

**Meeting date:** 22 January 2019  
**Report to:** Cabinet Member Managed Growth



**Subject/report title:** Knowle, Dorridge and Bentley Heath Neighbourhood Plan Independent Examination  
**Report from:** Assistant Director – Growth and Development  
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**Wards affected:**

- All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  
 Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  
 Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  
 Shirley West |  Silhill |  Smith's Wood |  St Alphege

**Public/private report:** Public

**Exempt by virtue of paragraph:** Select an Exemption paragraph from the Quick Parts drop-down list

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**1. Purpose of Report**

- 1.1 To consider the report of the Independent Examiner; agree the Council's response to the recommended modifications; and consider whether the Neighbourhood Plan can proceed to a local referendum.

**2. Decision(s) recommended**

The Cabinet Member is asked to:

- (a) Agree the Council's responses to the Examiner's recommended modifications to the Knowle, Dorridge and Bentley Heath Neighbourhood Plan as set out in Table 1A of the Decision Statement Table at Appendix A.
- (b) Agree that the Knowle, Dorridge and Bentley Heath Neighbourhood Plan is modified in accordance with the Decision Statement Table (Tables 1A – 1F) at Appendix A and can proceed to referendum;
- (c) Accept the Examiner's recommendation that it is not necessary to extend the referendum area and that the most appropriate area for the referendum will be the designated Knowle, Dorridge and Bentley Heath Neighbourhood Area.

### 3. What is the issue?

3.1 A Neighbourhood Development Plan (NDP) is a community led plan which sets out policies to guide the future use and development of land within a specified Neighbourhood Area.

3.2 The regulatory process for preparation of a NDP can be summarised as follows:

Key Stage / Process	Action
1. Neighbourhood Area Designation	Parish/Town Council or Neighbourhood Forum apply to Solihull Council for Area designation
2. Pre-Submission Consultation	6 week consultation on draft Neighbourhood Plan undertaken by the local community
3. Submission	Neighbourhood Plan formally submitted to Solihull Council
4. Technical Compliance Check	Local planning authority check that all regulatory procedures have been followed
5. Publication	6 week consultation undertaken by Solihull Council
6. Examination	Solihull Council send Neighbourhood Plan to independent examination
7. Plan Proposal Decision	Solihull Council considers examiners report, including any recommended modifications and if satisfied with the Plan proposal, proceed to referendum
8. Referendum	Organised and funded by Solihull Council. Where 50% or more of those voting are in favour of the draft Neighbourhood Plan, it must be 'made' by the local authority and it then forms part of the statutory Development Plan.

3.3 In October 2015 the Council approved a Neighbourhood Area application for Knowle, Dorridge and Bentley Heath (KDBH). At the same time, the KDBH Neighbourhood Forum (NF) was formally designated as the qualifying body authorised to act for the area.

3.4 In accordance with the stages outlined above, a Pre-Submission draft Neighbourhood Plan was published for consultation by the KDBH NF in November 2017 and the final [Submission version of the Plan](#) was formally submitted to the Council in May 2018.

3.5 Following a technical compliance check the Submission Neighbourhood Plan was published for public consultation by the Council. As a statutory consultee, the Council made representations on the Plan which were considered and agreed by Cabinet Member at the decision session on [24 May 2018](#).

3.6 In accordance with Stage 6 above, the Council submitted the KDBH Neighbourhood

Plan for Independent Examination in July 2018.

#### **4. Independent Examination and the Examiner's Report**

- 4.1 The Council, with the agreement of the KDBH NF, appointed Mr Robert Bryan as the Independent Examiner of the Neighbourhood Plan. The Examination, which included all accompanying background documents and representations received during the consultation period, commenced on 10 July 2018 by means of written representations. An unaccompanied site visit to the Neighbourhood Area was also carried out by the Examiner.
- 4.2 The [Examiner's Report](#) was received on 14 September 2018. The Examiner concluded that he was satisfied that the Neighbourhood Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the basic conditions, subject to 33<sup>1</sup> recommended modifications outlined in his report. These are also set out in Table 1A at Appendix A.
- 4.3 Section 12 of Schedule 4B of the Town and Country Planning Act 1990, requires that the Local Planning Authority (LPA) must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each of them. However, the LPAs role at this stage is to also satisfy itself that the Plan meets the basic conditions, or would meet those conditions if modifications were made to the Plan (whether or not recommended by the Examiner).
- 4.4 In summary, for a plan to meet the basic conditions it must:
- Have regard to national policy and guidance issued by the secretary of state
  - Have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses
  - Have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
  - Contribute to the achievement of sustainable development
  - Be in general conformity with the strategic policies contained in the Development Plan for the area of the Authority (or any part of that area)
  - Does not breach, but is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC and Human Rights requirements
- 4.5 Whilst the Examiner's recommended modifications are not therefore binding and there is scope for the LPA to also make modifications to the plan, the regulations set out that the only modifications that the authority may make are those that are necessary to ensure the Plan meets the basic conditions, or for the purposes of correcting errors.

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<sup>1</sup> The Examiner's report includes 2 Recommendation 11s. This is an error. For the purposes of the Decision Statement Table, Recommendation 11 has been split into Recommendation 11A and 11B. This avoids the need to renumber all subsequent recommendations.

- 4.6 It must be acknowledged that the NF does not agree with some of the Examiner's recommendations and these issues have been raised and discussed with the Council. Independent facilitation support has been sought by the NF to consider options for moving forward with modifications to the post-examination plan. In the spirit of collaboration, the Council has participated in these discussions and has considered all suggestions made.
- 4.7 Whilst the facilitation exercise proved helpful in reaffirming what changes and modifications the LPA could make to the Plan within the scope of the regulations, this informal advice does not form part of the statutory neighbourhood planning process or have any legal status within that process.
- 4.8 The Council's response to each of the Examiner's 33 recommendations is set out in Table 1A of Appendix A. The Table also identifies what changes are required to the KDBH Neighbourhood Plan in order for it to meet the basic conditions.
- 4.9 The LPA agrees with 23<sup>2</sup> of the Examiner's 33 recommendations in their entirety. In these cases the Examiner justifies that some policies do not meet the basic conditions because they are too prescriptive, too vague, repeat / do not comply with national or local policies, or have elements of ambiguity. The Examiner therefore recommends amendments to some policies / supporting text, or policy deletions. Notable policy deletions as recommended by the Examiner and agreed by the LPA include:
- Policy NE2: Habitats and Biodiversity - It is a part repeat of Local Plan Policy P10.
- Policy H1: Scale of New Housing - It is vague, confusing and lacks precision.
- Policy H5: Apartments - Policy wording is imprecise and confusing.
- Policy H6: Windfall Housing – Provides criteria that is too general and confusing.
- Policy T1: Parking for Residents – The requirements of the policy are too prescriptive and more onerous than required by the Council.
- Policy T2: Parking for Non-Residential Premises – The policy is vague and there is no reference to local policy.
- Policy T5: Transport Assessments and Travel Plans – Unsuitable for inclusion as a policy as it deals with matters of planning process.
- Policy T9: The works identified are outside of planning control and therefore unsuitable as a policy.
- Policy T10: The objective of the policy cannot be achieved under planning legislation.
- 4.10 As indicated above, in most cases the changes made to the KDBH Neighbourhood Plan will be those as recommended by the Examiner. However, in some areas, additional minor wording modifications / amendments are proposed by the LPA in

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<sup>2</sup> These are recommendations 1, 3, 5, 6, 7, 9, 11A, 11B, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 27, 31 and 32

order meet the basic conditions. For 5 out of 33 recommendations, the LPA agree with the Examiner's modifications in part, with some minor amendments to ensure that the basic conditions are met. The main changes relate to the following Policies:

VC1: Green Belt and Landscape – Recommendation 2: This requires a minor wording amendment to reflect more accurately how Green Belt policies should be applied.

VC4: Green Space – Recommendation 4: Three sites have been deleted from the list of Local Green Spaces. Whilst the Council does not disagree with the Examiner's recommendation and reasoning, it is considered that more detailed maps indicating the precise boundaries of the remaining Local Green Spaces should be included in the Plan.

H2: Housing on Allocated and Larger Sites – Recommendation 8: The Council largely agrees with the Examiner's modification. However it is considered that some of the recommended wording would not provide certainty for a decision maker. Minor textual amendments to the Examiner's modification have been necessary to provide clarity for how the policy should be applied.

T3: Parking at Village Centres and for Rail Users – Recommendation 17: The Council agrees in part with the Examiner's modification. However, it is considered that an alternative form of wording could be introduced which would secure at least some provision for the charging of electric vehicles, without specifying the proportion of spaces.

ECF6: Community Access and Management – Recommendation 29: The Council agrees in part with the Examiners modification. However, as some of the recommended wording is considered to be ambiguous, it has been necessary to remove this text.

- 4.11 There are instances, however, where the LPA either does not agree with the Examiner, considers that a different form of wording could effectively meet the basic conditions or considers that more significant changes are required. Out of the 33 recommendations, there are 5 which fall into this category as follows:

Policy H4: Housing Mix – Recommendation 10:

Whilst officers largely agree with the Examiners reasons for the modification, it is considered that some of the recommended wording is not entirely clear and could be seen as ambiguous. It would not therefore meet the basic conditions.

With reference to the requirement for the provision of sheltered and institutionalised housing on sites, the Examiner correctly states this is too prescriptive. However, it is considered that the policy could set out that this type of development would be supported, whilst still meeting the basic conditions. Additional text could be added to the policy to reflect this.

Amended and additional wording is therefore proposed that would ensure that the policy meets the basic conditions, whilst addressing the Examiner's issues with the policy.

#### Policy T8: Road Infrastructure –Recommendation 22:

Whilst the Council do not disagree with the Examiner's comments, it is considered that rather than deletion, amendments to the policy can be made to ensure that it falls within the scope of land-use planning.

This would ensure that the spirit of the policy is retained, the Examiner's issues with the policy are addressed and the basic conditions are met.

#### Policy ECF2: Formal Education – Location of New Schools – Recommendation 26

The Examiner's modified wording effectively provides double support for development. This is considered to be ambiguous and would not provide certainty for a decision maker, nor would it meet the basic conditions in terms of promoting sustainable development.

The reference in the original policy text to buildings being "well designed" is considered to be confusing as it is unclear whether this would replace general design policies in the plan, or not. This ambiguity would mean that the policy fails to meet the basic conditions. Overall, it is considered that the basic conditions can still be met with amended / additional or an alternative form of wording, whilst addressing the Examiner's issue with the policy.

#### Policy ECF5: Recreation, Leisure and Sport – Recommendation 28

There is agreement with some of the Examiner's recommended modifications for this policy. However, as with Policy ECF2, the Examiner's modified wording effectively provides double support for development. This is considered to be ambiguous and would not provide certainty for a decision maker, nor would it meet the basic conditions in terms of promoting sustainable development.

Overall it is considered that the basic conditions can still be met with amended / additional or an alternative form of wording.

#### Policy E1: Retention of Shops and Services – Recommendation 30

Whilst the Council would agree with most of the recommended modifications to the text, there is no justification why the Examiner has introduced a percentage threshold of 75% for Part A uses in Dorridge. This does not meet the basic conditions and reference to the 75% threshold should therefore be deleted.

The inclusion of additional text is also proposed in order that the policy is clear and unambiguous and that it can be interpreted positively and flexibly. This will ensure that the basic conditions are met, whilst also addressing the Examiner's issues with the policy.

- 4.12 Where the LPA is recommending changes which are markedly different to the Examiner's recommendation, the revised wording is set out fully on a policy by policy basis in Tables 1B – 1F of Appendix A. For ease of reference, the final Plan text is set out alongside both the original wording and the Examiner's recommended text.
- 4.13 As far as possible the Council has worked with the NF in its consideration of the

Examiner's recommended modifications. In some cases the NF has sought the inclusion of additional modifications or an alternative form of words. The Council has considered these in the context of whether they are necessary to meet the basic conditions or whether any suggested text would itself meet the basic conditions.

- 4.14 Tables 1A and 1B – 1F in Appendix A set out the changes that are required to the Knowle, Dorridge and Bentley Heath Neighbourhood Plan in order for it to meet the basic conditions and proceed to referendum.
- 4.15 The regulations set out that when a local authority proposes to make a decision which differs from that recommended by the Examiner, representations must be invited. However, this further consultation is only required when a departure from the Examiner's recommendation is based on new evidence. In this case, new evidence is not being introduced and further consultation is not considered to be necessary.
- 4.16 Finally, if the Examiner recommends that the NDP should proceed to referendum, he must advise whether the referendum area should be extended. This may occur where a proposal in the NDP will have a substantial direct impact beyond the NDP area. In this case, it is considered that the most appropriate area for the referendum will be that of the Knowle, Dorridge and Bentley Heath Neighbourhood Area as designated.

## **5. What options have been considered and what is the evidence telling us about them?**

- 5.1 If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, a referendum must be held. If the Local Authority is not satisfied that the plan meets the basic conditions and legal requirements then it must refuse the proposal.
- 5.2 The KDBH Neighbourhood Plan has been independently examined and found to meet the basic conditions subject to the recommended modifications. The Examiner has recommended that the Plan should proceed to referendum.
- 5.3 In accordance with the regulations, the Council has decided what action it proposes to take in response to each of the Examiner's recommendations and it has been considered necessary to make further modifications to ensure the Plan meets the basic conditions.

## **6. Reasons for recommending preferred option**

- 6.1 The Council is satisfied that subject to the agreed modifications recommended by the Examiner, together with additional amendments and further modifications by the LPA, the KDBH Neighbourhood Plan meets the basic conditions and should proceed to referendum.
- 6.2 Failure to take the KDBH Neighbourhood Plan forward to referendum would therefore be a failure of the Council's statutory duty as set out above.

## **7. Next Steps**

- 7.1 The Council must formally publish the decision it has made on the Examiner's

recommended modifications and whether the plan meets the basic conditions, or would meet those conditions if modifications were made to the Plan and should proceed to referendum.

- 7.2 The Council is then required to organise a referendum on the KDBH Neighbourhood Plan within 56 days (excluding weekends and bank holidays) of the publication of the decision to proceed to referendum.
- 7.3 Subject to agreement from Cabinet Member that the KDBH Neighbourhood Plan can proceed, a referendum will be held on Thursday 14 March 2019.
- 7.4 The question to be asked at the referendum is set out in the Neighbourhood Planning (Referendums) Regulations 2012 as follows:

*Do you want Solihull Metropolitan Borough Council to use the Neighbourhood Plan for Knowle, Dorridge and Bentley Heath to help it decide planning applications in the neighbourhood area?*

- 7.5 In order for the plan to be 'made' (i.e. brought into force) a majority of those voting must vote in favour of the Neighbourhood Plan.

## **8. Implications and Considerations**

- 8.1 Delivery of key themes in the Council Plan:

How will the options/proposals in this report contribute to the delivery of the key themes in the Council Plan?

- Managed Growth
- Build Stronger Communities

- 8.2 Implications for children and young people, vulnerable groups and particular communities:

- 8.2.1 None Identified.

- 8.3 Consultation and Scrutiny:

- 8.3.1 In accordance with the Neighbourhood Planning Regulations, the KDBH Neighbourhood Plan has been published for consultation at pre-submission and submission stage. This has provided interested stakeholders with the opportunity to comment on the plan.

- 8.3.2 In addition, the Council has publicised all consultation details and information about the Plan on its website, and where appropriate, Twitter feed and Stay Connected bulletin. No scrutiny issues have been identified at any stage in the process.

- 8.4 Financial implications:

- 8.4.1 The staff time associated with providing support to areas currently undertaking neighbourhood planning is funded through the existing Planning, Design and

Engagement Services budget. The Council is required to organise and pay for the independent Examination of a Neighbourhood Plan and any subsequent referendum. However, through the Neighbourhood Planning Grant, £20,000 can be reclaimed once a date has been set for a referendum following a successful Examination.

## 8.5 Legal implications:

8.5.1 Section 12 of Schedule 4B of the Town and Country Planning Act 1990, requires that the LPA must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each of them. However, the LPAs role at this stage is to also satisfy itself that the Plan meets the basic conditions, or would meet those conditions if modifications were made to the Plan (whether or not recommended by the Examiner).

8.5.2 The regulations make provision for the LPA to make modifications to the Plan if they are considered necessary to meet the basic conditions. If the LPA are satisfied that the basic conditions are met, a referendum must be held on the making of the Neighbourhood Plan. The Plan on which the referendum is to be held is the draft Plan subject to such modifications (if any) as the LPA consider appropriate.

8.5.3 Solihull Council has a legal obligation to assist Parish / Town Councils and Neighbourhood Forums with the process of preparing NDPs, if requests come forward. Although the regulations do not require local planning authorities to give financial assistance to such groups, as outlined above, the Council is required to organise and pay for the independent examination of a plan and the referendum.

## 8.6 Risk implications:

8.6.1 None identified.

## 8.7 Statutory Equality Duty:

8.7.1 None identified.

## 9. List of appendices referred to

9.1 Appendix A – Decision Statement Table

## 10. Background papers used to compile this report

10.1 Knowle, Dorridge and Bentley Heath Submission Draft Neighbourhood Plan

10.2 Knowle, Dorridge and Bentley Heath Neighbourhood Plan Examiner's Report

## Appendix A - Decision Statement Table: Knowle, Dorridge and Bentley Heath Neighbourhood Plan

### Examiner's Recommendations and Local Authority's Response (Regulation 18 of The Neighbourhood Planning (General) Regulations 2012)

This Appendix provides a detailed assessment of the Examiner's recommended modifications to the Knowle, Dorridge and Bentley Heath (KDBH) Neighbourhood Plan.

Table 1A below sets out the Examiner's recommended modifications and his reasons for these modifications. In accordance with Regulation 18 of The Neighbourhood Planning (General) Regulations 2012, the Local Planning Authority must decide what action to take in response to each of the Examiner's recommendations. This is also set out in Table 1A, along with the changes that are required to the KDBH Neighbourhood Plan.

In most cases the changes made to the KDBH Neighbourhood Plan will be those as recommended by the Examiner. However, in some areas, additional minor wording modifications / amendments are proposed by the LPA in order meet the basic conditions. These are also set out in Table 1A.

There are instances, however, where the LPA does not agree with the Examiner or considers that more significant changes are required to ensure that the basic conditions are met. For ease of reference, these are shaded in blue in Table 1A. The revised policy wording set out fully, on a policy by policy basis in Tables 1B, 1C, 1D, 1E and 1F below.

Table 1A – Assessment of the Examiner's Report and LPA Response

KDBH Submission Plan Ref: (Section/Page No/Policy/para)	Examiner's Recommended Modification	Examiner's Reason(s) (Note: only summarised below. For full details see Examiner's Report at pages referenced)	Council's Decision and Reason(s)	Change to the KDBH Neighbourhood Plan <sup>3</sup>
Sections 1 -6 of the Plan	<p><b>Recommendation 1:</b></p> <p>Underneath the map on page 13 include the following:</p> <p>"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".</p>	<p>The map should be corrected to explain the numbered annotations.</p> <p>No 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.</p> <p>(Page 12)</p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

<sup>3</sup> These changes will be incorporated in the Referendum Version of the Plan.

KDBH Submission Plan Ref: (Section/Page No/Policy/para)	Examiner's Recommended Modification	Examiner's Reason(s) <i>(Note: only summarised below. For full details see Examiner's Report at pages referenced)</i>	Council's Decision and Reason(s)	Change to the KDBH Neighbourhood Plan <sup>3</sup>
Policy VC1: Green Belt and Landscape	<p><b>Recommendation 2:</b></p> <p>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."</p>	<p>The submitted policy wording is potentially confusing (with reference in the policy to "the area beyond the built-up area"). Reference to the removal of permitted development rights is unnecessary, imprecise and inconsistent with the Secretary of State's advice in the NPPF.  <i>(Pages 12-13)</i></p>	<p>Examiner's recommended modifications agreed in part.</p> <p>However, a neighbourhood plan cannot itself apply national and local policies; that is done by planning legislation and process. Therefore, the recommended rewording of the first sentence of the policy is not agreed and should be amended to meet the basic conditions.</p>	<p>Reword the first sentence of the policy as follows: "National and Local Green Belt policies <u>will apply</u> in the relevant parts of the plan area."            All other modifications as recommended by the Examiner.</p>
Policy VC3: Heritage Assets	<p><b>Recommendation 3:</b></p> <p>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</p>	<p>To reflect NPPF advice regarding the need for "balanced judgments having regard to the scale of any harm or loss and the significance of the heritage asset" and to recognize that the list in Appendix 4 is not necessarily an exclusive list of non-designated heritage assets.  <i>(Pages 13-14)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>

KDBH Submission Plan Ref: (Section/Page No/Policy/para)	Examiner's Recommended Modification	Examiner's Reason(s) <i>(Note: only summarised below. For full details see Examiner's Report at pages referenced)</i>	Council's Decision and Reason(s)	Change to the KDBH Neighbourhood Plan <sup>3</sup>
	<p>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".</p> <p>Retain the last two paragraphs of the policy as they appear in the draft Plan. "</p> <p>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."</p>			
Policy VC4: Green Space	<p><b>Recommendation 4:</b></p> <p>In the first paragraph of the policy after "as Local Green Space" delete the rest of that paragraph and insert:</p> <p>"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."</p> <p>Delete the following sites from the list of green spaces referred to in the policy;</p> <p>"Site 4, 8-metre strip along Purnells Brook, Part of former Bypass Route.</p> <p>Site 11, Land at Arden Academy.</p> <p>Site 15, The Mind Garden."</p> <p>Insert an extra paragraph before the current last</p>	<p>Site 4 (8 metre strip along Purnell's Brook, Part of the former Bypass Route), Site 11 (Land at Arden Academy) and Site 15 (The Mind Garden) are not considered to comply with the criteria in the NPPF (paragraph 77) to qualify for Local Green Space status.</p> <p><i>(Pages 14-17)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p> <p>The Submission Version of the Neighbourhood Plan contains a diagrammatic plan showing the location of the Local Green Space designations. In order to provide certainty for the decision maker and others, more detailed plans indicating the precise boundary of the proposed Local Green Spaces should be included in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p> <p>More detailed plans showing the precise boundary of the Local Green Space designations to be included as an appendix.</p>

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	<p>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:</p> <ul style="list-style-type: none"> <li>● where the green space is in reasonably close proximity to the community it serves;</li> <li>● 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), tranquillity or richness of its wildlife; and</li> <li>● where the green area concerned is local in character and is not an extensive tract of land.'"</li> </ul>			
Policy NE1: Trees, Hedgerows and Woodland	<p><b>Recommendation 5:</b> Delete the second sentence of the policy.</p>	<p>Examiner's Reasons: 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.  <i>(Page 18)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>
Policy NE2: Habitats and Biodiversity	<p><b>Recommendation 6:</b> 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</p>	<p>The policy is a part repeat of Local Plan policy P10 and is confusing as it does not include all the nuances and caveats in that policy. Supporting text can be retained for context.  <i>(Pages 18-19)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>

KDBH Submission Plan Ref: (Section/Page No/Policy/para)	Examiner's Recommended Modification	Examiner's Reason(s) <i>(Note: only summarised below. For full details see Examiner's Report at pages referenced)</i>	Council's Decision and Reason(s)	Change to the KDBH Neighbourhood Plan <sup>3</sup>
	<p>Plan 2013 in policy P10Natural Environment provide protection for areas of national and local importance for biodiversity and provision of habitats.”</p> <p>In the first paragraph of the supporting text in section 7.8 introduce a new second sentence as follows:</p> <p>“The area contains two nationally designated Sites of Special Scientific Interest (SSSI) at Blythe based on the river and at Brooke Meadow Darley Green.”</p> <p>Delete the last sentence of the penultimate paragraph of the supporting text “This requirement does not apply to applications and alterations to existing properties.”</p>			
Policy H1: Scale of New Housing	<p><b>Recommendation 7:</b></p> <p>Delete Policy H1: Scale of New Housing.</p> <p>Retain the first two paragraphs of supporting text in section 8.2.</p> <p>Delete the remaining paragraphs in section 8.2.</p> <p>Insert the following as a new third paragraph in section 8.2:</p> <p>“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</p>	<p>The policy is vague and confusing and does not accord with the basic conditions.</p> <p>The reference to “about” 500 dwellings or such figure as the LPR may arrive at lack precision.</p> <p>The policy is misleading and does not effectively serve a purpose as it does not allocate sites.</p> <p><i>(Pages 19-21)</i></p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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	windfall housing proposals."			
Policy H2: Housing on Allocated and Larger Sites	<p><b>Recommendation 8:</b></p> <p>In the policy wording after "larger windfall sites" insert "(defined as sites for 20 or more dwellings)"</p> <p>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".</p> <p>Delete the final two final paragraphs in the policy (i.e. in the box edged green on page 33)</p> <p>In the supporting text regarding "Application" add the following sentence to the end of the first paragraph:</p> <p>"These design criteria are also relevant to varying degrees to smaller scale development and will be applied in a proportionate and relevant manner."</p> <p>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;</p> <p>"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".</p>	<p>There is a need to establish that the criteria in the policy can also be applicable to smaller sites.</p> <p>It is not appropriate to include a planning process type issue in a policy.</p> <p>Changes are required to make the policy less prescriptive and more flexible.</p> <p>The efficient use of land is a cornerstone of sustainability and a proliferation of wide roads could be regarded as unsustainable in modern development.</p> <p><i>(Pages 21-22)</i></p>	<p>Examiner's recommended modifications agreed in part.</p> <p>However, the Examiner recommends additional text to the introductory paragraph in the policy as follows: "These matters may also be relevant to the consideration of some smaller scale development".</p> <p>The Council considers that the term "<u>may also</u> be relevant" is unclear and provides no certainty on whether the policy does or does not apply to small sites.</p> <p>This recommended modification does not therefore conform to the basic conditions.</p> <p>Amendments to the Examiner's recommended wording are therefore proposed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p> <p>The only exception to this is the text of the recommended addition to the introductory paragraph in the policy. The LPA has amended this to read as follows:</p> <p>"These matters <u>are also</u> relevant to the consideration of some smaller scale development".</p>

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	<p>In the section relating to "Density" after "key characteristic of" insert "some parts of". In the second sentence delete "essential" replace with "important".</p> <p>On page 35 remove the bullet point "creating wide roads with houses set back behind private front gardens, except in village centres".</p> <p>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".</p> <p>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."</p>			
Policy H3: Affordable Housing	<p><b>Recommendation 9:</b></p> <p>In the Policy H3 replace "50%" with "25%".</p> <p>Add the following paragraph to the end of the policy as follows: "In the event there are no applicants that fulfil 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."</p> <p>At the end of the final paragraph in section 8.4</p>	<p>There is no evidence quoted to back up the figure of 50% and 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.</p> <p>In the event of insufficient qualifying applicants the properties will be let to persons with no strong local connection</p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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	<p>add the following sentence;            "This is included as a community action in appendix 3"            Include a reference to this as a community action.</p>	<p>subject to SMBC agreement. It is necessary that this is made explicit in the policy in the interests of clarity.  <i>(Pages 23-24)</i></p>		
<p>Policy H4: Housing Mix</p>	<p><b>Recommendation 10:</b>            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.</p>	<p>With regard to provision for sheltered and institutionalised housing, this may not be viable and it is not possible to ascertain how a proportionate requirement would work. Part of the policy is therefore imprecise and not capable of effective implementation.            With regard to market housing the policy is too prescriptive and does not accord with the NPPF which is concerned to ensure policies are flexible enough to be deliverable and responsive to market trends.            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 change and there is no justification or need to specify the built form of dwellings.  <i>(Pages 24-26)</i></p>	<p>Examiner's recommended modifications agreed in part.            With reference to the requirement for the provision of sheltered and institutionalised housing on sites, the Examiner correctly states this is too prescriptive. However, it is considered that the policy could set out that this type of development would be supported, whilst still meeting the basic conditions. Additional text could be added to the policy to reflect this.            With reference to the proportion of different size dwellings to be provided on sites, the LPA considers that the modified policy wording as proposed by the Examiner may not be entirely clear. It is also considered that use of the word "dwellings" would be more accurate and less</p>	<p>Plan to be modified as recommended by Examiner with amendments and further modifications by the LPA.            Policy H4 and the supporting text to be modified as shown in Table 1B below.</p>

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	<p>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.</p> <p>The determination of housing mix shall take into account any relevant adopted strategic policies in the Local Plan or supplementary planning documents.</p> <p>Housing mix on sites not allocated or less than 20 dwellings shall be considered in relation to Local Plan policies."</p> <p>Delete the first four paragraphs of supporting text in section 8.5. and replace with the following;</p> <p>"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.</p> <p>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.</p> <p>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</p>		<p>prescriptive than "houses".</p> <p>There are some instances where the LPA, in discussion with the Neighbourhood Forum, consider that amended / alternative wording can achieve the Examiner's intended outcome and still meet the basic conditions.</p> <p>Whilst officers agree with the Examiners reasons for the modification, it is considered that some of the recommended wording is not entirely clear and could be seen as ambiguous. It would not therefore meet the basic conditions.</p> <p>Amended and additional wording is therefore proposed that would ensure that the policy meets the basic conditions, whilst addressing the Examiner's issues with the policy.</p> <p>The LPA considers that the modified wording meets the basic condition.</p>	

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	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	<b>Recommendation 11 (A)<sup>4</sup>:</b> Delete policy H5; Apartments and supporting text.	The policy wording is imprecise, confusing and potentially contrary to the adopted Local Plan as it does not explicitly state what the situation is regarding apartments elsewhere.  <i>(Page 28)</i>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy H6: Windfall Housing	<b>Recommendation 11 (B):</b> Delete Policy H6: Windfall Housing and the supporting text.	The policy provides very general criteria. This generality is confusing as it does not include some criteria referred to in national guidance and Local Plan policies, which govern the consideration of housing development.  <i>(Page 28)</i>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy H7: Extensions and Alterations	<b>Recommendation 12:</b> Relocate the policy in the Design section. Alter the title to “Residential Extensions and	For ease of reference the policy would be more appropriately located in the section on Design.	Examiner's comments noted and recommended modifications agreed in order to meet the basic	Plan to be modified as recommended by the Examiner.

<sup>4</sup> The Examiner's report includes 2 Recommendation 11s. This is an error. For the purposes of this Decision Statement Table, Recommendation 11 has therefore been split into Recommendation 11A and 11B. This avoids the need to renumber all subsequent recommendations.

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	<p>Alterations and development within the curtilage".</p> <p>In the policy after "respect the" include "the dwelling and".</p>	<p>Reference to residential needs to be made explicit and the policy should refer to the need for extensions to complement the host dwelling.</p> <p><i>(Pages 28-29)</i></p>	<p>conditions.</p>	
<p>Policy D1: Character and Appearance</p>	<p><b>Recommendation 13:</b></p> <p>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:"</p> <p>Insert a new second paragraph into the supporting text as follows:</p> <p>"There are design policies in the Local Plan which will also be applicable in assessing any development."</p> <p>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;</p> <p>"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."</p>	<p>Some parts of the policy are too prescriptive and do not allow for flexibility as required by the NPPF.</p> <p>There should be reference to the design policies in the Local Plan and the local evidence base would have greater status and add clarity if they were included in the policy.</p> <p><i>(Page 29)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>
<p>Policy D2: Design in Conservation Areas</p>	<p><b>Recommendation 14:</b></p> <p>Delete the first sentence of the policy.</p> <p>In the second bullet point insert at the end of the</p>	<p>Some of the policy wording is ambiguous and elements of the policy are too prescriptive.</p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic</p>	<p>Plan to be modified as recommended by the Examiner.</p>

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	<p>sentence the following; "as summarised in Appendix 6".</p> <p>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."</p> <p>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".</p> <p>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."</p> <p>In the second paragraph of supporting text in section 9.3 in the first sentence delete 'Station Road' and add "Dorridge (Station Approach)".</p> <p>In the last sentence of the final paragraph of supporting text on page 43 insert after "permission", "or advertisement consent".</p> <p>In the supporting text penultimate paragraph, at the end of the third bullet point insert "see Appendix 6".</p> <p>Make the following alterations to Appendix 6: "In the second bullet point delete. "Such applications will be refused." In the third bullet</p>	<p><i>(Page 30)</i></p>	<p>conditions.</p>	

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	<p>point after 'Free standing, insert "fixed".</p> <p>In the fifth bullet point after "conservation area" insert "or their" settings.</p> <p>Alter the sixth bullet point as follows: "Small non-illuminated hanging signs, preferably of wood are the preferred form of signage in conservation areas".</p>			
Policy T1: Parking for Residents	<p><b>Recommendation 15:</b></p> <p>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.</p>	<p>The Plan should clarify that it cannot contain policies to require the Highway Authority to improve highway infrastructure.</p> <p>The requirements of the policy are too prescriptive and more onerous than required by SMBC. There is no evidence advanced to seek to justify more stringent policies in the plan area.</p> <p>The policy is also vague in relation to visitor parking lacks flexibility. <i>(Pages 31-32)</i></p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy T2: Parking for Non-Residential Premises	<p><b>Recommendation 16:</b></p> <p>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</p>	<p>The policy is vague and there is no reference to local policy. Reference to avoiding "worsening" of parking conditions on St John's Close is not clear and unsupported by evidence. <i>(Page 32)</i></p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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	<p>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.</p> <p>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.</p>			
Policy T3: Parking at Village Centres and for Rail Users	<p><b>Recommendation 17:</b></p> <p>At the end of the first paragraph of the Policy T3, insert the following; "subject to conformity with other adopted national and local policies</p> <p>Delete the second paragraph of the policy and replace with the following: "The provision of electric charging facilities is encouraged"</p>	<p>Given the support for off-street parking there is a need to introduce a general qualification requiring compliance with other Plan policies.</p> <p>The threshold point for electric charging facilities is high and not evidenced. It is not therefore possible to include a threshold.</p> <p><i>(Page 33)</i></p>	<p>Examiner's recommended modifications agreed in part.</p> <p>The Council does not disagree with the Examiner's reasons; however, it is considered that an alternative modification regarding electric vehicle charging provision can be made.</p> <p>Whilst it is not possible to include a threshold for electric vehicle charging provision, amendments to the policy can be made to secure at least some provision. This would contribute to the</p>	<p>Plan to be modified as recommended by the Examiner.</p> <p>The only exception to this is the text of the second paragraph of the policy. The LPA has amended this to read as follows:</p> <p><u>"In new areas of parking in these locations, provision for the charging of electric vehicles shall be</u></p>

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			achievement of sustainable development and accord with national planning policy regarding the need to ensure adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. As such, the basic conditions would be met.	<u>made."</u>
Policy T4: Contributions to Additional Parking and Road Improvements	<p><b>Recommendation 18:</b></p> <p>Alter Policy T4 as follows:</p> <p>"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.</p> <p>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.</p> <p>The provisions must be sufficient to ensure that any existing conditions regarding traffic congestion or parking capacity are not exacerbated."</p>	<p>The policy wording is vague in some instances and needs to be more precise.</p> <p>The policy should be specified to relate to any development with significant traffic generation.</p> <p>Reference needs to be made to the community infrastructure levy.</p> <p><i>(Pages 33-34)</i></p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy T5:	<b>Recommendation 19:</b>	The requirement for the	Examiner's comments noted and	Plan to be modified as

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Transport Assessment and Travel Plans	<p>Turn Policy T5 into supporting text rather than a policy.</p> <p>Delete "Policy" from the title and remove the green box around the policy text.</p> <p>Alter the final paragraph in section 10.6 as follows;</p> <p>"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.</p>	<p>submission of transport assessments and travel plans is a requirement for SMBC and the validation criteria for planning applications.</p> <p>These are matters of planning process and unsuitable for inclusion in a policy.</p> <p><i>(Page 34)</i></p>	<p>recommended modifications agreed in order to meet the basic conditions.</p>	<p>recommended by the Examiner.</p>
Policy T6: Walking Infrastructure	<p><b>Recommendation 20:</b></p> <p>Add the following sentence to the second paragraph of the policy.</p> <p>"Development should link to existing public footpaths whenever possible."</p>	<p>As the policy is aimed at improving accessibility and encouraging sustainable travel, there should be reference to the need for new development to link with existing footpaths.</p> <p><i>(Page 35)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>
Policy T7: Cycling Infrastructure	<p><b>Recommendation 21:</b></p> <p>Insert a further sentence at the end of the final paragraph in the policy as follows;</p> <p>"Development should link to existing cycle paths whenever possible."</p>	<p>As the policy is aimed at improving accessibility and encouraging sustainable travel, there should be reference to the need for new development to link with existing cycleways.</p> <p><i>(Page 35)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>
Policy T8: Road	<p><b>Recommendation 22:</b></p>	<p>The specified road improvements</p>	<p>Examiners recommendation not</p>	<p>Plan to be modified as</p>

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Infrastructure	<p>Delete Policy T8 and supporting text including the photograph on page 50.</p> <p>Include new title to section 10.9 as follows; "Road Infrastructure" Include a new paragraph as follows;</p> <p>"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."</p> <p>Insert the relevant schemes in Appendix 3.</p>	<p>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.</p> <p><i>(Pages 35-36)</i></p>	<p>agreed.</p> <p>Whilst the Council do not disagree with the Examiner's reasons, it is considered that rather than deletion, amendments to the policy can be made to ensure that it falls within the scope of land-use planning.</p> <p>This would ensure that the spirit of the policy is retained, the Examiner's issues with the policy are addressed and the basic conditions are met.</p> <p>The Council agree with the Examiner 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.</p>	<p>shown in Table 1C below.</p>
Policy T9: Public Transport Infrastructure	<p><b>Recommendation 23:</b></p> <p>Delete policy T9 and supporting text as a policy.</p> <p>Reformat the text as a community action and include as appendix 3.</p> <p>Alter title to section 10.10 to "Public Transport</p>	<p>These works/schemes identified in the policy are outside of planning control and therefore unsuitable as a policy.</p> <p><i>(Page 36)</i></p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>

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	Initiative". Include the following opening paragraph; "The Neighbourhood 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	<b>Recommendation 24:</b> Delete Policy T10 and supporting text as a policy. Reformat as a community action to be included in Appendix 3.	The introduction of electric charging facilities into existing car parks cannot be achieved under planning legislation.  <i>(Page 36)</i>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy ECF1: Formal Education – Places for Local Pupils	<b>Recommendation 25:</b> 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."	The policy requires further qualification regarding the scale of housing that this applies to.  Some elements of the policy are too vague and the policy must recognise that the extent of the contribution has to be considered along with other planning obligations and the viability of the development as a whole.  <i>(Page 37)</i>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy ECF2: Formal Education – Location of New Schools	<b>Recommendation 26:</b> 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	Whilst the policy establishes acceptable criteria for proposals for additional schools capacity, it should be clear that the specified criteria are not the only	Examiner's recommended modification not agreed.  The Examiner's modified wording effectively provides double support for development. This is	Policy ECF2 to be modified by the LPA as shown in Table 1D below.

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	there is compliance with the following:"	considerations. <i>(Page 37)</i>	<p>considered to be ambiguous and would not provide certainty for a decision maker, nor would it meet the basic conditions in terms of promoting sustainable development.</p> <p>The reference in the original policy text to buildings being "well designed" is considered to be confusing as it is unclear whether this would replace general design policies in the plan, or not. This ambiguity would mean that the policy fails to meet the basic conditions.</p> <p>The deletion of the design bullet point would eliminate any ambiguity in the policy regarding the overarching status of the general design policies and the basic conditions would be met.</p> <p>By seeking to ensure that development meets the requirements of the bullet points in the policy demonstrates compliance with the NPPF in terms of promoting sustainable development. The policy would therefore meet the basic</p>	

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			<p>conditions.</p> <p>The inclusion of a catch-all bullet point would deal with the Examiner's issue with the policy.</p> <p>Overall it is considered that the basic conditions can still be met with amended / additional or an alternative form of wording.</p>	
Policy ECF4: New Housing Development – Investment in Community Facilities	<p><b>Recommendation 27:</b></p> <p>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.”</p> <p>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.”</p>	<p>The policy is acceptable but further qualification is required regarding the scale of housing that this applies to.</p> <p>The policy as worded is too prescriptive and has to refer to the criteria in the NPPF 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</p> <p><i>(Page 38)</i></p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy ECF5: Recreation, Leisure and Sport	<p><b>Recommendation 28:</b></p> <p>In policy ECF5 in the first sentence delete “welcome” and replace with “support”.</p> <p>In the second bullet point delete “proportionate”.</p>	The use of the term “welcome” in the policy is not precise enough and should be changed to “support”.	Examiner's recommended modifications agreed in part. The Council agrees with some of the Examiner's recommended	Policy ECF5 to be modified by the LPA as shown in Table 1E below.

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	<p>In the final bullet point in the policy reword as follows;</p> <p>“Satisfy other policies in this Plan and the Local Plan”.</p>	<p>The term “proportionate” in the second bullet point is difficult to define in this context and should be deleted.</p> <p>The final bullet point is clumsily worded and should make reference to Local Plan policy as well as this Plan.</p> <p><i>(Page 39)</i></p>	<p>modifications for this policy including replacing the word ‘welcome’ with ‘support’.</p> <p>Agree with the Examiner that the term ‘proportionate’ is difficult to define and therefore leads to uncertainty for the decision maker.</p> <p>However, as with Policy ECF2, the Examiner’s modified wording effectively provides double support for development. This is considered to be ambiguous and would not provide certainty for a decision maker, nor would it meet the basic conditions in terms of promoting sustainable development.</p> <p>Overall it is considered that the basic conditions can still be met with amended / additional or an alternative form of wording.</p>	
Policy ECF6: Community Access and Management	<p><b>Recommendation 29:</b></p> <p>Alter the text of the policy ECF6 as follows;</p> <p>“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</p>	<p>The requirement of the policy cannot be contained within a Plan policy as it is a matter for SMBC and the validation of planning applications.</p> <p><i>(Page 39)</i></p>	<p>Examiner’s recommended modifications agreed in part.</p> <p>In the Examiner’s proposed amended text it is stated that:</p> <p>“When development of sites allocated for housing or of sites of 20 or more dwellings, include</p>	<p>Plan to be modified as recommended by the Examiner.</p> <p>The only exception to this is the first sentence of the policy which the LPA has</p>

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	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."		proposals for new community facilities <u>if necessary</u> the extent of public access to the facilities shall be agreed as part of the terms of a planning permission..." The Council consider the term "if necessary" to be ambiguous and unclear. This policy wording does not therefore meet the basic conditions.	amended to read as follows: "When development of sites allocated for housing or of sites of 20 or more dwellings, include proposals for new community facilities, the extent of public access to the facilities shall be agreed as part of the terms of a planning permission..."
Policy E1: Retention of Shops and Services	<b>Recommendation 30:</b> 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-	With regard to Knowle, 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. The text of the policy relating to Bentley Heath is confusing. 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 75% as a number of units is considered a reasonable threshold. Some parts of the policy are too	Examiners recommended modifications agreed in part. Whilst the Council would agree with most of the Examiner's recommended modifications to the text, there is no justification for why a percentage threshold of 75% is used for Part A uses in Dorridge. This does not meet the basic conditions and reference to the 75% threshold should therefore be deleted. The inclusion of additional text is also proposed in order that the policy is clear and unambiguous and that it can be interpreted	Plan to be modified as recommended by Examiner with amendments and further modifications by the LPA. Policy E1 and the supporting text to be modified as shown in Table 1F below.

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	<p>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:</p> <p><b>Dorridge:</b> 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.</p> <p><b>Bentley Heath:</b> 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.</p> <p>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</p>	<p>prescriptive and others lack sufficient precision.</p> <p>Overall the policy should be reformatted to achieve consistency, clarity and take adequate regard of national and local planning guidance to conform to the basic conditions.</p> <p><i>(Pages 40-41)</i></p>	<p>positively and flexibly. This will ensure that the basic conditions are met, whilst also addressing the Examiner's issues with the policy.</p>	

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	<p>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.</p> <p>Knowle</p> <p>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.</p> <p>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.</p> <p>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"</p> <p>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.</p> <p>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.</p> <p>Insert these new paragraphs after the first</p>			

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	<p>paragraph in the supporting text in section 12.2 as follows;</p> <p>“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.</p> <p>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,</p>			

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	<p>particularly E2 below "New Development in Village Centres".</p> <p>Delete the first sentence in the final paragraph on page 59 and retain the remainder of this paragraph.</p> <p>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."</p>			
Policy E2: New Development in Village Centres	<p><b>Recommendation 31:</b></p> <p>In policy E2 in the opening sentence delete "granted" and replace with "supported".</p> <p>In the second bullet point after "character" insert "and appearance".</p> <p>Add a further bullet point as follows; "compliance with policies in national guidance and the Local Plan".</p>	<p>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.</p> <p>In addition the "appearance" of conservation areas should be referred to as well as their character in order to fulfil the statutory obligations in the Planning (Listed Buildings and Conservation Areas) Act 1990. <i>(Page 44)</i></p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Policy E3: Business Centre	<p><b>Recommendation 32:</b></p> <p>In policy E3 add an extra bullet point as follows: "it complies with national guidance and Local</p>	<p>As the policy is establishing the criteria which will make the development acceptable it is</p>	Examiner's comments noted and recommended modifications agreed in order to meet the basic	Plan to be modified as recommended by the Examiner.

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	<p>Plan policies".</p> <p>Alter the second bullet point as follows: "retail uses are precluded unless the site is within a centre"</p>	<p>necessary to have a catch-all reference to Local Plan policies.</p> <p>The preclusion of retail uses is inconsistent with the policy E1 with the statement that village centres are the preferred location.</p> <p>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.</p> <p>There is a need to preclude retail uses outside of centres to be consistent with national guidance and Local Plan policies.</p> <p><i>(Page 44)</i></p>	<p>conditions.</p>	

Revised Policy wording where it is significantly different to the Examiner's recommendation is shown in Tables 1B – 1F below. (Note that minor changes / additions are indicated in Table 1A above)

Table 1B – Policy H4: Housing Mix

<b>Policy H4: Housing Mix (Recommendation 10)</b>		
Original Submission Draft Neighbourhood Plan Text	Text as per Examiner's Recommended Modification 10	Final Text <sup>5</sup> (for reasons given in Table 1A above)
<b>Purpose built housing for older people:</b>	<del><b>Purpose built housing for older people:</b></del>	<b>Purpose built housing for older people:</b>

<sup>5</sup> Text in green denotes where the Examiner's recommended modifications are being retained. Text underlined is additional / amended text to be inserted. Strike through text is text to be deleted.

Market housing on allocated and larger sites shall make a proportionate contribution to the need for purpose built housing for older people. The total contribution sought across all allocated sites is 60 sheltered housing units and 2 dementia homes. An exception may be made where there is a clear demonstration of other ways in which the requisite provision in the Area will be met.

### **Market housing**

On those parts of allocated sites and larger sites not to be developed for the provision of specialist housing for older people, or for affordable housing, market housing shall be provided in the following sizes:

- about 15% shall be flats and apartments, predominantly 2 bedrooms
- about 7% shall be bungalows, predominantly 2 bedrooms
- about 10% shall be 2 bedroom houses
- about 34% shall be 3 bedroom houses
- about 34% shall be 4+ bedroom houses.

There is no size requirement for purpose-built/specialist accommodation for the elderly.

In addition, market housing on allocated and larger sites shall be provided in the following approximate proportions: 50% detached housing; 20% semi-detached housing; 8% terraced housing; 15% flats/apartments; and 7% bungalows.

The provision of a higher proportion of flats/apartments and bungalows, suitable for sale

~~Market housing on allocated and larger sites shall make a proportionate contribution to the need for purpose built housing for older people. The total contribution sought across all allocated sites is 60 sheltered housing units and 2 dementia homes. An exception may be made where there is a clear demonstration of other ways in which the requisite provision in the Area will be met.~~

### **Market housing**

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.

~~Market housing on allocated and larger sites shall make a proportionate contribution to the need for purpose built housing for older people. The total contribution sought across all allocated sites is 60 sheltered housing units and 2 dementia homes. An exception may be made where there is a clear demonstration of other ways in which the requisite provision in the Area will be met.~~

### **Market Housing:**

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 dwellings
- about 34% shall be 4+ bedroom dwellings

The provision of a different housing mix, including a higher proportion of smaller dwelling units of 2 bedrooms or less, will be supported where justified by the evidence of the latest Strategic Housing Market Assessment, an equivalent Housing Needs Survey approved by Solihull Metropolitan Borough Council or other evidence considered by the Council to be robust for the purposes of this policy. In such circumstance, dwellings with 3 or 4+ bedrooms shall be provided in broadly equal numbers. Determination of housing mix shall also take into account any relevant adopted strategic policies in the Local Plan or supplementary planning documents.

The provision of specialist institutionalised housing (under Class C2 or C2A of the Town and

<p>as starter homes or for downsizing by older people, will be supported where the homes are in keeping with local designs and streetscapes.</p> <p>All schemes should pay particular regard to the character and appearance of that part of the Neighbourhood in which they would be located. There may be scope for flexibility where strong evidence is provided relevant to individual site characteristics - for example, to include a higher proportion of smaller dwellings on sites that are close to village centres or in other highly accessible locations.</p> <p>The size of housing on windfall sites of less than 20 units will be determined according to the nature and characteristics of the site and its location.</p> <p><i>Supporting Text:</i></p> <p>This Policy applies to all new housing development, but is most relevant to allocated and larger sites, as the mix of housing on windfall sites under 20 units in size will be determined on their individual site merits. In line with Policy H2, this Policy defines larger sites as accommodating 20 or more dwellings.</p> <p>The KDBH Housing Needs Assessment demonstrates a need for additional specialist housing to meet the needs of older people. Windfall sites may provide some limited opportunities to help meet this need. However, the main contribution will have to come from allocated and larger sites.</p> <p>The need for sheltered housing and dementia</p>	<p>The determination of housing mix shall take into account any relevant adopted strategic policies in the Local Plan or supplementary planning documents.</p> <p>Housing mix on sites not allocated or less than 20 dwellings shall be considered in relation to Local Plan policies.”</p> <p><i>Supporting Text:</i></p> <p><del>This Policy applies to all new housing development, but is most relevant to allocated and larger sites, as the mix of housing on windfall sites under 20 units in size will be determined on their individual site merits. In line with Policy H2, this Policy defines larger sites as accommodating 20 or more dwellings.</del></p> <p><del>The KDBH Housing Needs Assessment demonstrates a need for additional specialist housing to meet the needs of older people. Windfall sites may provide some limited opportunities to help meet this need. However, the main contribution will have to come from allocated and larger sites.</del></p> <p><del>The need for sheltered housing and dementia homes is intended to apply to allocated and larger sites. If land at Wychwood Roundabout or the St George and St Teresa RC Primary School site were to be developed or redeveloped, these sites (and the school site in particular) could be suitable for older people’s accommodation should the developers choose to promote such a use.</del></p> <p><del>In view of the extent of specialist provision for the elderly in the Area built since 2011, and the</del></p>	<p><u>Country Planning (Use Classes) Order 1987 or any statutory instrument revoking and re-enacting that Order with or without modification), sheltered housing for older people or affordable housing will be supported where it meets an evidenced need and complies with relevant Plan and Local Plan policies. The dwelling size percentages set out above would not apply to housing in these categories.</u></p> <p><u>Housing mix on sites not allocated or less than 20 dwellings shall be considered in relation to Local Plan policies.</u></p> <p><i>Supporting text:</i></p> <p><u>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.</u></p> <p><u>The KDBH “Housing Needs Assessment” demonstrates a need for the delivery of a higher proportion of smaller dwellings suitable for downsizing among the elderly and for young families. It also identifies a need for additional specialist housing to meet the needs of older people (such as additional affordable, market sheltered and extra care housing units) 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.</u></p> <p><u>In accordance with national planning guidance in the NPPF, strategic housing policies in the adopted Local Plan and the local area evidence</u></p>
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homes is intended to apply to allocated and larger sites. If land at Wychwood Roundabout or the St George and St Teresa RC Primary School site were to be developed or redeveloped, these sites (and the school site in particular) could be suitable for older people's accommodation should the developers choose to promote such a use.

In view of the extent of specialist provision for the elderly in the Area built since 2011, and the limited amount of land available, the extent of new provision is limited to that sought in this Policy (the areas of greatest need). Provision shall be made in proportion to the size of the site compared with the total area of all the allocated and larger sites. Those sites or parts of sites close to village amenities are likely to be more suitable for such provision.

Residents in KDBH are keen to see that new housing is in keeping with established housing design and streetscapes. One important element of this is reflecting the mix of housing that exists at present, with modest adjustments to cater for demographic change. This Policy identifies the mix of new property considered to be most suitable for Knowle, Dorridge and Bentley Heath, as evidenced in the Residents' Survey. The proportions and sizes set out in the Policy also have regard to the results of the 2011 Census and to SMBC's Strategic Housing Market Assessment.

Residents support the provision of more two and three bedroom homes (as apartments, bungalows or smaller houses), but are not supportive of one bedroom units, unless these are part of purpose built accommodation for the elderly. This is

~~limited amount of land available, the extent of new provision is limited to that sought in this Policy (the areas of greatest need). Provision shall be made in proportion to the size of the site compared with the total area of all the allocated and larger sites. Those sites or parts of sites close to village amenities are likely to be more suitable for such provision.~~

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.

Residents in KDBH are keen to see that new housing is in keeping with established housing design and streetscapes. One important element of this is reflecting the mix of housing that exists at present, with modest adjustments to cater for

base, 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.

Residents in KDBH are keen to see that new housing is in keeping with established housing design and streetscapes. One important element of this is reflecting the mix of housing that exists at present with modest adjustments to cater for demographic change. This Policy identifies the mix of new property considered to be most suitable for Knowle, Dorridge and Bentley Heath as evidenced in the Residents' Survey. The proportions and sizes set out in the Policy also have regard to the results of the 2011 Census and to SMBC's Strategic Housing Market Assessment.

Residents support the provision of more two- and three-bedroom homes (as apartments, bungalows or smaller houses) but are not supportive of one bedroom units, unless these are part of purpose-built accommodation for the elderly. This is consistent with the expressed desire for the size of homes to be suitable for the needs of down-sizers and for young families where a minimum of two bedrooms is regarded as necessary.

The housing mix for sites not allocated or less than 20 dwellings will have regard to Local Plan policies which include the need to take account of factors such as site size, existing mix, accessibility to services, economics of provision and the needs to secure a range of house types. There may be some windfall sites which by their nature and

<p>consistent with the expressed desire for the size of homes to be suitable for the needs of down-sizers and for young families, where a minimum of two bedrooms is regarded as necessary.</p> <p>There may be some windfall sites which by their nature and location suggest a particular form of development, for example one and two bedroom apartments. This Policy makes provision for such developments where the character of the area is not compromised.</p>	<p>demographic change. This Policy identifies the mix of new property considered to be most suitable for Knowle, Dorridge and Bentley Heath, as evidenced in the Residents' Survey. The proportions and sizes set out in the Policy also have regard to the results of the 2011 Census and to SMBC's Strategic Housing Market Assessment.</p> <p>Residents support the provision of more two and three bedroom homes (as apartments, bungalows or smaller houses), but are not supportive of one bedroom units, unless these are part of purpose built accommodation for the elderly. This is consistent with the expressed desire for the size of homes to be suitable for the needs of down-sizers and for young families, where a minimum of two bedrooms is regarded as necessary.</p> <p>There may be some windfall sites which by their nature and location suggest a particular form of development, for example one and two bedroom apartments. This Policy makes provision for such developments where the character of the area is not compromised.</p>	<p>location suggest a particular form of development, for example one- and two-bedroom apartments. This Policy makes provision for such developments where the character of the area is not compromised.</p>
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Table 1C – Policy T8 – Road Infrastructure

<b>Policy T8 – Road Infrastructure (Recommendation 22)</b>		
Original Submission Draft Neighbourhood Plan Text	Text as per Examiner's Recommended Modification 22	Final Text <sup>6</sup> (for reasons given in Table 1A above)
Policy T8 Proposals to improve the following	Delete Policy T8 and supporting text.	Policy <u>The impact of development on highway safety</u>

<sup>6</sup> Text in green denotes where the examiner's recommended modifications are being retained. Text underlined is additional / amended text to be inserted. Strike through text is text to be deleted.

<p>roads/junctions will be supported provided that they take due account of the environmental sensitivities of the area within which they are located:</p> <ul style="list-style-type: none"> <li>• junction of Station Approach / Avenue Road / Dorridge Road, including the reinstatement of the former roundabout</li> <li>• provision of a dedicated area for taxis/drop-offs at Dorridge Station</li> <li>• St John's Close</li> <li>• junction of Hampton Road / Lodge Road / High Street / Warwick Road</li> <li>• Gate Lane</li> <li>• Poplar Road.</li> </ul> <p>Any development that will be accessed from roads of local importance (as defined below) shall incorporate appropriate measures on and off-site to ensure that the safe and free flow of local traffic is not compromised. Where appropriate and practicable, there shall be more than one principal point of access to the development.</p> <p><i>Supporting Text:</i></p> <p>The context for this Policy is that SMBC has commissioned a range of studies to assess the traffic impacts, additional parking demands and infrastructure requirements associated with proposed site allocations included in Solihull's Draft Local Plan Review. For the KDBH Area, early indications are that there is likely to be measurable impact associated with additional traffic generated by the proposals for a total of</p>	<p>Insert new section as follows:</p> <p>Road Infrastructure</p> <p>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.</p> <p>(Relevant schemes to be inserted in Appendix)</p>	<p><u>and capacity must include consideration of, and, where relevant, appropriate mitigation measures in relation to the following locally identified pressure points:</u></p> <ul style="list-style-type: none"> <li>• <u>junction of Station Approach / Avenue Road / Dorridge Road, including the reinstatement of the former roundabout</u></li> <li>• <u>provision of a dedicated area for taxis/drop-offs at Dorridge Station</u></li> <li>• <u>St John's Close</u></li> <li>• <u>junction of Hampton Road / Lodge Road / High Street / Warwick Road</u></li> <li>• <u>Gate Lane</u></li> <li>• <u>Poplar Road</u></li> </ul> <p><u>The context for this Policy is that SMBC has commissioned a range of studies to assess the traffic impacts, additional parking demands and infrastructure requirements associated with proposed site allocations included in Solihull's Draft Local Plan Review. For the KDBH Area, early indications are that there is likely to be measurable impact associated with additional traffic generated by the proposals for a total of 1,100 new houses (excluding 450+ likely windfall developments). The analysis undertaken to date already recognises the need for improvements to some junctions.</u></p> <p><u>Residents are keen to mitigate congestion that is already being experienced in the Area. Related development will need to include measures necessary to ensure that conditions are not</u></p>
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<p>1,100 new houses (excluding 450+ likely windfall developments). The analysis undertaken to date already recognises the need for improvements to some junctions.</p> <p>Residents are keen to mitigate congestion that is already being experienced in the Area, particularly in the roads identified. Related development will need to include measures necessary to ensure that conditions are not materially exacerbated. At the same time, environmental sensitivities will need to be taken into account. For example, in the Conservation Areas, materials appropriate to the context will need to be used and the felling of important trees avoided.</p> <p>A map showing the main roads and transport links in the Area is provided in Appendix 7.</p> <p>“Roads of local importance” are: Gate Lane, Earlswood Road, Grange Road, Four Ashes Road, Box Trees Road, Widney Road, Manor Road, Station Road, Tilehouse Green Lane, Mill Lane, Slater Road, Lady Byron Lane, Poplar Road, Warwick Road, Grove Road, Lodge Road, Longdon Road, Hampton Road, Kenilworth Road and Jacobean Lane.</p>		<p><u>materially exacerbated. At the same time, environmental sensitivities will need to be taken into account. For example, in the Conservation Areas, materials appropriate to the context will need to be used and the felling of important trees avoided.</u></p> <p><u>A map showing the main roads and transport links in the Area is provided in Appendix 7.</u></p>
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Table 1D – Policy ECF2: Formal Education – Location of New Schools

<b>Policy ECF2: Formal Education – Location of New Schools (Recommendation 26)</b>		
Original Submission Draft Neighbourhood Plan Text	Text as per Examiner’s Recommended Modification 26	Final Text <sup>7</sup> (for reasons given in Table 1A above)

<sup>7</sup> Text in green denotes where the examiner’s recommended modifications are being retained. Text underlined is additional / amended text to be inserted. Strike through text is text to be deleted.

<p>Where the need for additional pupil capacity has been demonstrated, provision of new or expanded schools will be supported provided that:</p> <ul style="list-style-type: none"> <li>the location is conveniently situated for pupils from within the KDBH Area and has adequate car parking, safe drop off and pick up provision and easy access by local public transport without any significant additional impact on traffic congestion. New or improved walking and cycling routes will be strongly encouraged</li> <li>there would be no significant impacts on local amenities</li> <li>the buildings are well designed</li> <li>the planning application demonstrates adequate consideration of opportunities for dual-use, by the community, of school buildings and outdoor recreational facilities.</li> </ul>	<p>Where the need for additional pupil capacity has been demonstrated, provision of new or expanded schools will be supported, <del>provided that</del> particularly if there is compliance with the following:</p> <ul style="list-style-type: none"> <li>the location is conveniently situated for pupils from within the KDBH Area and has adequate car parking, safe drop off and pick up provision and easy access by local public transport without any significant additional impact on traffic congestion. New or improved walking and cycling routes will be strongly encouraged</li> <li>there would be no significant impacts on local amenities</li> <li>the buildings are well designed</li> <li>the planning application demonstrates adequate consideration of opportunities for dual-use, by the community, of school buildings and outdoor recreational facilities.</li> </ul>	<p>Where the need for additional pupil capacity has been demonstrated, provision of new or expanded schools will be supported <u>provided that</u>:</p> <ul style="list-style-type: none"> <li>the location is conveniently situated for pupils from within the KDBH Area and has adequate car parking, safe drop off and pick up provision and easy access by local public transport without any significant additional impact on traffic congestion. New or improved walking and cycling routes will be strongly encouraged</li> <li>there would be no significant impacts on local amenities</li> <li><del>the buildings are well designed</del></li> <li>the planning application demonstrates adequate consideration of opportunities for dual-use, by the community, of school buildings and outdoor recreational facilities; <u>and</u></li> <li><u>other policies in this Plan and the Local Plan, including design policies, are satisfied.</u></li> </ul>
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Table 1E – Policy ECF5 – Recreation, Leisure and Sport

<b>Policy ECF5: Recreation, Leisure and Sport (Recommendation 28)</b>		
Original Submission Draft Neighbourhood Plan Text	Text as per Examiner’s Recommended Modification 28	Final Text <sup>8</sup> (for reasons given in Table 1A above)
The KDBH community will welcome applications for the provision and extension of both indoor	The KDBH community will <del>welcome</del> <u>support</u> applications for the provision and extension of	The KDBH community will <u>support applications for the provision and extension of both indoor and</u>

<sup>8</sup> Text in green denotes where the examiner’s recommended modifications are being retained. Text underlined is additional / amended text to be inserted. Strike through text is text to be deleted.

<p>and outdoor venues for recreation, leisure and sport and in particular facilities that would:</p> <ul style="list-style-type: none"> <li>• widen the range of local sport, leisure and recreational facilities</li> <li>• allow proportionate use by all groups, community sectors and individuals within KDBH</li> <li>• be conveniently located relative to sustainable forms of transport</li> <li>• cause no material harm to residential amenity; and</li> <li>• satisfy other Plan policies including but not limited to those in the Design, Transport and Village Character sections.</li> </ul>	<p>both indoor and outdoor venues for recreation, leisure and sport and in particular facilities that would:</p> <ul style="list-style-type: none"> <li>• widen the range of local sport, leisure and recreational facilities</li> <li>• allow use by all groups, community sectors and individuals within KDBH</li> <li>• be conveniently located relative to sustainable forms of transport</li> <li>• cause no material harm to residential amenity; and</li> <li>• satisfy other <del>Plan policies including but not limited to those in the Design, Transport and Village Character sections</del> <u>in this Plan and the Local Plan.</u></li> </ul>	<p><u>outdoor venues for recreation, leisure and sport provided that they would:</u></p> <ul style="list-style-type: none"> <li>• widen the range of local sport, leisure and recreational facilities</li> <li>• allow use by all groups, community sectors and individuals within KDBH</li> <li>• be conveniently located relative to sustainable forms of transport</li> <li>• cause no material harm to residential amenity; and</li> <li>• satisfy other policies in this Plan and the Local Plan.</li> </ul>
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Table 1F – Retention of Shops and Services

<b>Policy E1: Retention of Shops and Services (Recommendation 30)</b>		
Original Submission Draft Neighbourhood Plan Text	Text as per Examiner’s Recommended Modification 30	Final Text <sup>9</sup> (for reasons given in Table 1A above)
<p>In respect of planning applications affecting existing shops, offices or premises for trade in services to the public, the maintenance of a balance of shops, services and premises will be a priority. The balance of uses will be assessed having regard to the impact of the proposed loss of a shop or service on the vitality of the frontage within which it is located, and on the mix of uses</p>	<p>In the centres defined on the maps below;</p> <p>Proposals for shops within Class A1 of the Town and Country Planning (Use Classes) Order 1987(or subsequent re-enactment) will be supported subject to their scale and retail policy in the Local Plan and other policies.</p> <p>Proposals that result in the loss of shops (Class</p>	<p>In the centres defined on the maps below;</p> <p><u>Proposals for shops within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without modification) will be supported subject to their scale and retail policy in the Local Plan and other policies.</u></p>

<sup>9</sup> Text in green denotes where the examiner’s recommended modifications are being retained. Text underlined is additional / amended text to be inserted. Strike through text is text to be deleted.

<p>within the centre as a whole.</p> <p>In relation to each village centre this means:</p> <p><b>Dorridge:</b></p> <p>Proposals resulting in the loss of existing ground floor units on Station Approach, Station Road and Arden Buildings from use as shops, financial and professional services, restaurants and cafes, and hot food takeaways (within Part A of the Schedule to the Town and Country Planning Act (Use Classes) Order 1987) will be resisted.</p> <p><b>Bentley Heath:</b></p> <p>Proposals resulting in the loss of existing ground floor shop units (within Class A1) will be resisted unless it can be demonstrated that the use of the premises for that purpose is no longer viable. In such case, proposals for the change of use to other uses within Class A of the Use Classes Order, or to an alternative use that would provide benefits to the local economy or community of equal or greater benefit than the existing use, will be supported subject to there being no unacceptable impact on residential amenity or car parking.</p> <p><b>Knowle:</b></p> <p>Within primary retail frontages, planning applications which would result in the loss of ground floor shop units (within Use Class A1) will be resisted. In secondary frontages, a mix of shops, financial and professional services, restaurants and cafes, drinking establishments and hot food takeaways and offices (within Use Classes A1 to A5 and B1a) will be supported,</p>	<p>A1) may be resisted subject to the criteria below.</p> <p>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:</p> <p><b>Dorridge:</b></p> <p>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.</p> <p><b>Bentley Heath:</b></p> <p>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.</p> <p>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</p>	<p>Proposals that result in the loss of shops (Class A1) may be resisted subject to the criteria below.</p> <p>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:</p> <p><b>Dorridge:</b></p> <p>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, <del>if the proportion of units in the centre in these uses falls below 75%.</del> 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.</p> <p><b>Bentley Heath:</b></p> <p>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.</p> <p>In such cases proposals for the change of use to uses within Part A of the Schedule to the Town</p>
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subject to there being adequate car parking, no unacceptable impact on amenity and no adverse impact on the character of the area. Primary and secondary frontages are shown in the graphic opposite.

The use of upper floors above ground floor commercial units for residential or office uses will be supported, provided there is no unacceptable impact on residential amenity or car parking provision.

*Supporting Text*

The findings of the Residents' Survey and the Business Survey showed support for retaining and supporting local employment. The local shops, services and offices within the village centres are an important source of local employment which the policy seeks to protect. At the same time, there is a degree of dissatisfaction with the range of retail outlets, although not a consistent view about what might be ideal. The retention and encouragement of independent shops is often mentioned in the survey feedback. There is also reference to the desire for a post office in Dorridge and improved supermarket facilities in Knowle. There is a strong view from businesses that high-street shops should be protected and the current mix maintained.

This 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 aims to reflect the differing size and role of each centre. The Heritage and Character Study recommended

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"

*Supporting Text:*

The findings of the Residents' Survey and the Business Survey showed support for retaining and supporting local employment. The local shops, services and offices within the village centres are an important source of local employment which the policy seeks to protect. At the same time, there is a degree of dissatisfaction with the range of retail outlets, although not a consistent view about what might be ideal. The retention and

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.

*Supporting Text:*

The findings of the Residents' Survey and the Business Survey showed support for retaining and supporting local employment. The local shops, services and offices within the village centres are an important source of local employment which the policy seeks to protect. At the same time,

a policy for Dorridge to maintain village centre uses within the square formed by Arden Buildings to ensure that incremental change over time to residential use would be resisted. The policy aims to achieve this and extends the protection to the Station Approach and Station Road frontages.

In common with Policy E2, this Policy will be applied where express planning permission is required, recognising that certain changes of use are 'permitted development'.

The Bentley Heath centre is much smaller than Knowle or Dorridge and the loss of existing shop units around the junction of Widney Road and Slater Road would impact on the provision of local convenience shopping. The policy therefore seeks to protect these uses.

Knowle village centre is much larger and a different approach to maintaining a balance of uses is therefore proposed, based on primary frontages where the retention of shops will be a priority. A greater mix of retail and non retail commercial uses will be supported in both primary and secondary frontages.

encouragement of independent shops is often mentioned in the survey feedback. There is also reference to the desire for a post office in Dorridge and improved supermarket facilities in Knowle. There is a strong view from businesses that high-street shops should be protected and the current mix maintained.

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

there is a degree of dissatisfaction with the range of retail outlets, although not a consistent view about what might be ideal. The retention and encouragement of independent shops is often mentioned in the survey feedback. There is also reference to the desire for a post office in Dorridge and improved supermarket facilities in Knowle. There is a strong view from businesses that high-street shops should be protected and the current mix maintained.

The policy seeks to maintain and improve local shopping facilities and services, including local offices, to safeguard their vitality and viability, provide a comprehensive range of shops and services for use by residents and provide flexibility for the various retail centres to adapt to changing shopping patterns. 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.

	<p><u>centre. Such uses are acceptable in principle but also need to conform to other policies, particularly E2 below “New Development in Village Centres”.</u></p> <p><del>This 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 aims to reflect the differing size and role of each centre. The Heritage and Character Study recommended a policy for Dorridge to maintain village centre uses within the square formed by Arden Buildings to ensure that incremental change over time to residential use would be resisted. The policy aims to achieve this and extends the protection to the Station Approach and Station Road frontages.</del></p> <p>In common with Policy E2, this Policy will be applied where express planning permission is required, recognising that certain changes of use are ‘permitted development’.</p> <p>The Bentley Heath centre is much smaller than Knowle or Dorridge and the loss of existing shop units around the junction of Widney Road and Slater Road would impact on the provision of local convenience shopping. The policy therefore seeks to protect these uses.</p> <p>Knowle village centre is much larger and a different approach to maintaining a balance of uses is therefore proposed, based on primary frontages where the retention of shops will be a priority. A greater mix of retail and non retail commercial uses will be supported in both primary and secondary frontages. <u>It is important</u></p>	<p>In some cases 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”</p> <p>The policy aims to reflect the differing size and role of each centre. The Heritage and Character Study recommended a policy for Dorridge to maintain village centre uses within the square formed by Arden Buildings to ensure that incremental change over time to residential use would be resisted. The policy aims to achieve this and extends the protection to the Station Approach and Station Road frontages.</p> <p>In common with Policy E2, this Policy will be applied where express planning permission is required, recognising that certain changes of use are ‘permitted development’.</p> <p>The Bentley Heath centre is much smaller than Knowle or Dorridge and the loss of existing shop units around the junction of Widney Road and Slater Road would impact on the provision of local convenience shopping. The policy therefore seeks to protect these uses.</p> <p>Knowle village centre is much larger and a different approach to maintaining a balance of uses is therefore proposed, based on primary frontages where the retention of shops will be a priority. A greater mix of retail and non retail commercial uses will be supported in both primary and secondary frontages. It is important</p>
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	<p><u>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.</u></p>	<p>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.</p>
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