys, poster campaigns, individual presentations, and subject matter briefings to various organisations and stakeholder groups. Care was taken to ensure a leaflet delivered to all households in the Plan area publicized the important Residents’ Survey. This produced an effective response of 2844 completed questionnaires.

19. Good use was made of the “Solihull Observer”, delivered to most homes in the plan area to publicise events and progress to encourage involvement. A web site and Facebook page were also used effectively particularly allowing electronic voting on some matters. The NF met monthly to provide updates and make decisions and disseminated information in newsletters and leaflets.

20. Key topics were explored in interactive workshops allowing detailed community interaction.

21. Care was taken in the initial stage to invite residents and businesses onto the NF to represent a wide spectrum of interests. The NF membership is now over 900 members.

22. The attempts to involve the younger residents via the schools given the older age profile of the area have been exemplary.

23. The crucial formal public consultation stage (25/11/17- 12/1/18)³ was facilitated by a drop-in event on the 25/11/17, which attracted nearly 500 people who enjoyed the opportunity to receive a briefing on the Plan and salient issues. All the drop-in event material was subsequently available on the web site. Paper copies of the Plan and questionnaire were also available at the library.

24. Sixty-five statutory consultees were notified as a part of the formal consultation.

³ Carried out under regulation 14 of the Neighbourhood Planning (General) Regulations 2012

25. The consultation also produced seven responses from developers.

26. The Consultation Statement Part 2 analyses the responses to the formal consultation in detail. These responses are also summarized in the main body of the Statement. The Statement adequately illustrates whether in the view of the NF the responses merited amendments to the draft Plan.

27. SMBC then carried out the final formal consultation⁴ from 4/5/18 to 15/6/18.

28. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation with the local community, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan.

BASIC CONDITIONS

29. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁵ This element of the examination relates to the contents of the Plan.

30. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the ‘making’ of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

31. The NF has submitted a “Basic Conditions Statement”, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

⁴ Carried out under regulation 16 of the Neighbourhood Planning (General) Regulations 2012

⁵ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

SUSTAINABLE DEVELOPMENT

32. The NF submits in the Basic Conditions Statement that the Plan complies with NPPF policies, which ensure the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy. In Appendix 2 of the Basic Conditions Statement there is a table, which itemizes the manner in which the Plan meets these three components of sustainable development.

33. The Plan seeks to foster the local economy by encouraging economic development which supports working from home, the retention of shops and services, the establishment of a business centre and proposals for new shops, services and business uses.

34. The Basic Conditions Statement refers to the social role of the Plan and proclaims that whilst it does not allocate housing sites it supports emerging draft Local Plan policies and promotes sustainable design and supportive educational and community service provision. However, there is an issue concerning the amount of development that the Plan is prepared to support in the emerging Local Plan, which is not estimated to meet local needs. I address this issue in detail below but I do not consider the Plan meets sustainable development requirements in these respects as it does not meet the objectively assessed housing needs of the wider area. I have made recommendations to overcome this problem.

35. In its environmental role the Plan contains policies to minimise pollution, protect the natural environment and restore key local habitats and biodiversity. Heritage assets are also protected together with positive design policies to protect conservation areas and listed buildings.

36. I am satisfied that the Plan contributes to sustainable development apart from the key area of housing provision referred to below in the section on "Housing". This can be remedied if my recommended modifications are followed

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

37. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive⁶ and the Habitats and Wild Birds Directives⁷. These require that consideration should be given to the need for a Strategic Environmental Assessment to assess any significant environmental impacts and /or an appropriate Habitats Regulations Assessment to assess any impact on a site/habitat recognized as protected under European legislation⁸. A

⁶ Article 3(5) of Directive 2001/42/EC

⁷ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁸ Often referred to as Natura 2000 sites

neighbourhood plan should also take account of the requirements to consider human rights.

38. SMBC made a Strategic Environmental Assessment (SEA) Screening Determination, which is included in the Basic Conditions Statement. This was carried out in relation to the criteria recommended in the European Directive. It is concluded that an SEA of the emerging Neighbourhood Plan is not required. This was mainly on the basis that the Plan does not propose any significant development than that proposed in the current adopted Solihull Local Plan 2013, which was the subject of an SEA. The Plan does not allocate sites for development and no sensitive natural heritage assets are affected. It is concluded there is no requirement for an SEA.

39. The Basic Conditions Statement also includes a screening opinion given by SMBC regarding the need for an HRA. This considers impact on 12 protected habitat sites within a 75-kilometre radius of the Plan area and notes that an HRA was carried out in relation to the Solihull Local Plan 2013, which concluded there were no significant impacts. It is concluded there are unlikely to be any significant impacts from policies proposed in this Plan and an HRA is not required.

40. I note that the statutory consultees, Natural England, Historic England and the Environment Agency have raised no objection to these screening opinions. I am content that neither an SEA nor an HRA is required.

41. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Consultation responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

42. The “Basic Conditions Statement”, provides an analysis of how the Plan has taken into account national planning policies and guidance and is in general conformity with local strategic planning policies.

43. It explains in relative detail how the plan takes into account the “core planning principles” in the NPPF. I consider the Plan makes appropriate reference and consideration of national planning guidance apart from the need to take into account the evidence in the emerging Local Plan, referred to below.

44. The Statement also submits that the plan’s policies are in general conformity with strategic policies in the adopted Local Plan 2013 and the emerging Local Plan. It examines each of the relevant policies in these Plans and concludes there is general conformity in accordance with basic conditions.

45. I am, however, concerned that the Plan in policy H1 relating to the “Scale of New Housing” does not fully take into account the recent evidence of local housing need produced in relation to the emerging Local Plan. Also this does not represent sustainable development providing adequately for local housing needs in accordance with the requirements of the NPPF. I consider this matter in detail below and recommend deletion of the policy which will ensure compliance with the basic conditions.

RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

46. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction.

47. I have taken into account all aspects of the representations received during the Plan process. In many cases these do not require specific reference or highlight of particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions. I have concentrated on those matters, which in my view raise pertinent issues and merit a response.

48. In some cases due to the specific and detailed nature of a particular representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of a representation by name.

49. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements. In particular, I should mention that there have been a number of representations promoting sites for allocation in the Plan. I have not taken these into account, as the Plan has not carried out a systematic consideration of available sites for allocation for any specific type of development. It has however relied on the emerging Local Plan Review (LPR) to determine allocations and specified general criteria for consideration of development.

50. I have explained my recommendations in accordance with the order of the titles in the Plan and expressed them in bold type at the end of the various sections.

51. There is a significant underpinning aspect to the report in that the adopted Local Plan, December 2013 is the current plan that has to be the point of reference in relation to compliance with basic conditions. The emerging Draft Local Plan, Local Plan Review (LPR), November 2016 cannot be considered although evidence it has brought forward may be relevant and merit consideration. This is in accordance with the NPPG⁹ that states the local planning authorities should share evidence.

⁹ Paragraph: 043 Reference ID: 41-043-20140306

52. In some cases the proposed draft policies are not suitable as planning policies because they refer to matters outside of planning control. In accordance with guidance I have recommended these be deleted as policies but can be retained as community actions or aspirations for the NF to pursue with the relevant agencies. The text can be retained but needs to be clearly distinguishable as a community action and not a policy.

SECTIONS 1- 6 of THE PLAN, INTRODUCTION, PLANNING CONTEXT, PROCESS SUMMARY, OUR VILLAGES TODAY, OPPORTUNITIES AND KEY ISSUES AND VISION AND OBJECTIVES

53. These introductory sections to the Plan adequately explain the process of the Plan and the existing planning policies, which it has to take into account and generally conform to.

54. There is a good description of the local environment and the prevailing social and economic circumstances.

55. The Plan explains in sufficient detail the manner in which the public consultation has articulated the opportunities, key issues and influenced the formation of “Vision and Objectives”. There is an adequate link between the Vision and Objectives and the “Policy Goals” which are expressed in each policy section.

56. A relatively minor point regarding the map on page 13 which should be corrected to explain the numbered annotations. Also, there does not appear to be a need to specifically refer to the fact that “Gate Lane was offered for employment and other uses” when it is apparent from a reading of the map.

RECOMMENDATION 1

Underneath the map on page 13 include the following “The reference numbers for sites were used by the Council to notate the various sites and the names of the sites can be found in the SMBC ‘Schedule of Call for Sites Submissions, May 2016.’ ”.

Also delete “Gate Lane was offered for employment and other uses”.

VILLAGE CHARACTER and NATURAL ENVIRONMENT

POLICY VC1: Green Belt and Landscape

57. This policy reiterates the national and local green belt policy but adds reference to the removal of permitted development rights in certain circumstances and the need to adhere to the principles of the Warwickshire Landscape Guidelines: Arden; the Solihull Landscape Character assessment 2016: and the Solihull Borough Local Character Guide 2016.

58. The reference in the policy to “the area beyond the built-up area” is unnecessary and potentially confusing as to where the policy will be applied and should be removed.

59. I consider the reference to the removal of permitted development rights is unnecessary and imprecise and inconsistent with the Secretary of State's advice in the NPPF. The NPPF in paragraph 200 states “*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so*”. The Plan policy effectively repeats the NPPF and is ambiguous as it just refers to situations “*where necessary to safeguard the openness of the Green Belt*” and there may be other circumstances where it is desirable. This reference should be removed from the policy.

60. The supporting text should make a more informed reference to the relevant guidance in documents related to landscape character.

RECOMMENDATION 2

Reword the first sentence of the policy as follows:

“ National and Local Plan green belt policies will be applied in the relevant parts of the Plan area.”

Remove the second sentence in the policy VC1 that begins “in the limited circumstances.....”.

**Delete the last paragraph in section 7.2 and replace with the following ;
“The Warwickshire Landscape Guidelines: Arden, the Solihull Borough Landscape Character Assessment 2016 and the Solihull Borough Local Character Guide 2016 provide a reference point for the definition of the landscape character and the particular assets that should be respected when considering development proposals. The Heritage and Character Assessment October 2017 prepared as an evidence base for this Plan provides a good summary of these landscape related documents.”**

POLICY VC2: Conservation Areas

61. The policy repeats national and local policy regarding conservation areas but usefully adds a reference to the Knowle Conservation appraisal as instrumental in making planning decisions.

POLICY VC3: Heritage Assets

62. This policy reaffirms national and local policies towards designated heritage assets such as listed buildings and conservation areas. It also seeks to protect heritage assets on the local list, which can be categorized as non-designated heritage assets referred to in the NPPF, paragraph 135.

63.The value of the policy is in referring to the local list and thereby giving it added status in consideration of non-designated heritage assets in decision-making.

64.However the advice in the NPPF paragraph 135 refers to the need for “balanced judgments having regard to the scale of any harm or loss and the significance of the heritage asset”. This is different to the more stringent policies towards designated heritage assets, which is not clearly recognized in the manner in which the Plan policy is worded. I recommend the policy be amended to reflect the distinction between the types of heritage assets to accord with national guidance.

65.There is a need to recognize the Canal Trusts view that the list in Appendix 4 is not necessarily an exclusive list of non-designated heritage assets.

RECOMMENDATION 3

Reword the policy as follows:

“Designated heritage assets including listed buildings, conservation areas and archaeological features must be protected, conserved and enhanced in accordance with national and local planning guidance and policies.

Non-designated assets include those buildings on the local list, in Appendix 4, “positive buildings” identified in the Knowle Conservation Area Appraisal 2007 and any future Conservation Area appraisals. When considering development affecting non-designated heritage assets a balanced judgment will be taken having regard to the scale of any harm or loss and the significance of the building or structure”.

Retain the last two paragraphs of the policy as they appear in the draft Plan. ”

In the second paragraph on page 27 add a further sentence as follows:

“It should be noted that Appendix 4 is not an exclusive list of non-designated heritage assets and will be periodically updated.”

POLICY VC4: Green Space

66.I have considered the evidence base presented in the submitted “Local Green Space Assessment”, read the various representations and viewed all the proposed green spaces on my site visit. I have considered whether they all comply with the criteria in the NPPF, paragraph 77 for qualification to this status. The criteria for designating green space are;

“

● *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 as a playing field), tranquility or richness of its wildlife; and

● *where the green area concerned is local in character and is not an extensive tract of land.* ”

67. It is necessary to refer more explicitly in the supporting text to the nature of the NPPF criteria in order for the reader to understand the nature of these designations.

68. The policy states that new development is “ruled out” except in very special circumstances. In order to conform more closely to the NPPF that green belt type policies should apply there should also be a reference to development that is ancillary to the enjoyment of the green spaces.

69. The majority of the proposed green spaces conform to the guidance in the NPPF and following my site visit I am content that they should be allocated as green space in the Plan. However there are certain sites and representations which merit specific reference.

Site 4, 8-metre strip along Purnells Brook, Part of former Bypass Route

70. The site is depicted inconsistently. On the map on page 29 the whole of the site is shown as green space and yet the reference in the policy and the assessment refers to an 8-metre strip. I interpret the proposal as specified in the policy and assessment and the error is on the map. I should point out that my conclusions below would be the same whether this was the 8 metre strip or the whole area as shown on the map.

71. Barton Willmore on behalf of the landowner object to the designation. They point out the recent failed attempt by the Knowle Society to get the site designated as a “Town or Village Green”. A public inquiry in February 2016 resulted in the inspector recommending the application be resisted and this was confirmed in October 2016 by SMBC. The failure of this application is not necessarily fatal to the designation as green space in this Plan.

72. Barton Willmore explain that the site does not meet the NPPF criteria. They submit the land does not have recreation value nor can the community value it as fulfilling a recreation function as there is no public access as determined at the “Town or Green” application. There is an informal footpath just outside of the 8-metre strip, which has no formal status.

73. Barton Willmore has also submitted an ecological report, which concludes there is no evidence to indicate the site has ecological significance to justify a green space designation.

74. The NF considers the site has potential to be allocated for development in the Local Plan Review (LPR) and there is a need to protect the 8-metre strip from

development. Their assessment is that the site is valued for recreational use as demonstrated by findings of the inspector into the Village Green application.

75. Furthermore, it is submitted the site is a corridor for wildlife linking Job's Close LNR with Streamside Trust land (Wychwood Woods) and River Blythe SSSI and farmland.

76. I consider that in the absence of formal public access the site cannot have significant recreational value for the community. It has some ecological value by virtue of its position adjacent to the river and natural vegetation in particular mature trees. However the NF has not submitted supporting sufficient ecological information to demonstrate any particular value and the NF submission is effectively reliant on its location as a wildlife corridor.

77. I consider the site is not significant in the public domain as it is linear and largely screened by houses.

78. I do not consider the site has particular local significance in terms of the NPPF criteria. It should be noted that the NPPF states most "green" sites will not be suitable for this type of designation. There is an opportunity to assess the need to protect the riverside environment in the LPR and in the consideration of a planning application with the benefit of full recreational and ecological studies.

79. Furthermore, I do not consider that the green space designation is justified on the basis the site may be allocated for development in the future. The intention of the NPPF is to accord value to a site as it is used presently.

Site 11, Land at Arden Academy

80. The NF consider the green space at the front of Arden Academy is worth a green space designation as it provides an attractive green setting on to Station Road with mature trees and a small pond. It forms part of the entrance area to the Academy and is accessible to the public and used for school and public events.

81. It is submitted, "Green frontages are a distinctive local feature which the Neighbourhood Plan seeks to maintain".

82. Janette Findley of Urban Vision Partnership Ltd. on behalf of the Arden Academy objects to the designation. It is submitted that the public consultation process did not make the proposed designations explicit and the public would not have been drawn to comment on it. I have commented on the consultation process above and consider there has been scope for the public to object to the designation.

83. Janette Findley asserts that the land is within the Academy campus and not regularly visited by the public. Furthermore, the water feature and site memorials are not widely visited or viewed by the public and only of significance to the school. The site possesses no particular attributes and is simply an unremarkable green space on the road frontage.

84. I consider the site does not have local significance. Although visible in the street scene it is not readily accessible by the public and whilst a pleasant landscaped area containing mature trees there are no submitted claims for its ecological significance. I consider this site does not warrant a green space designation.

85. The NF is aware that the site has potential for development and considers that a smaller strip of land at the road frontage is an option for designation. In view of my conclusion the site does not meet the NPPF criteria and it is not appropriate to consider the smaller area as green space.

Site 15, The Mind Garden

86. This horticulture and conservation project run by the charity Solihull Mind was created to support those with mental health issues and their families. It contains growing areas, wildlife conservation areas and a sports pitch. It contains mature trees together with many native and hedgerow plants planted in the last 20 years and provides a tranquil environment and positive therapeutic working environment.

87. On my site visit the project manager Andy Jennings showed me around the site and I witnessed a remarkable environment in landscape terms and strong indications of ecological value. Mr Jennings explained that occasionally the public visit the site to purchase items or participate in open days and there is potential for local schools to use the site for educational purposes.

88. I consider that this is essentially a facility used by the charity and is not a public facility. It does not have special local significance for the wider public and is not suitable for a green space designation. The site is in the green belt and benefits from the protection offered by policies in the Local Plan.

RECOMMENDATION 4

In the first paragraph of the policy after “as Local Green Space” delete the rest of that paragraph and insert:

“ where development will not be allowed unless it is ancillary to the use of that green space and does not diminish its character as a green space or it is demonstrated there are very special circumstances in which to make an exception.”

Delete the following sites from the list of green spaces referred to in the policy;

“Site 4, 8-metre strip along Purnells Brook, Part of former Bypass Route.

Site 11, Land at Arden Academy.

Site 15, The Mind Garden.”

Insert an extra paragraph before the current last paragraph on page 28 of the draft Plan as follows:

“The NPPF states that;

‘The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- 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 as a playing field), tranquility or richness of its wildlife; and**
- where the green area concerned is local in character and is not an extensive tract of land.’ ”**

POLICY VC5: Green Streets

89. This policy conforms to basic conditions and is in accordance with national guidance and local policies seeking to retain attractive street scenes whenever possible.

THE NATURAL ENVIRONMENT

Policy NE1: Trees, Hedgerows and Woodland

90. This policy is in accordance with national guidance and local policies concerned to encourage protection of natural features where possible. The policy is worded with the appropriate flexibility and yet asserts the need to protect significant trees and hedgerows.

91. The need to submit a tree survey is a matter for SMBC and the validation of planning applications rather than inclusion as a Plan policy. There is adequate reference to the need for tree surveys in the supporting text.

RECOMMENDATION 5

Policy NE1

Delete the second sentence of the policy

POLICY NE2: Habitats and Biodiversity

92. The policy is a part repeat of the adopted Local Plan policy P10 “Natural Environment”. It does not include all the nuances and caveats in that policy and is therefore confusing.

93. I recommend therefore it be removed as a policy but the supporting text be retained in the interests of presenting a comprehensive guide to protection of the natural environment.

94. SMBC has highlighted that ecological surveys can be required in the case of alterations and extensions to roofs so the reference to this in the Plan should be corrected.

95. The Environment Agency also request reference to the Blythe SSSI, which is necessary to present clear and comprehensive advice regarding protection of the natural environment. The Heritage and Character Assessment also refers to one at Brooke Meadow Darley Green, which should be referenced in the Plan.

RECOMMENDATION 6

In paragraph 7.8 delete the words “Policy NE2”. Delete all the text in the policy box outlined in green.

Insert a new first paragraph to the supporting text, as follows:

“National guidance and the adopted Solihull Local Plan 2013 in policy P10 Natural Environment provide protection for areas of national and local importance for biodiversity and provision of habitats.”

In the first paragraph of the supporting text in section 7.8 introduce a new second sentence as follows:

“ The area contains two nationally designated Sites of Special Scientific Interest (SSSI) at Blythe based on the river and at Brooke Meadow Darley Green.”

Delete the last sentence of the penultimate paragraph of the supporting text “This requirement does not apply to applications and alterations to existing properties.”

HOUSING

POLICY H1 Scale of New Housing

96. The supporting text to this policy explains that the all three housing sites allocated in the adopted Local Plan 2013 have been developed. It is recognised that the emerging LPR is proposing significantly more housing. The Plan policy is proposing *“about 500 houses (or such numbers as may be determined when the Solihull Local Plan Review is adopted)”* on sites allocated in the emerging Plan once adopted and subject to satisfactory infrastructure provision. SMBC has commented that the proposed 500 houses is significantly below the 1,050 dwellings proposed on two sites in the LPR and this policy will be effectively superseded when the LPR is adopted.

97. It is highlighted in the Plan that the NF and local people do not support the scale of growth proposed in the LPR and consider, on the basis of their own Housing

Needs Assessment, additional development, excluding windfall housing, should be about 500 houses.

98. SMBC has responded that *“it is important to note that the scale of housing proposed for the area in the draft Local Plan (LPR) 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.”*

99. In this situation where there is an emerging Local Plan and the existing Local Plan is out of date the NPPG¹⁰ advises that the evidence relating to the emerging plan such as local housing need can be taken into consideration by the neighbourhood plan.

100. The Plan is seeking to state a case for the emerging LPR to allocate “about 500 houses” but does not propose any sites. Furthermore, the policy accepts that the LPR may determine a need for more houses than this figure.

101. I consider that the policy is vague and confusing and therefore does not accord with basic conditions. The flexible reference to “about” 500 dwellings or such figures as the LPR may arrive lacks sufficient precision for an adopted Plan policy as recommended in the national planning policy guidance (NPPG)¹¹. It may lead to confusion as to the status of the figure of 500 in the emerging LPR. The LPR has to consider the objectively assessed housing needs in the wider Birmingham area and in accordance with the November 2016 Solihull Strategic Housing Market Assessment (SHMA). SMBC submits that the LPR has identified the Plan area as one that could accommodate significant growth of at least 1,050 dwellings due to the high quality of facilities, accessibility and other sustainability factors. The difference in the scale of housing promoted in the Plan and LPR on allocated sites is significant.

¹⁰ Paragraph: 041 Reference ID: 41-041-20140306

¹¹ Paragraph: 041 Reference ID: 41-041-20140306

102. The NF state there is adequate provision for housing growth based on the Aecom HMA prepared for them which proposes between 900 and 1090 dwellings, made up of 500 on allocated sites and the remainder as windfall development. However, the LPR figure of 1,050 does not include windfall sites and has to rely to an extent on the certainty of allocated sites in making strategic provision for housing.

103. In correspondence received during the examination the NF added that the LPR 2016 does not take into account the Greater Birmingham HMA Growth Strategy of February 2018, which contains options for a new settlement around Balsall Common and expansion south of Birmingham Airport and NEC. It is submitted these areas could significantly reduce the number of dwellings required to be provided in the Plan area. I do not however consider that this justifies retention of the policy as drafted which would confuse the consideration of the emerging LPR and the wider housing growth strategy as referred to above.

104. The policy is misleading and does not effectively serve a purpose, as it does not allocate sites. The local community in the Plan area needs to engage in the LPR as a further act of public consultation.

105. I consider this policy should be removed. The supporting text to the policy can largely be retained as useful background but needs some alteration to clarify it is merely informative at this stage.

RECOMMENDATION 7

Delete Policy H1: Scale of New Housing

Retain the first two paragraphs of supporting text in section 8.2.

Delete the remaining paragraphs in section 8.2.

Insert the following as a new third paragraph in section 8.2:

“The consultation on the Neighbourhood Plan has raised concerns in relation to the scale of housing proposed for the area in the draft LPR proposals. The community will be further engaged in making representations on this subject as the LPR process develops. The current adopted Local Plan 2013 has detailed policies on windfall housing proposals.”

POLICY H2: Housing on Allocated and Larger Sites

106. The policy sets out design guidelines with a level of flexibility which accords with national guidance.

107. There is a need to establish that these criteria can also in some circumstances relate to all types of housing development not just on allocated sites and proposals for more than 20 dwellings. Whilst these broad design principles are more readily applied to this scale of development it is confusing and incorrect to imply that the

criteria are not applicable to some smaller scale development. I recommend altering the introduction to the policy to remedy this.

108.I share SMBC's concerns that it could not invalidate a planning application or refuse planning permission due to a lack of community consultation at pre-application stage. The policy as worded states "it is expected that" the NF is consulted on a master plan or design brief prior to submission of an application. It is not appropriate to include this type of planning process issue in a policy. I recommend that this element of good practice is more appropriately located under the paragraph relating to Setting, topography and design " which relates to similar matters.

109.There are certain minor alterations I have suggested to the paragraphs explaining the design criteria to make them clearer or in some cases less prescriptive to comply with the need for flexibility in design considerations as advocated in the NPPF.

110.The advice on 'Density' needs to be qualified to reflect that low density is only a characteristic of some parts of the Plan area. In order to conform to the NPPF advice regarding efficient use of land I recommend that the term essential in relation to the need to reflect local densities is made more flexible. Whilst the density map in appendix 1 is to an extent selective it is simply informative and not referenced in the policy and therefore acceptable as a supporting reference.

112.I agree with SMBC that under "Open Space provision, landscaping and gardens" there is a conflict in seeking wide roads and houses set back with the need to achieve efficient densities and use of land. I agree that efficient use of land is a cornerstone of the sustainability and a proliferation of wide roads could be regarded as unsustainable in modern development. The bullet point recommending this should be removed.

113.I share the Environment Agency's concern that the issue of flood risk assessment is not referred to and there should be a cross reference to the NPPF requirements.

RECOMMENDATION 8

In the policy wording after "larger windfall sites" insert "(defined as sites for 20 or more dwellings)"

**Add a further sentence to the introductory paragraph in the policy as follows:
" These matters may also be relevant to the consideration of some smaller scale development".**

Delete the final two final paragraphs in the policy (i.e. in the box edged green on page 33)

In the supporting text regarding “Application” add the following sentence to the end of the first paragraph:

“ These design criteria are also relevant to varying degrees to smaller scale development and will be applied in a proportionate and relevant manner.”

In the section relating to “Setting, topography and design” alter “Heritage and Character Study” to “Heritage and Character Assessment”. Insert a new third paragraph as follows;

“it is expected that on these sites a concept masterplan or design brief including design coding will have been prepared in consultation with the neighbourhood forum prior to submission of a planning application in accordance with the Council’s “Statement of Community Involvement”.

In the section relating to “Density” after “key characteristic of” insert “some parts of”. In the second sentence delete “essential” replace with “ important”.

On page 35 remove the bullet point “creating wide roads with houses set back behind private front gardens, except in village centres”.

Under “Other relevant Plan policies” Insert as a new first sentence “Design policies in the Local Plan will also need to be taken into account. In the existing first sentence after “All other housing policies” insert “in this Plan”.

Insert an extra bullet point “flood risk”. Add a new explanatory paragraph as follows:

“Flood Risk: There may be a need to consider flood risk issues as explained in the NPPF in Chapter 10 or in any subsequent versions of government guidance.”

POLICY H3: Affordable Housing

114.This policy requires that 50% of all new affordable housing shall be for persons with a strong local connection which is defined on the basis of a number of criteria including length of residence, presence of close relatives in the area, employment in the area and the need to provide care.

115.SMBC accepts that the policy is in principle in conformity with local strategic policies and is not unreasonable bearing in mind the potential amount of housing there will be provided in the Plan area. However, SMBC has concerns that 50% is too high a threshold bearing in mind it is not always possible to meet affordable housing need in the area in which it arises. SMBC propose 25% as a more reasonable figure.

116.There is no evidence quoted to back up the figure of 50% and I share SMBC’s concerns that this could compromise the requirement to provide for the affordable housing needs of the wider area. However, the suggestion to reduce the figure to 25% is reasonable given that this is a relatively low proportion and the

encouragement of affordable housing for people with a strong local connection contributes towards the sustainability of the local community.

117. The criteria in the policy are similar to those used to determine occupancy of rural exception housing and quoted in the SMBC supplementary planning document "Meeting Housing Needs". July 2014. However the time periods in the draft Plan are more stringent, which I consider acceptable given the need to protect availability of affordable housing for those without a strong connection.

118. It is recognised in the supporting text that in the event of insufficient qualifying applicants the properties will be let to persons with no strong local connection subject to SMBC agreement. It is necessary that this is made explicit in the policy in the interests of clarity. The allocation to these other persons shall be at the discretion of SMBC and no other party.

119. SMBC has concerns regarding the NF's intentions expressed in the final paragraph on page 37 to seek to negotiate a local split of social rented/shared ownership in affordable housing provision. This is not a policy but a community action, which is acceptable for the NF to promote in its Plan.

RECOMMENDATION 9

In the Policy H3 replace "50%" with "25%".

Add the following paragraph to the end of the policy as follows:

" In the event there are no applicants that fulfill the strong local connection criteria the housing will be allocated to other persons in accordance with SMBC's allocation procedures or an affordable housing provider, whichever is appropriate."

**At the end of the final paragraph in section 8.4 add the following sentence;
"This is included as a community action in appendix 3"**

Include a reference to this as a community action.

POLICY H4: Housing Mix

120. The first part of the policy requires 60 sheltered housing units and 2 dementia homes to be provided on a proportionate basis on allocated and larger sites. The Plans "Housing Needs Assessment" identifies a need for this type of accommodation on the basis of an ageing population and justifies the level of the housing proposed. The need for this type of accommodation is not contested.

121. It is proposed to base the proportionate requirement for this housing on the basis of the size of the site in relation to the overall quantum of the allocated and larger sites. However, it may be that the proportions of housing on some sites are

not viable. Sheltered and institutionalized housing¹² requires a business model, which may not be viable particularly on a small number of units less than 60 units. The position is further complicated as there are no allocated sites yet identified so it is not possible to ascertain how the proportionate requirement will work. Furthermore, there will be no allocation of “larger sites” so it will not be possible to arrive at a proportionate figure for them.

122. This part of the policy is therefore imprecise and not capable of effective implementation and I recommend it be deleted. However, the need for market housing for older persons can be reflected within the policy, as explained below.

123. The second part of the policy relates to market housing and sets out a preferred housing mix to be applied on allocated and larger sites. The NPPF¹³ requires that policies for housing mix must be based on anticipated demographic and market trends and the needs of a range of different groups in the community. It is submitted by the NF that the proposed housing mix is based on the SMBC’s Strategic Housing Market Assessment part 2 2016, the KDBH Housing Needs Assessment 2017, the 2011 Census and the Residents Survey carried out as part of this Plan’s process.

124. I consider the mix proposed is broadly in line with these studies and is properly evidenced. In particular the proportions of market housing types are sufficiently representative of the conclusions of figure 6.1 in the SMBC’s Strategic Housing Needs Assessment 2016.

125. However I agree with SMBC and others that the policy is too prescriptive in terms of the advice in the NPPF which is concerned to ensure policies are flexible enough to be deliverable and responsive to market trends.

126. The policy should acknowledge that the mix might change during the Plan period to reflect the most recent Housing Needs Assessment. Furthermore, the housing types are too specific to allow for the flexibility to respond to market trends. In particular the breakdown of the 2–bedroomed accommodation should be made less specific.

127. I therefore recommend that the provision of the predominantly 2-bedroom accommodation be composed of a relatively even mix of the two main elements i.e. flats or apartments and bungalows or houses.

128. I agree with SMBC that the requirement for 50% detached housing conflicts with the Plan’s objective to provide a greater proportion of smaller house types to respond to demographic changes. Furthermore, I do not see a justification or need to specify the built form of dwellings. I recommend this section of the policy be deleted.

¹² Housing as described in Class C2 of the Town and Country Planning (Use Classes Order) 1987

¹³ paragraph 50

129. In the case of proposals for flats/apartments and bungalows providing starter homes and homes for the elderly the policy proposes an exclusion from the specified proportions. This is acceptable and conforms to government advice and the local evidence referred to above promoting provision of starter homes and homes for the elderly who wish to downsize. The wording should be changed to refer generally to smaller dwelling units of 2 bedrooms or less as the reference “suitable..... for downsizing by older people” is difficult to define and implement.

130. Given the problem I identified with requiring provision of institutionalized housing and sheltered housing for the elderly it is appropriate for this type of housing to be exempt from the housing mix requirements. In this manner there is some ability to encourage this type of housing specifically to meet the needs of the elderly in accordance with the intentions of the policy as drafted and as supported by the evidence in the SMBC SHMA 2016 and KDBH Housing Needs Assessment 2017.

131. The penultimate paragraph in the policy is not necessary as these requirements relating to housing mix are included in the adopted Local Plan. It is however important that there is cross-reference to the Local Plan or any future relevant strategic policies relating to housing mix. The current Local Plan policy P4 c “Meeting Housing Needs” relating to “Market Housing” requires that criteria for determining housing mix include consideration of the economic viability, proximity to services and other matters. In this instance given the complexity of the policy in the interests of clarity the relevance of the Local Plan and future strategic policy should be highlighted with a brief explanation in the supporting text.

132. The final paragraph in the policy relating to windfall sites of less than 20 units is superfluous as it is effectively a repeat of the design policies elsewhere in the Plan.

133. The NPPF requires that economic viability has to be taken into account in the delivery of housing and the scope for viable development is less on smaller sites. Furthermore, there is potential conflict with policy D1 that seeks to assimilate densities of development into the prevailing character of the area. It is therefore considered appropriate to restrict these detailed housing mix requirements to larger and allocated sites. This reference also causes confusion because it does not account for Local Plan policy P4 that contains a number of criteria to be considered in relation to housing mix on unidentified (windfall) sites.

RECOMMENDATION 10

Delete the paragraph under the title “Purpose built housing for older people”.

Under the heading “Market Housing”, reword the policy as follows:

“On allocated sites and larger sites, market housing shall be provided in the following sizes:

- **about 32% shall be a relatively even split of flats/apartments and bungalows/houses of predominantly 2 bedrooms or less**

- about 34% shall be 3 bedroom houses
- about 34% shall be 4+ bedroom houses.

This policy does not apply to proposals for the provision of specialist institutionalised housing (under Class C2 or C2A of the Town and Country Planning (Use Classes) Order 1987, or subsequent re-enactment), sheltered housing for older people, or for affordable housing.

The provision of a higher proportion of smaller dwelling units of 2 bedrooms or less and starter homes, will be supported providing the remaining housing mix is similar to the proportions referred to above.

The housing mix shall be in accordance with the latest Strategic Housing Market Assessment or equivalent Housing Needs Survey, approved by Solihull Metropolitan Borough Council.

The determination of housing mix shall take into account any relevant adopted strategic policies in the Local Plan or supplementary planning documents.

Housing mix on sites not allocated or less than 20 dwellings shall be considered in relation to Local Plan policies.”

Delete the first four paragraphs of supporting text in section 8.5. and replace with the following;

“ This policy applies to allocated sites and larger sites of more than 20 units. It does not apply to schemes or parts of schemes, which are for institutionalised housing, sheltered, or affordable housing.

The KDBH “Housing Needs Assessment” demonstrates a need for additional specialist housing to meet the needs of older people and starter homes for those seeking entry to the property market. The Plan’s objectives and policies seek to meet this need as far as possible within the Plan’s jurisdiction.

In accordance with national planning guidance in the NPPF and local strategic housing policies in the adopted Local Plan it is the intention to meet the objectively assessed housing needs of all sectors of the community.

This policy provides a local dimension but should be read with close reference to policies in the NPPF and the Local Plan relating to housing mix.”

Retain the existing final three paragraphs of supporting text in section 8.5

POLICY H5: Apartments

134. The policy states permission will be granted for apartments on “residential roads of a mixed nature” which is an imprecise description open to diverging interpretations. This is not precise enough for a planning policy as referred to in the NPPG¹⁴.

135. The policy is confusing and potentially contrary to the adopted Local Plan because it does not explicitly state what the situation is regarding apartments elsewhere.

136. The policy seeks to control the scale and design of these developments but that can be achieved with other design policies in this Plan and the Local Plan and is therefore confusing.

137. The use of the term “well-suited” in relation to the needs of down-sizers is again imprecise. Policy H4 helps to provide accommodation suitable for the elderly.

I recommend the policy be deleted.

RECOMMENDATION 11

Delete policy H5; Apartments and supporting text.

POLICY H6: Windfall Housing

138. This policy provides very general criteria relating to development on windfall sites. This is confusing in its generality, as it does not include some criteria referred to in national guidance and Local Plan policies, which govern consideration of housing development.

RECOMMENDATION 11

Delete Policy H6: Windfall Housing and the supporting text.

POLICY H7: Extensions and Alterations

139. This policy provides basic guidance regarding the design of residential extensions and alterations and is acceptable.

¹⁴ Paragraph: 041 Reference ID: 41-041-20140306

140. It would be more appropriately located in the section on Design for ease of reference and to assist the reader in appreciating other design policies apply to residential extensions and alterations.

141. The reference to residential needs to be made explicit and the policy should refer to the need for extensions to complement the host dwelling.

RECOMMENDATION 12

Relocate the policy in the Design section.

Alter the title to “Residential Extensions and Alterations and development within the curtilage”.

In the policy after “respect the” include “the dwelling and”.

DESIGN

POLICY D1: Character and Appearance

142. The policy seeks to establish certain design principles in the consideration of development proposals. The criteria are generally acceptable and echo national guidance and local policies. However, the opening paragraph is too prescriptive in requiring that development “shall” conform to all these criteria that relate to a development of different type and scale. This should be made less absolute in order to allow the flexibility recommended in the NPPF paragraphs 59 and 60.

143. I do not accept that as there is a mix of local architectural character the policy is flawed in requiring local characteristics be taken into account. The policy just requires local characteristics to be taken into account as a basis for good design which is a fundamental basis of good urban design and establishment of local distinctiveness as reflected in NPPF advice in paragraph 60.

144. In the interests of clear and comprehensive guidance, the supporting text should make reference to the design policies in the Local Plan.

145. The references to the “Heritage and Character Assessment 2017” and the “Master planning Design and Design Coding Study 2017” would have greater status and add to clarity if they were included in the policy.

RECOMMENDATION 13

**Alter the final sentence in the opening paragraph in the policy as follows:
“In KDBH the following are some of the criteria which will be used, when relevant, to assess the acceptability of the design of development:”**

Insert a new second paragraph into the supporting text as follows:

“ There are design policies in the Local Plan which will also be applicable in assessing any development.”

Delete the first paragraph in the supporting text on page 43 and include the following as the first paragraph after the bullet points in the policy as follows;

“ The recommendations and findings of the “Heritage and Character Assessment” 2017 and the “Masterplanning Design and Design Coding Study” 2017 will be taken into account in the assessment of development.”

POLICY D2: Design in Conservation Areas

146.This policy is acceptable as it takes into account national guidance and is in conformity with local strategic policy. The criteria are worded in a sufficiently clear and where necessary flexible manner.

147.I agree with SMBC that “higher standard of design “is an ambiguous term. This reference is unnecessary given the criteria.

148.I also agree that it is too prescriptive to require all signs should not be backlit

149.In the interests of clarity, the reference to “key buildings” would benefit from greater clarity and an appropriate reference is Appendix 3 of the Knowle Conservation Appraisal in which listed building and buildings on the local list are identified.

150.The reference in the policy to the Granville Road Conservation area to “high standards” is not clear and should be removed.

151.The references to the Dorridge (Station Approach) Conservation Area should be made consistent.

152.SMBC has raised some issues with the content of Appendix 6 that summarises the SMBC policy on shop fronts. I agree with most of the points raised and have recommended appropriate alterations to Appendix 6 to establish clarity and avoid inconsistencies.

RECOMMENDATION 14

Delete the first sentence of the policy.

In the second bullet point insert at the end of the sentence the following; “as summarised in Appendix 6”.

In the fourth bullet point delete the sentence “There shall be no backlighting of shop signs” and replace with “Signage shall not be backlit unless it can be demonstrated that there is no significant impact on visual amenities.”

Reword the penultimate bullet point in the policy, as follows:

“ Important vistas of listed and local listed buildings, as identified in Appendix 3 of the Knowle Conservation Appraisal 2007 shall be maintained”.

Reword the last sentence of the policy as follows;

“In the Granville Road Conservation area the design of buildings and extensions shall respect the Victorian character of the existing buildings and their green setting.”

In the second paragraph of supporting text in section 9.3 in the first sentence delete ‘Station Road’ and add “Dorridge (Station Approach)”.

In the last sentence of the final paragraph of supporting text on page 43 insert after “permission”, “ or advertisement consent”.

In the supporting text penultimate paragraph , at the end of the third bullet point insert “see Appendix 6.

Make the following alterations to Appendix 6:

“ In the second bullet point delete. “Such applications will be refused.” In the third bullet point after ‘Free standing’ , insert “fixed”.

In the fifth bullet point after “conservation area” insert “or their” settings.

Alter the sixth bullet point as follows:

“Small non-illuminated hanging signs, preferably of wood are the preferred form of signage in conservation areas”.

TRAFIC and TRANSPORT

POLICY T1: Parking for Residents

153. In the Policy Goals, 10.1 it would clarify the scope of the Plan if it was emphasised this Plan cannot contain policies to require the Highway Authority to improve highway infrastructure and these goals are future community actions rather than policies.

154. SMBC and others have concerns that the parking requirements are too prescriptive and are not consistent with the guidelines in the SMBC adopted supplementary planning document “Vehicle Parking Standards and Green Travel Plans” 2006. The Local Plan policy P8 “Managing Demand for Travel and Reducing Parking Congestion” requires compliance with the supplementary guidance. Whilst this policy is not strategic it is confusing that there is variance with the Plan and the supplementary planning document. The parking requirements in this policy are more

onerous and there is no evidence advanced to seek to justify the need for more stringent policies in the Plan area.

155. The policy is also vague in relation to arrangements for visitor parking and does not refer to the need to be flexible in situations where there are good public transport links as recommended in the NPPF, paragraph 39.

156. I therefore recommend this policy is deleted.

RECOMMENDATION 15

In section 10.1 “Traffic and Transport – Policy Goal” alter the second sentence in the last paragraph as follows;

“The Plan is concerned with land use matters and development proposals and cannot require the Highway Authority to carry out schemes to improve the highway infrastructure. However the Neighbourhood Forum has identified a community action in appendix 3 and will work with such stakeholders to help meet the Plan’s target outcomes.”

Delete Policy T1: Parking for Residents and supporting text

POLICY T2: Parking for Non-Residential Premises

157. Similar comments apply to this policy as to T1 above. There is no reference to the Local Plan or the adopted supplementary planning document and an absence of evidence. Furthermore the policy is vague in the use of the terms “appropriate arrangements and “overriding considerations”.

158. Further more the reference to avoiding “worsening” of parking conditions in the vicinity of St, John’s Close is not clear and unsupported by evidence.

159. The policy and supporting text should therefore be deleted

160. In view of my recommendations in relation to policies T1 and T2, I have recommended some text to cross-refer to the adopted guidance regarding parking in the interest of providing clarity and comprehensive guidance on policies regarding Traffic and Transport.

RECOMMENDATION 16

Delete policy T2: Parking for Non-residential Premises

Insert the following supporting text as a new section 10.2

“10.2 Parking Policy

The Council has produced guidelines in a supplementary planning document “Vehicle Parking Standards and Green Travel Plans” 2006. These embody national guidelines in the NPPF, which seek a flexible approach to parking provision to promote sustainable transport. Parking requirements respond to a number of factors including accessibility to public transport and services, levels of car ownership anticipated in association with a development and the type, mix and uses in a development.

There are areas in the Plan coverage where there is particular parking stress and congestion. In some case developers will need to demonstrate with the benefit of travel plans showing how parking can be accommodated on site and measures to reduce car usage.

POLICY T3: Parking at Village Centres and for Rail Users

161. The Policy expresses support for provision of off-street parking in certain locations. There is a need to introduce a general qualification requiring compliance with other Plan policies particularly to protect residential living conditions, and achieve an acceptable design and access arrangements.

162. The threshold point for provision of electric charging facilities seems relatively high and is not evidenced. This requirement is consistent with government policy to reduce emissions but in the absence of evidence it is not possible to include a threshold but rather encourage electric charging.

RECOMMENDATION 17

At the end of the first paragraph of the Policy T3, insert the following; “subject to conformity with other adopted national and local policies

Delete the second paragraph of the policy and replace with the following: “The provision of electric charging facilities is encouraged.”

POLICY T4: Contributions to Additional Parking and Road Improvements

163. The policy is fundamentally acceptable as it offers guidance to future planning obligations. Whilst no specific evidence of parking and road capacity issues has been offered it is clear that this is reasonably related to any major development proposals in the area and necessary to make development acceptable in accordance with guidance in the NPPF, paragraph 204.

164. The wording is vague in some instances and needs to be more precise.

165. The policy should be specified to relate to any development with significant traffic generation.

166. There is a requirement to refer to any potential obligation required under the Community Infrastructure Levy.

167. The reference in the policy to conditions existing at the start of the Plan period is not acceptable as it is not possible to define these conditions as time progresses.

RECOMMENDATION 18

Alter Policy T4 as follows:

“ Development which generates a significant impact on traffic movements shall make a proportionate contribution to any identified traffic infrastructure improvements and/or additional parking capacity in any related scheme. The contribution will be secured by a planning obligation and/or as a requirement under the Community Infrastructure Levy.

If part of the development is within a 750 metre radius of the centres (defined below) of Knowle, Dorridge or Bentley Heath, then any parking provision can alternatively be made by allocating proportionate off-street parking areas within that part of the development site itself.

The provisions must be sufficient to ensure that any existing conditions regarding traffic congestion or parking capacity are not exacerbated. “

POLICY T5: Transport Assessment and Travel Plans

168. The policy requires the submission of a Transport Assessment or Travel Plan in certain instances to assess traffic impacts. This is a matter for SMBC and the validation criteria that govern the nature of information required in order to register planning applications. This is essentially a matter of planning process and not suitable for the inclusion as a policy in the Plan.

169. The text can be retained in the Plan as supporting text rather than a policy.

RECOMMENDATION 19

Turn Policy T5 into supporting text rather than a policy.

Delete “Policy” from the title and remove the green box around the policy text.

Alter the final paragraph in section 10.6 as follows;

“The Local Plan Policy P8 on “Managing Demand for Travel and Reducing Congestion” aims to ensure that, following development, there would be no material harm to the safe and free flow of traffic, nor any significant affect upon the availability of public parking space within the village centres.

POLICY T6: Walking Infrastructure

170. This policy is consistent with national guidance and in broad conformity with Local Plan policy aimed at improving accessibility and encouraging sustainable travel.

171. There should be reference to the need for new development to link with existing footpaths.

RECOMMENDATION 20

**Add the following sentence to the second paragraph of the policy.
“Development should link to existing public footpaths whenever possible.”**

POLICY T7: Cycling Infrastructure

172. This policy is consistent with national guidance and in broad conformity with Local Plan policy aimed at improving accessibility and encouraging sustainable travel.

173. There should be reference to the need for new development to link with existing cycleways.

RECOMMENDATION 21

**Insert a further sentence at the end of the final paragraph in the policy as follows;
“ Development should link to existing cycle paths whenever possible.”**

POLICY T8: Road Infrastructure

174. The policy supports certain road improvements but there is a need to take account of environmental sensitivities. The specified road improvements should not require planning permission and this should be a community action for the NF to pursue with the Highway Authority rather than a policy.

175. The policy seeks to ensure that the free and safe flow of traffic will be protected on certain “roads of local importance”. I agree with SMBC that national guidance and Local Plan policy P8 “Managing Demand for Travel and Reducing Congestion” require 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. It is incorrect to specify certain roads where these requirements will be applied.

176. The policy and supporting text including Appendix 7 should be removed as a policy. The details of the preferred road improvements could be included as a

community action for the NF to pursue. Reference may be made to the scope to consider improvements via planning obligations when appropriate.

RECOMMENDATION 22

Delete Policy T8 and supporting text including the photograph on page 50.

Include new title to section 10.9 as follows;

“Road Infrastructure”

Include a new paragraph as follows;

“The Neighbourhood Forum are concerned to secure certain road improvements and will liaise with the Highway Authority to secure the improvements listed in the community actions in Appendix 6. In appropriate cases of new development planning obligations may be used to secure these improvements.”

Insert the relevant schemes in Appendix 3.

POLICY T9: Public Transport Infrastructure

177.The policy lends support to various public transport infrastructure initiatives and schemes. These works/schemes are outside of planning control and therefore unsuitable as a policy.

178.They should be reformatted as a community action. Reference may be made to the scope to consider improvements via planning obligations when appropriate.

RECOMMENDATION 23

Delete policy T9 and supporting text as a policy.

Reformat the text as a community action and include as appendix 3.

Alter title to section 10.10 to “Public Transport Initiative”.

Include the following opening paragraph;

“The Neighborhood Forum intends to liaise with the Highway Authority and other agencies to promote public transport infrastructure. In appropriate cases of new development planning obligations may be used to secure these improvements.”

POLICY T10: Infrastructure for Cleaner Transport

179.The introduction of electric charging facilities into existing car parks cannot be achieved under planning legislation. This should be a community action.

RECOMMENDATION 24

Delete Policy T10 and supporting text as a policy. Reformat as a community action to be included in Appendix 3.

EDUCATION and COMMUNITY FACILITIES

POLICY ECF1: Formal education – Places for Local People

180. This policy is concerned to ensure any funding for schools from planning obligations is sufficient to accommodate increased demand for places and not adversely impact of local educational facilities to residents.

181. The Local Plan policy P21 “Developer Contributions and Infrastructure Provision” states generally that developers should contribute to provision of social and physical infrastructure.

182. The policy is fundamentally acceptable in seeking to ensure that in the Plan area monies are directed to education provision. Further qualification is required regarding the scale of housing that this applies to. In line with the other policies in the Plan the threshold of allocated and larger sites is appropriate.

183. The phrase that new development must not adversely impact the availability of educational facilities to existing residents is too vague for inclusion in a policy. It is possible however to require that funding from obligations shall relate in scale and kind to the development in accordance with the advice in the NPPF. However, the extent of the contribution has to be considered along with other planning obligations and the viability of the development as a whole. This has to be recognised in the policy.

RECOMMENDATION 25

Delete the text in policy ECF1 and replace with the following text;

“Proposals for development on sites allocated for housing or large scale housing development of 20 or more dwellings should when a need is identified contribute to provision of local schools infrastructure to accommodate the increased demand for places. This funding will be dependent on a consideration of the overall viability of the scheme.”

POLICY ECF2: Formal education – Location of New Schools

184. The policy establishes criteria for proposals for additional schools capacity. These are acceptable but it should be clear that the specified criteria are not the only considerations.

RECOMMENDATION 26

Alter the first paragraph of the policy as follows:

“ Where the need for additional pupil capacity has been demonstrated, provision of new or expanded schools will be supported particularly if there is compliance with the following:”

POLICY ECF3: Protection of Community Facilities and Services

185.The policy protects community facilities from removal subject to alternative criteria. The criteria are acceptable.

186.The policy is in conformity with Local Plan policy P18 “Health and Well Being”. It adds to that policy by specifying in the supporting text particular community facilities considered to be of value by the community.

POLICY ECF4: New Housing Development – Investment in Community Facilities

187.The policy requires housing development to contribute to enhancing community facilities including contributions via planning obligations. This is acceptable but further qualification is required regarding the scale of housing that this applies to. In line with the other policies in the Plan the threshold of allocated and larger sites is appropriate.

188.Furthermore, the policy as worded is too prescriptive and has to refer to the criteria in the NPPF in paragraph 204, that apply to planning obligations and the need to consider the viability of the development and the overall planning obligation requirement, including the Community Infrastructure Levy.

RECOMMENDATION 27

Alter the first sentence in Policy ECF4 as follows:

“Proposals for new housing on allocated sites or larger sites (20 or more dwellings) will be assessed in relation to the need to enhance local community facilities to meet the needs of new residents.”

Add the following sentence to the end of the first paragraph of supporting text; “ The need for and level of contribution to enhance facilities will be assessed in relation to the NPPF advice on planning obligations, the need to assess the overall viability of the development and the extent of other planning obligations, including any requirements under the Community Infrastructure Levy.”

POLICY ECF5: Recreation, Leisure and Sport

189. The policy is promoting these types of proposals is in accordance with national guidance and Local Plan policy P18 promoting “Health and Well Being”. The use of the term “welcome” in the policy is not precise enough and should be changed to “support”.

190. The term “proportionate” in the second bullet point is difficult to define in this context and should be deleted.

191. The final bullet point is clumsily worded and should make reference to Local Plan policy as well as this Plan.

RECOMMENDATION 28

In policy ECF5 in the first sentence delete “welcome” and replace with “support”.

In the second bullet point delete “proportionate”.

In the final bullet point in the policy reword as follows;

“Satisfy other policies in this Plan and the Local Plan”.

POLICY ECF6: Community Access and Management

192. This policy is seeking to control the management arrangements associated with community facilities in the interests of securing sufficient public access. The policy requires submission of a Community Access and Management Statement to describe the public access arrangements.

193. This requirement cannot be contained within a Plan policy, as it is a matter for SMBC and the validation of planning applications. SMBC has pointed out that currently there is no requirement under national or local validation criteria for this type of Statement.

194. The policy is acceptable subject to amendments. The policy should be extended to include larger sites of 20 or more dwellings to be consistent with other Plan policies.

RECOMMENDATION 29

Alter the text of the policy ECF6 as follows;

“When development of sites allocated for housing or of sites of 20 or more dwellings, include proposals for new community facilities if necessary the

extent of public access to the facilities shall be agreed as part of the terms of a planning permission. Applicants are encouraged to submit a Community Access Statement setting out arrangements for providing and maintaining public access and details of future management of the facility.”

EMPLOYMENT, including RETAIL and OTHER COMMERCIAL USES

POLICY E1: Retention of Shops and Services

195. The policy seeks to protect the three village centres by promoting retail units and resisting non-commercial uses that impact on their viability and vitality and are not dependent on visiting members of the public.

196. This policy is in accordance with national guidelines and the Local Plan and the aim to promote sustainable development in centres and minimize the need for car travel. Local Plan Policy P2 “Maintain Strong, Competitive Town Centres” directs large-scale main town centre uses into Solihull, Shirley and Chelmsley Wood town centres. The smaller centres in the Plan area are suitable for smaller scale retail, service and business uses dependent on service to visiting members of the public. The relevance of the Local Plan policy in terms of the appropriate scale in these smaller centres needs to be referred to in the policy

197. During the examination, following my request the NF defined the centres of Dorridge and Bentley Heath on a map in the same manner as Knowle.

198. The policy adopts a different approach in each of the centres on the basis of their relative size and function. This approach is acceptable.

199. In Knowle there is a resistance to any non-retail use i.e. not A1 Use Class¹⁵ in the primary frontages but in the secondary frontages acceptance of uses in Classes A1-A5 including financial services, restaurants, cafes, drinking establishments and hot-food takeaways. The policy needs to refer to the scope for the loss of A1 retail units in the event it can be demonstrated with evidence they are not viable.

200. The supporting text should explain the evidence requirement and that in some cases it will be necessary for a chartered surveyor to demonstrate that property has been properly marketed for sale at an appropriate price for a minimum of 6 months and has not generated any interest to purchase as a retail unit.

201. The approach in Dorridge resists loss of any Part A uses.

202. In Bentley Heath loss of A1 retail is resisted subject to viability on account of the particular sensitivity and value in this smaller centre of the retention of convenience shopping. Non-retail uses may be permitted if they can be proven to provide equal or

¹⁵ As defined in the Town and Country Planning (Use Classes) Order 1987. All subsequent references to a Class or Part A is in relation to this Order.

greater benefit than the existing use to the local economy or community and subject to no unacceptable impact on residential amenity or car parking.

203. The text of the policy is confusing as there is a general caveat in the opening paragraph that the vitality of the immediate frontage of a shop/service use and the mix of uses in the centre as a whole will be taken into account. There is no reference to how this will be done and what parameters will be used to assess viability or the balance of uses.

204. In Dorridge it is appropriate to establish a percentage threshold for the preferred Part A uses in order to ensure a reasonable balance of uses in the centre. I consider 75% as a number of units is a reasonable threshold. In the other centres this approach is not suitable due to the nature of the centre and the objective of the policy. In Bentley Heath any loss of convenience shopping in the small centre is relatively damaging, whilst in Knowle there is a distinction between primary and secondary frontages that allows for flexibility without the need for a percentage threshold.

205. There is no mention of viability in relation to Dorridge and Knowle primary frontage. There has to be a consideration of viability in all cases in order to take into account guidance in the NPPF, paragraph 24 which requires that Plans should be positive and flexible in accepting alternative uses in order to arrest any identified economic decline.

206. It is therefore too prescriptive to state that in Knowle primary frontage and Dorridge any use outside of Class A or Part A, respectively, will be resisted with no account of viability.

207. The reference to alternative uses which provide benefits to the local economy or community of equal or greater benefit is a vague concept and lacks sufficient precision for a planning policy. Such acceptable alternative use should be defined as protecting the viability and vitality of the centres. In cases where other uses may be acceptable in terms of this policy due to the wide range of issues raised by these types of proposal, there should be a caveat that there is a need to consider "other policies". Such policies include those concerned with design, parking and the protection of residential amenities.

208. These centres need to continue to have viability and vitality. This is essentially based on attracting visiting members of the public and footfall. This should be the reference point in the policy to ensure compliance with the intentions of the NPPF to achieve sustainable district and local centres such as these.

209. The policy should be reformatted to achieve consistency, clarity and take adequate regard of national and local planning guidance and conform to basic conditions.

RECOMMENDATION 30

Alter policy E1, as follows:

“ In the centres defined on the maps below;

Proposals for shops within Class A1 of the Town and Country Planning (Use Classes) Order 1987(or subsequent re-enactment) (*add footnote to “see glossary” where Part A of the Use Classes Order is explained*) will be supported subject to their scale and retail policy in the Local Plan and other policies.

Proposals that result in the loss of shops (Class A1) may be resisted subject to the criteria below.

Uses within Part A and in the case of Knowle also Class B1(a), of The Town and Country Planning (Use Classes) Order 1987(or subsequent re-enactment), such as shops, financial and professional services, restaurants, cafes, takeaways and drinking establishments (full list described in the Plan glossary) will be protected and encouraged subject to the criteria below:

Dorridge:

Proposals resulting in the loss of existing ground floor units from use as shops, financial and professional services, and other uses within Part A of the Schedule to the Town and Country Planning Act (Use Classes) Order 1987, or subsequent re-enactment) will be resisted if the proportion of units in the centre in these uses falls below 75%. However, if it can be demonstrated with evidence that the proposed alternative use will contribute to the day-time viability and vitality of the centre or that a Part A use is no longer viable the alternative use may be acceptable subject to other policies.

Bentley Heath:

Proposals resulting in the loss of existing ground floor shop units (Class A1) will be resisted unless it can be demonstrated with evidence that the use of the premises for that purpose is no longer viable.

In such cases proposals for the change of use to uses within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987,or subsequent re-enactment, or to a use which would contribute to the day-time viability and vitality of the centre, will be supported subject to other policies. In the event it can be proven with evidence that none of the above-specified uses are economically or functionally viable then alternative uses may be acceptable subject to other policies.

Knowle

Within primary retail frontages, proposals that would result in the loss of ground floor shop units (within Use Class A1) will be resisted unless it can be demonstrated with evidence that such use is not viable or the alternative use will contribute to the day-time viability and vitality of the centre.

In secondary frontages a mix of shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and offices (within use Classes A1-A5 and B1(a) will be supported subject to other policies.

In all centres, the use of upper floors above ground floor commercial units for residential or office uses will be supported, subject to other policies”

Include the Plans of Dorridge and Bentley Heath centres as forwarded to the examiner on the 15/8/18 by SMBC. Delete the maps on page 78.

Enter Part A and Class B1(a) of the Schedule to the Town and Country Planning Act (Use Classes) Order 1987 in the Glossary in the Plan.

Insert these new paragraphs after the first paragraph in the supporting text in section 12.2 as follows;

“ The policy seeks to maintain and improve local shopping facilities and services, including local offices, to safeguard their vitality and viability and provide a comprehensive range of shops and services for use by residents. The policy operates in the context of Local plan policies that determine the smaller scale of shops and services suitable for the centres in the Plan area. It is intended to retain uses in the centres that support their viability and vitality. However, the policies will operate when necessary with a need to consider the economic and functional viability of the uses that are being lost to determine whether there is justification for their removal. This will require submission of evidence that a use is not economically viable or for which in functional terms there is insufficient demand. In some case it will be necessary to demonstrate via a report from a chartered surveyor that the property has been marketed on reasonable terms for a minimum period of 6 months and there has been no written offers of purchase for the existing use.

In some case where a retail use cannot be supported an alternative use may be acceptable which encourages footfall mainly in the day-time and contributes to the vitality and viability of the centre. Such uses are acceptable in principle but also need to conform to other policies, particularly E2 below “New Development in Village Centres”.

Delete the first sentence in the final paragraph on page 59 and retain the remainder of this paragraph.

In the third paragraph on page 60 regarding Knowle add the following extra sentence;

“ It is important to protect the primary frontages in the centre. In some cases, in the primary frontages, uses that are not within A1 use may be acceptable if it can be demonstrated they will encourage footfall during the day-time and are acceptable in terms of other policies.”

POLICY E2: New Development in Village Centres

210.The policy encourages development that will support the vitality and viability of the centres and is in accordance with other policies.

211.As the policy is establishing the criteria which will make the development acceptable it is necessary to have a catchall reference to Local Plan policies.

212.I agree with SMBC that the term “supported” is preferable than “granted” as it is consistent with other Plan policies and less categorical but nevertheless sufficiently precise. In addition the “appearance” of conservation areas should be referred to as well as their character in order to fulfill the statutory obligations in the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION 31

In policy E2 in the opening sentence delete “granted” and replace with “supported”.

In the second bullet point after “character” insert “and appearance”.

Add a further bullet point as follows;

“compliance with policies in national guidance and the Local Plan”.

POLICY E3: Business Centre

213.The policy is supporting the provision of a business centre providing accommodation for businesses.

214.As the policy is establishing the criteria which will make the development acceptable it is necessary to have a catch-all reference to Local Plan policies.

215.The preclusion of retail uses is inconsistent with the policy E1 with the statement that village centres are the preferred location. Furthermore, in Knowle centre both business (Class B1A) and retail uses in secondary frontages are encouraged. The preclusion of retail uses should be omitted in reference to village centres to conform to other Plan policies, national guidance and the Local Plan.

216.There is a need to preclude retail uses outside of centres to be consistent with national guidance and Local Plan policies

RECOMMENDATION 32

In policy E3 add an extra bullet point as follows:

“it complies with national guidance and Local Plan policies”.

Alter the second bullet point as follows:

“retail uses are precluded unless the site is within a centre”

POLICY E4: Working from Home

217.This policy is in accord with national guidance and Local Plan policies.

COMMUNICATIONS INFRASTRUCTURE and UTILITIES

POLICY U1: Mobile Phone and Broadband Infrastructure

218.This policy is in accord with national guidance and Local Plan policies.

SUMMARY

219.I have completed an independent examination of the Neighbourhood Development Plan.

220.The NF has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

221.I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the National Planning Policy Framework and local development plan policies.

222.Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

- a) Has regard to national policies and advice contained in guidance issued by the Secretary of State.
- b) The making of the plan contributes to sustainable development.
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

e) The making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012).

223. I am satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

224. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

225. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

226. I am therefore pleased to recommend that the Knowle, Dorridge and Bentley Heath Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum.