

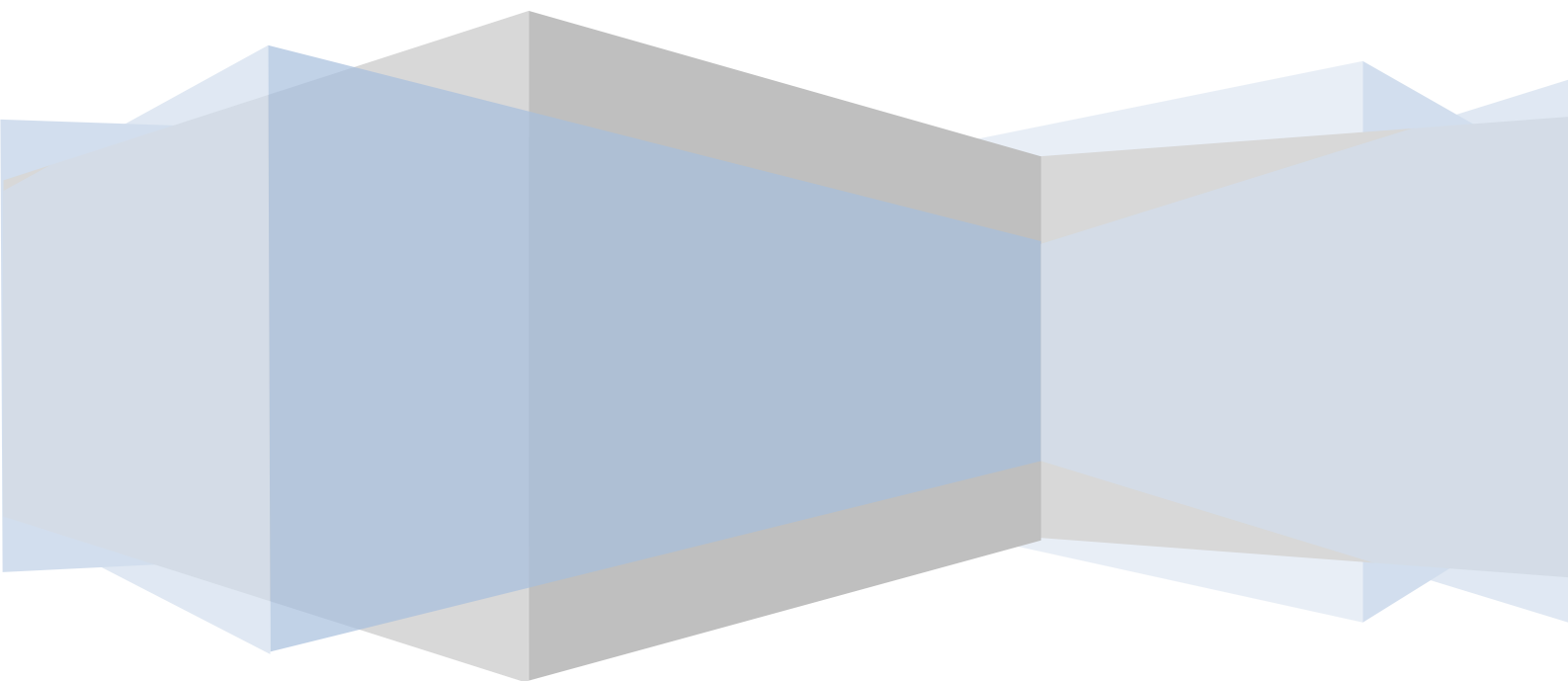
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Outline Planning Application

PL/2016/00863/MA00

Blythe Valley Park

A Hybrid Planning Application for the Mixed Use Development of Land at Blythe Valley Park to Comprise in Outline with all Matters Reserved (save for new access, internal spine road and elements landscaping as described below) up to 750 Residential Dwellings, up to 98,850 sq.m. (GIA) of use at B1, B2 and B8 Floor Space, and up to 250 Unit Housing with Care Facility (Use Class C2/ C3) up to 2,500 sq.m. of Ancillary Town Centre Usage (Use Classes A1 - A5), up to 1,000 sq.m. of Ancillary Leisure and Community Uses (Use Class D2), up to 200 Bed Hotel (Use Class C1), Associated Car Parking (including shared car parking which could be decked) Public Open Space, Public Realm and Highways Works, in full, New Vehicular Access, Internal Spine Road, Soft and Hard Landscaping (in part), SUDS and Balancing Ponds.



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Representation on behalf of Cheswick Green Parish Council

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1. Introduction

Martyn Bramich Associates have been instructed by Cheswick Green Parish Council to submit representations to Solihull Metropolitan Borough Council (hereafter referred to as

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“the Council”) concerning planning application reference PL/2016/00863/MAOO. The application is described as,

A Hybrid Planning Application for the Mixed Use Development of Land at Blythe Valley Park to Comprise in Outline with all Matters Reserved (save for new access, internal spine road and elements landscaping as described below) up to 750 Residential Dwellings, up to 98,850 sq.m. (GIA) of use at B1, B2 and B8 Floor Space, and up to 250 Unit Housing with Care Facility (Use Class C2/C3) up to 2,500 sq.m. of Ancillary Town Centre Usage (Use Classes A1 - A5), up to 1,000 sq.m. of Ancillary Leisure and Community Uses (Use Class D2), up to 200 Bed Hotel (Use Class C1), Associated Car Parking (including shared car parking which could be decked) Public Open Space, Public Realm and Highways Works, in full, New Vehicular Access, Internal Spine Road, Soft and Hard Landscaping (in part), SUDS and Balancing Ponds.

The application relates to an intensive development that will include a multitude of residential, commercial and town centre uses.

The current application is outline and is only concerned with a proposed new access off Kineton Lane, an internal spine road and elements of landscaping.

However, the development is described in full under the planning submission and a detailed planning statement with other accompanying documents has been submitted by the applicant.

Therefore, matters relating to the development in its entirety are referred to within the current outline application even though it deals with only a small element of the development as a whole.

Notwithstanding this fact, the Parish Council would like to introduce comments into this representation which relate to matters of the volume of development, its connectivity with the surrounding area and impact on local services.

Further relevant detailed matters can be explored later if a further planning application is submitted to discharge any reserved matters which are left outstanding in the event of outline planning consent being granted.

Policy within the Adopted Solihull Local Plan confirms that Blythe Valley will be supported as a business facility.

Furthermore, inset Map 10 on the Local Plan Proposals Map confirms that Blythe Valley Park could be put over to a mixed use development to include housing.

It should however be noted that page 82 of the Adopted Local Plan confirms that Blythe Valley Park could support a residential capacity of approximately 350 dwellings. This is based on a site area of 7.25 hectares and a site density of 46 dwellings per hectare.

The High Court Challenge to the Local Plan nullified this figure. Employment policies in the Local Plan indicate that around 600 dwellings would assist the long term development of Blythe Valley.

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The justification put forward by the Council in the Local Plan to support the mixed use development of the site relates to supporting the vitality and viability of Blythe Valley Park.

The Council also consider that there will need to be improvements to public transport connectivity with nearby villages, together with improvements to local roads and the motorway junction.

Consideration will also need to be given to the impact of the development on local health services and social infrastructure.

The Local Plan does not however confirm that a new access to the site at Kineton Lane will be required. Indeed, the land shown on the planning application to accommodate the access has quite deliberately been included in the Green Belt.

The Adopted Local Plan therefore sets a precedent that supports the mixed development of the site. The Local Plan is adopted and is currently under review. Therefore, the policies within the Local Plan carry significant weight and should be the primary policy consideration when determining a planning application.

The Parish Council has been liaising with IM Properties (the Applicant) and Solihull Metropolitan Borough Council in order to bring forward a development that will in so far as possible meet the needs of all involved in the development process.

The Parish Council is fully aware that its role in the process will be to influence development. The principle of the development is already accepted. Therefore, this representation will concentrate on specific issues relating to how the development of the site will affect the character, setting and general amenity of the area.

The Parish Council concerns can be categorised in the following way:

- *Issues raised by the proposed site access off Kineton Lane;*
- *The impact of the development on local services; and*
- *The connectivity of the development to existing settlements within the area.*

This representation follows on from detailed discussions between the Parish Council, the Applicant and the Council. The Parish Council has carried out a consultation process within the parish to gauge how local residents feel about the development and what measures should be taken to ameliorate the impact of it to existing residents.

This representation will put forward the Parish Council's views on how the development can be designed to integrate as well as possible with the existing environment.

2 The Site

Blythe Valley Business Park is an established employment area which is identified in the Local Plan.

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The business park is excluded from the Green Belt and is therefore exempt from usual Green Belt restrictions.

The Adopted Local Plan confirms that Blythe Valley Park and the land around it are suitable for a mixed use development.

The existing business park has established points of access off Junction 4/Stratford Road of the M42/Stratford Road and a dedicated one way egress out onto Stratford Road.

The existing layout is controlled by traffic lights, and roundabouts.

Development around Blythe Valley is of a rural character.

There are some residential properties on Kineton Lane and Illshaw Heath. However, these are of a rural character and are detached from the existing business park.

The main settlement of Cheswick Green village is some distance from Blythe Valley Business Park and is separated from it by agricultural fields.

In essence, the existing business park and land around it represents a development that is isolated from the main built up areas of Solihull and is reliant on access from main arterial roads and the motorway network.

It should be noted that not all of the development proposed under this application will take place within the site boundaries shown on the approved Local Plan Proposals Map that supports the mixed use of the site.

Section 8 of the applicants planning statement must be taken into consideration. This confirms that elements of the proposed application including the new access road from Kineton Lane into the site will be provided within the Green Belt.

Therefore, the development site should not be looked at simply as a Local Plan allocation where the development is accepted in principle in its entirety.

The Local Plan allocation only relates to land within the area of land shown on the Local Plan Proposals Map.

Any development that takes place outside of the site boundary will be within the Green Belt and as such will be subject to the provisions of Green Belt policy.

The application site therefore represents a relatively isolated area of land that is surrounded by Green Belt.

The impact of the development on the Green Belt and when viewed from the Green Belt must therefore be taken into consideration.

Photographs showing the site, existing access and egress points and street scene views are provided below.

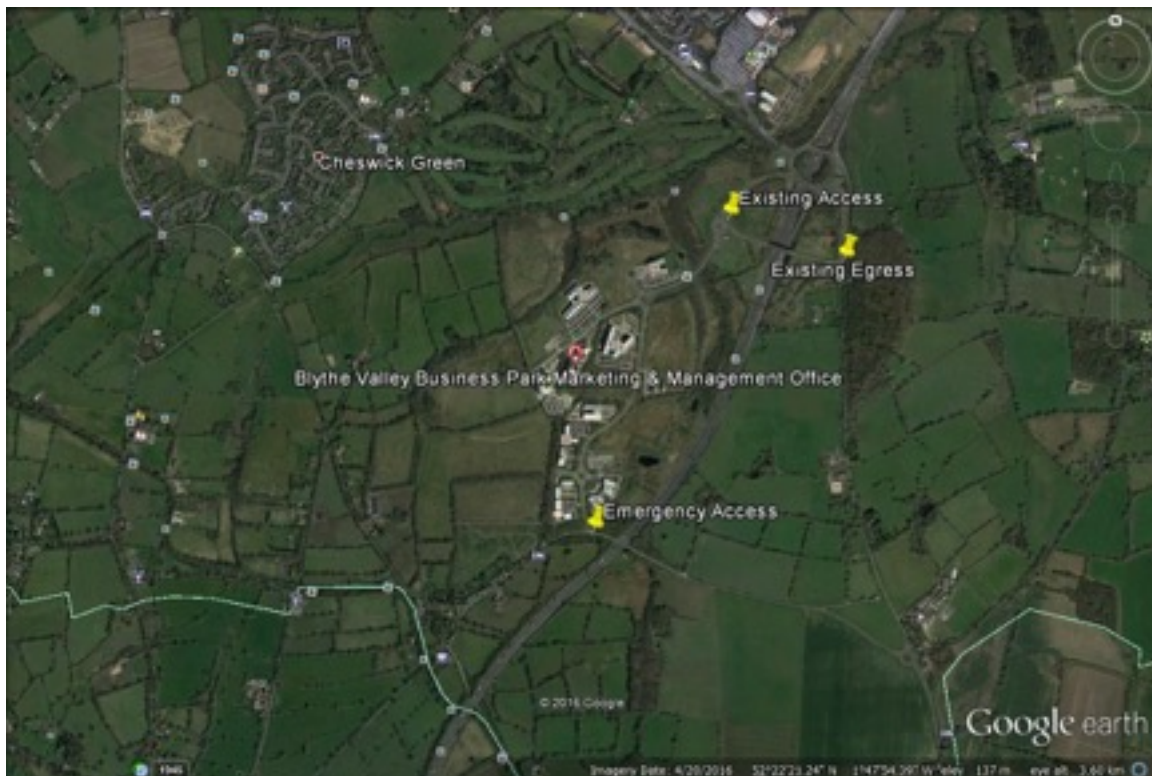
The images show the character of the surrounding area particularly the Green Belt, and the rural character of Kineton Lane where the new access is proposed.

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Site Plan



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Existing Points of Access and Egress



Emergency Access off Kinton Lane



Existing Street Scene Kinton Lane



Dwellings Fronting Kineton Lane

3 Relevant Planning Policy

The applicant has submitted a detailed Planning Statement with the application.

The Planning Statement goes into significant detail on the development even though the proposal is at this stage restricted only to a proposed new access at Kineton Lane, a spine road and some elements of landscaping.

We would not dispute the planning policies referred to by the Council. However, it is worthwhile noting that the proposed access into the site at Kineton Lane will be provided within the Green Belt.

Therefore, the impact of the proposed development on the purposes of including land within the Green Belt must be considered.

Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and will only be supported if the Very Special Circumstances exist which will outweigh any harm that is brought forward to the Green Belt.

The laying out of a road and associated works do not fall within the definition of appropriate Green Belt development.

The applicants Planning Statement goes into detail regarding the impact of the proposed access on the character of the Green Belt.

The primary concern of the Parish Council relates to the proposed access to the site at Kineton Lane.

Material considerations concerning the need for the access and alternatives that could be provided will be discussed later in the statement.

However, there is a fundamental policy issue concerning the proposed access due to the Green Belt location of the site.

We will discuss the Very Special Circumstances put forward by the applicant at the appropriate stage of this statement.

The Town and Country Planning Act confirms that development should be determined in accordance with Adopted Local Plan Policy unless material circumstances dictate otherwise.

In this case, there is support for the mixed use of the site within the Adopted Local Plan. However, the proposed development also includes land that is outside of the site specified in the Local Plan and as a consequence it is a mixture of allocated land and Green Belt.

Therefore, the principle of the development can only be supported in part where it relates to areas of land that are allocated for mixed use development.

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Any development that is proposed on land within the Green Belt must be treated separately and should be treated as being inappropriate in the Green Belt.

4 The Planning Application

The application is submitted in outline form with all matters reserved for future consideration with the exception of the proposed access off Kineton Lane, a spine road within the site and some elements of landscaping.

The submitted plans do however show how different parts of the site will be developed.

There are presently no indicative elevations to assess the bulk, mass and scale of buildings.

However, it is possible to assess the overall density of development that is proposed from the submitted plans.

The application proposes up to 750 dwellings and a further 250 dwelling units in the form of housing with a care facility.

Therefore, a total of 1,000 dwelling units will be provided under the proposed development.

We see no reason to assume that the development will be any fewer than the figures quoted by the applicant in their Planning Statement. Birmingham City Council is about to adopt its Local Plan which confirms that there is a significant undersupply of housing within the Birmingham area, Coventry City Council is going through the Core Strategy process and also has a shortfall of housing as does Warwick District Council.

There is a clear demand for and shortfall of housing within the West Midlands area. Therefore, there is, in our view, no real possibility of any fewer dwellings being provided than is referred to in the Planning Statement.

The development also includes town centre uses to support the existing and proposed infrastructure. The application specifically refers to Use Classes A1 through to A5. This will encompass all retail uses from general retail through to restaurants.

This in our view could create an insular environment where residents and people who work in Blythe Valley will have no need to leave the area after either arriving at work or arriving at home. This would seem to go against the connectivity that the development purports to encourage.

The application has been accompanied by a great deal of information. However, as the matters to be considered under the application are relatively narrow there are no detailed plans on where specific items of development will be proposed. Moreover any plans produced at this stage are purely indicative and could change further along the process.

5 Discussions with the Developer and the Local Residents Survey

IM properties have undertaken a great deal of pre-application consultation with the Parish Council and residents of Cheswick Green parish.

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A summary of the community engagement that has taken place is provided as part of the planning application.

Section 3.7 of the applicant's statement of community engagement sets out in detail the comments that were raised during the pre-application consultation process.

The result of the community engagement was that concerns were raised regarding the impact of the development on Kineton Lane and the associated road network.

The Parish Council has continued to liaise with IM Properties and the Local Council throughout the pre-application and planning application process.

The Parish Council is fully aware that the general principle of developing the site is supported by Adopted Local Plan Policy.

The purpose of this representation is to influence the particulars of the proposed development so that it responds to the comments of the Parish Council.

The Parish Council has also carried out its own survey of residents to assess feelings towards the application.

The Parish Council issued 975 surveys of which 186 were returned. The majority of respondents have lived in the area for at least 11 years. The majority of respondents at 65.1% have lived in the area for 20 years or more.

The questionnaire asked specific questions about how the development would affect the local area.

The majority of respondents consider that the existing access to Blythe Valley should be amended to include two way access from the A3400.

32.8% of the respondents thought that the access to Blythe Valley should remain as it is at present.

Only 8.1% of respondents supported the proposed access off Kineton Lane with mitigation and only 4.8% of respondents supported a new access via Winterton Farm.

Therefore, there is a significant majority of support to providing either a two-way access from the A3400 or to leave access arrangements as they are.

The survey also dealt with the provisions of medical facilities and primary education within the area.

Over 70% of respondents supported the proposal to enlarge and improve current facilities within Cheswick Green rather than construct a new surgery as part of the development at Blythe Valley.

Respondents also showed a clear preference for expanding Cheswick Green School to provide new access at the back of the school with parking. 37.6% of respondents supported this option. A further 22% of respondents supported expanding the existing school and providing a bus to bring in students from Blythe Valley Park.

Only 17.7% of respondents supported the principle of building a new school at Blythe Valley.

The independent survey carried out by the Parish Council confirms opposition to the principle of the new access off Kinton Lane with mitigation and also shows that local residents are keen to protect existing services rather than face the potential of services which are currently enjoyed within Cheswick Green village being moved to new facilities within Blythe Valley Park.

6 Principal Issues

The application brings forward the following matters for consideration:

- *The proposed new access off Kinton Lane and the implications brought forward by it;*
- *An alternative means of accessing the site without using any access off Kinton Lane;*
- *The connectivity of the development within the surrounding area;*
- *The scale and density of the development; and*
- *The impact of the development on the demand and supply of local services.*

7 Amplification of Principal Issues

The Proposed New Access off Kinton Lane

The Parish Council object to this element of the application in the strongest terms.

The applicant's Planning Statement argues that the development of the access is an appropriate and essential development within the Green Belt.

The Green Belt location off the Kinton Lane access is a fundamental consideration.

The development boundary around Blythe Valley shown on the approved Local Plan proposals map deliberately leaves a Green Belt buffer between the allocated land at Blythe Valley and the rear of boundaries of properties fronting Kinton Lane. The area as a whole is within the Green Belt with Blythe Valley excluded as a development site.

The Green Belt boundary is carefully positioned to retain openness and prevent encroachment of the countryside.

The applicant's Planning Statement pays little regard to the importance and permanence of Green Belt boundaries.

The Solihull Local Plan was adopted in December 2013 following lengthy examination.

The Green Belt boundaries shown on the proposals map were agreed following stringent testing by the Planning Inspector following evidence given by supporters and objectors to the Plan.

The Green Belt boundary is therefore considered to be sound and should therefore be treated as a permanent feature that should not be encroached.

Policy P17 of the Local Plan confirms that the Council will not approve inappropriate development in the Green Belt except in Very Special Circumstances.

Policy P17 then sets out circumstances where development is appropriate in the Green Belt, it states:

“The Council will safeguard the “best and most versatile” agricultural land in the Borough and encourage the use of the remaining land for farming, Development affecting the “best and most versatile” land will be permitted only if there is an overriding need for the development or new use, and there is insufficient lower grade land available, or available lower grade land has an environmental significance that outweighs the agricultural considerations, or the use of lower grade land would be inconsistent with other sustainability considerations. Development involving farm based diversification will normally be permitted in order to support farm enterprises and the management of land, providing it is in an appropriate location, of a scale appropriate to its location, and does not harm the Green Belt, conservation or enhancement policies.

The Council will not permit inappropriate development in the Green Belt, except in very special circumstances. In addition to the national policy, the following provisions shall apply to development in the Borough’s Green Belt:

- *Development involving the replacement, extension or alteration of buildings in the Green Belt will not be permitted if it will harm the need to retain smaller more affordable housing or the purposes of including land within the Green Belt.*
- *Limited infilling will not be considered to be inappropriate development within the Green Belt settlements, providing this would not have an adverse effect on the character of the settlements. Limited infilling shall be interpreted as the filling of a small gap within an otherwise built-up frontage with not more than two dwellings.*
- *The reasonable expansion of established businesses into the Green Belt will be allowed where the proposal would make a significant contribution to the local economy or employment, providing that appropriate mitigation can be secured.*

- *Where the reuse of buildings or land is proposed, the new use and any associated use of land surrounding the building should not conflict with, nor have a materially greater impact on the openness of the Green Belt and the purposes of including land in it, and the form, bulk and general design of the building shall be in keeping with their surroundings.*
- *Where waste management operations involving inappropriate development are proposed in the Green Belt, the contribution of new capacity towards the treatment gap identified in the Borough may amount to very special circumstances, providing the development accords with the waste management policy of this Plan.*

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

The creation of an access road does not fall within any of the criteria set out in Policy P17.

Further guidance is found at paragraph 90 of the NPPF. It states:

“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt. These are:

- *Mineral extraction;*
- *Engineering operations;*
- *Local transport infrastructure which can demonstrate a requirement for a Green Belt location; and*
- *The re-use of buildings provided that the buildings are of a permanent and substantial construction.*

Paragraph 90 of the NPPF confirms that engineering operations can be appropriate in the Green Belt.

However, the carrying out of an engineering operation is only appropriate if:

“...they preserve the openness of the Green Belt and do not conflict with the purpose of including land in the Green Belt.”

Paragraph 79 of the NPPF confirms the fundamental aim of the Green Belt is to:

“...prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and permanence.”

Paragraph 80 of the NPPF confirms 5 purposes of including land in the Green Belt. The first and third indents of the policy are relevant. They confirm that Green Belts should:

- ***Check the unrestricted sprawl of large built up areas; and***
- ***To assist in safeguarding the countryside from encroachment.***

The proposed access off Kineton Lane will cross Green Belt land.

We cannot agree with the justification put forward in the applicant's Planning Statement that the development of the access is appropriate in the Green Belt.

The access road is inappropriate Green Belt development for which there is an immediate presumption against granting planning permission.

We justify our view on the following grounds:

- i. The access road will have a significant and detrimental impact on the openness of the Green Belt. It will introduce a significant area of hard surfacing across an undeveloped green space. The visual impact of the development alone is significant. Moreover, the development will include lighting and other forms of street furniture. This will have an urbanising effect on the Green Belt. The impact on openness and the introduction of urban features will be totally at odds with the intentions of Green Belt policy confirmed by paragraph 79 of the NPPF and policy P17 of the Local Plan.
- ii. The proposed access road also conflicts with paragraph 80 of the NPPF.

The introduction of an access off Kineton Lane will encourage urban sprawl.

The ultimate protection of the Green Belt around Blythe Valley will be compromised if the access is permitted.

The access road can be viewed as the first element of shifting the emphasis of the site from a rural Green Belt character to an urban character.

The land that will accommodate the access road is located between the existing Blythe Valley boundary and the rear garden boundaries of properties fronting Kineton Lane.

The introduction of an access into Blythe Valley across this land will weaken the ability of the Council to resist further development in the Green Belt.

The purpose of the Green Belt is to protect openness. A major characteristic of the Green Belt is the permanence of the Green Belt boundary.

The access road represents the *“thin end of the wedge”* that could result in further development being carried out around it.

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The approach of a developer will in all likelihood be that the Kinton Lane road frontage could act as a permanent Green Belt boundary to enable development to take place between the existing Blythe Valley boundary and Kinton Lane.

This approach would result in urban sprawl linking the area with the built up part of Solihull and resulting in significant encroachment over Green Belt land.

The ultimate prospect is that the ability to protect Green Belt land that is included on the adopted Local Plan proposals map will be eroded with the access road acting as a catalyst to encourage further inappropriate development.

We therefore are of the view that the proposed access off Kinton Lane represents inappropriate development for which there is an immediate presumption against granting planning permission.

We hope that the Council accept this view concerning the principle of the access road rather than the case put forward by the applicant.

The Council has in fact taken the view that an access road in the Green Belt is inappropriate development and has thereafter vociferously defended an appeal to stop an access road being provided to serve residential development.

A copy of the refusal notice, Council Statement and Inspector's appeal decision concerning application reference 2013/1707 is provided as an appendix to this statement.

The application proposed an access driveway across a field in the Green Belt to allow access into a barn conversion.

The Council refused the application as inappropriate development in the Green Belt on the following grounds:

***“The proposed driveway and associated entrance walls and gates represent inappropriate development in the Green Belt. The proposal causes harm, both by definition and by demonstrable visual impact, to the character and appearance of the area, openness of the Green Belt and the purposes of including land within the Green Belt. The very special circumstances case advanced to support the development does not clearly outweigh the harm by reason of inappropriateness and other harm. The proposal would therefore be contrary to guidance within the National Planning Policy Framework and Policy C2 of the adopted Solihull UDP and emerging Draft Solihull Local Plan Policy P14.*”**

The following paragraphs of the Council's Statement are relevant where they deal with the appropriateness of the development and the existence of Very Special Circumstances.

***“7.1 The appellants maintain their views that the proposal represents appropriate development within the Green Belt. As demonstrated within this statement, with particular reference to the Fordent Holdings*”**

Limited High Court Judgement, this is fundamentally incorrect and clearly not the case.

7.2 However, and notwithstanding this, they also maintain that VSCs exist. The submitted VSC's have again been considered but again the LPA is of the view that they are not of sufficient weight to grant planning permission for a form of inappropriate development that raises significant harm to the openness of the Green Belt.

7.3 Moreover, in my experience, applicants looking to build new development in the Green Belt often produce a list of factors, which they believe amount to very special circumstances. In reality, however, many of these factors are not very special circumstances, but should more appropriately be described as material considerations. They rarely amount to very special circumstances, as the term should properly be understood. It is considered that this is the case here, though the material considerations raised do not amount to reasons to approve the application in the face of a presumption against such inappropriate development.

8. CONCLUSION

8.1 The appeal proposal represents inappropriate development, by definition and through demonstrable visual harm, and is detrimental to the openness of the Green Belt and visual amenities and character of the locality. In addition, no compelling very special circumstances have been submitted that outweigh the level of harm. The proposal is therefore contrary to Policy P17 of the adopted Solihull Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.

The Fordent Holding Limited High Court judgement referred to by the Council in paragraph 7.1 of the appeal statement is also provided as an appendix to this report.

Clearly, the justification used by the Council to argue the inappropriate nature of an access road of a significantly lesser magnitude than the access road proposed under the current application off Kineton Lane must also apply to the current application. Indeed, the impact of the Kineton Lane access will be significantly greater than the development included in the attached appeal decision due to the volume of development it will serve and the intensity at which the access will be used by traffic.

The Planning Inspector agreed with the Council and dismissed the appeal. The following comments are relevant:

“7. The appeal proposal would introduce a substantial length of hard surface some 4m wide into what is currently an agricultural field and would result in the loss of a section of hedgerow and its replacement with a tarmac surfaced bell-mouth, brick walls and a new gate. Owing to the length and width of the driveway, the proposed surfacing and

the prominent development at the entrance it would fail to maintain the openness of the Green Belt, which may reasonably be defined as a n absence of visible development, would also fail to safeguard the countryside from encroachment, which would conflict with one of the purposes of including land within the Green Belt.

8. In consequence I conclude on the first main issue that the proposed access and driveway would amount to inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

16. The appellant cites case law contained in Vision Engineering Limited v the Secretary of State for the Environment and Guildford Borough Council (1991) and argues that according to this judgement where the identified harm would be minimal then only minimal very special circumstances are necessary to justify it. However, the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Whilst the balancing exercise will vary from case to case, o t h e r considerations must carry significant weight clearly to outweigh that harm.

In this case the cited advantages appear to be largely matters of convenience to the appellant and would not be sufficient to outweigh the identified harm. In consequence the proposed road crossing and associated driveway would conflict with the NPPF and with LP Policy P17.

It must also be considered that the appeal decision was made using current NPPF and Local Plan policy.

The Council should not therefore deviate away from the view that the access road that is proposed off Kinton Lane is inappropriate development in the Green Belt for which there is an immediate presumption against granting planning permission.

We are of the view that the detrimental impact on the openness of the Green Belt, the potential weakening of the protection of the Green Belt and the potential sprawl of development towards Kinton Lane are sufficient reasons to refuse consent for the proposed access.

The applicants acknowledge that the development may be considered as inappropriate development in the Green Belt in their Planning Statement and have put forward Very Special Circumstances in an effort to convince the Council that inappropriate development can be allowed on this occasion.

The first consideration relates to policy in the NPPF.

Paragraph 88 of the NPPF confirms that:

“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations”.

We have put forward arguments in the preceding paragraphs of this report to confirm that the development of the access road off Kineton Lane is inappropriate development that will bring forward significant harm to the Green Belt.

We have examined the applicant's Very Special Circumstances and do not agree that they are sufficient to outweigh the presumption against granting planning permission for the access road.

Section 8 of the applicant's Planning Statement assesses the impact of the development on The Green Belt.

The justification put forward in paragraphs 8.16 - 8.18 misses the point of Green Belt policy.

The fact that there are no buildings does not mean that there is no impact on the openness of the Green Belt.

The appeal decision included with this statement demonstrates that fact.

The key principle of Green Belts is openness and a fundamental aspect of that principle is to keep Green Belts free of inappropriate development.

We agree with the comments made by the Planning Inspector concerning the appeal decision provided with this report where it states that the openness of the Green Belt can be reasonably described as:

"...an absence of visible development".

The provision of the access road, lighting and signage will totally change the appearance of the land through the introduction of development.

The length of the access at 170 metres is an intrusion into the Green Belt that is 70% longer than the access refused in the 2013/1717 planning application.

The visual impact of the development and the loss of open character of the site seriously and demonstrably undermine the openness of the Green Belt.

Paragraph 8.19 through to 8.24 of the applicant's Planning Statement deals with the impact of the development on the purposes of the Green Belt.

The impact of the development on the purposes of the Green Belt and the impact on openness are directly linked.

The physical development proposed within the Green Belt results in encroachment into the countryside. It also could act as a precursor to further development within the Green Belt that would lead to urban sprawl and the erosion of the strength of the Green Belt boundary confirmed on the Local Plan proposals map.

Paragraph 8.24 quotes the Inspector at the Local Plan Inquiry.

The comments confirm a need to provide residential development at Blythe Valley in order to complete the development.

However, the Inspector's comments at no point suggest that Green Belt land should be developed to achieve that objective.

Paragraphs 8.28 and 8.29 deal with encroachment into the countryside.

We note that a landscape buffer is proposed. That does not however, change the fact that an access and associated infrastructure is also proposed.

The physical development required to construct the road, the associated lighting and signage and the general comings and goings of vehicles and pedestrians combine to bring forward a significant and harmful impact on the intentions and purposes of including land in the Green Belt.

We have seen nothing of the applicant's Planning Statement to suggest that the level of harm to openness of the Green Belt and the purposes of including land in it is anything other than significantly harmful.

It therefore follows that any Very Special Circumstances put forward by the applicant have to be consistent with the level of harm that is brought forward if there is any prospect of tipping the balance in favour of granting planning permission.

It is also worth noting that Very Special Circumstances must clearly outweigh harm brought forward by inappropriateness and any other harm if planning permission is to be granted.

We have examined the Very Special Circumstances put forward by the applicant namely:

- ***The need to bring forward an allocated site and facilitation of its delivery;***
- ***Reducing traffic impacts on the strategic highway;***
- ***Securing enhanced connections; and***
- ***Place making***

and do not see how the loss of Green Belt land to provide access off Kineton Lane is necessary to facilitate any of the issues put forward by the applicant as Very Special Circumstances.

The Local Plan proposals map confirms that Blythe Valley can accommodate mixed use development and defines clear boundaries for the development.

The plans submitted with the application and the Local Plan confirm the part of the site where development can take place and where the Green Belt boundary is.

The Green Belt boundary will prevent the unacceptable spill of development into the Green Belt and also provides a green buffer between Blythe Valley and existing residential properties in the surrounding area.

The applicant's acknowledge in their Planning Statement that the Local Plan estimates 350 dwellings to be provided at Blythe Valley in two phases. The latest revised estimate is a maximum of 600 dwellings following the High Court Judgement on the Local Plan.

The applicant has elected to apply for 750 dwellings (not including the care home facility). This more than doubles the figure originally quoted in the Local Plan.

Notwithstanding this fact, we feel that development should be contained within the site boundaries shown on the Local Plan proposals map and Green Belt land should only be used for appropriate development.

Paragraphs 8.37 through to 8.43 of the applicants Planning Statement deals with delivery of the development. Detailed commentary is provided on housing numbers but nothing suggests that the development of Green Belt land to access the site is warranted.

Paragraphs 8.44 through to 8.50 deal with development required in the Green Belt to facilitate delivery.

Paragraphs 8.44 through to 8.50 deal with sports and play facilities. Such facilities can be viewed as appropriate in the Green Belt.

We do take issue with paragraphs 8.48 and 8.49 of the Planning Statement.

These state:

“8.48 The applicant, through CBRE, has approached several different housebuilders in order to understand their requirements and ascertain demand for development at Blythe Valley Park. A report setting out a summary of these discussions is provided at Appendix 8. Whilst it is clear that this area of Solihull is in high demand for housing, it is anticipated that there will be less developer demand for residential land at Blythe Valley Park if the land is served by only one access off the motorway roundabout (Junction 4) through the business park. It is evident from these discussions with developers that the proposed new access, which runs through the Green Belt, would present a more attractive opportunity for housing delivery.

8.49 By providing a second point of access to the development, this will also provide scope for two sales outlets to operate on the site concurrently, delivering up to 80 - 100 units per annum, and assisting in meeting SMBC's housing delivery targets. With just one access, that number is likely to reduce to just 40 - 50 units per annum which will impact on the Council's housing delivery trajectory.

...the proposed new access, which runs through the Green Belt, would present a more attractive opportunity for housing delivery.”

In other words, the proposed access is not essential it is merely desirable from the point of view of the developers.

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Paragraph 8.49 refers to the proposed Kineton Lane access providing scope for two sales outlets to run concurrently.

The justification given is that it will speed up the delivery of housing.

The justification given in paragraphs 8.48 and 8.49 cannot be viewed as Very Special Circumstances sufficient to outweigh the significant harm that will be brought forward to the Green Belt.

The justification given by the applicant represents no more than providing an access that is viewed as desirable and convenient and will enable houses to be sold more quickly.

This is wholly insufficient to justify inappropriate development in the Green Belt.

The Planning Statement then goes on to deal with reducing traffic impacts on the strategic highway.

The justifications put forward in paragraph 8.51 and 8.52 do not indicate any highway danger or need to change existing access and egress arrangements.

Paragraph 8.52 again suggests that the proposed Kineton Lane access is a matter of convenience, not an essential element of the development.

We feel that the development will have a negative impact on Kineton Lane through increased traffic using the road.

We also understand from discussions with the Council that the applicant is now proposing two-way traffic over the existing bridge that provides access to the Stratford Road,.

We consider that a development of the size proposed should make full use of established major road infrastructure for serving arrangements rather than using Green Belt land for additional access.

We do not agree with comments by the applicant concerning enhanced connections.

The arguments that are put forward are again based on convenience and desirability rather than an essential need for access.

Paragraph 8.54 of the applicants Planning Statement refers to bus services. It states that a bus service to Solihull town centre, Cheswick Green, Dorridge, Knowle and Hockley Heath could be provided on a 15 minute frequency.

We fail to see how the proposed Kineton Lane access is the determining factor as to whether the service is provided or not.

The proposed housing and employment uses will provide a need for public transport and relevant providers will respond to that need.

The existing infrastructure can accommodate the need for public transport. Moreover, the existing emergency access off Kineton Lane is currently being used for buses but not private cars.

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The site has existing access and egress onto the Stratford Road which links directly to all the centres referred to by the applicant in paragraph 8.54 of the Planning Statement.

Paragraph 8.55 of the applicants Planning Statement refers to the Kineton Lane access giving more direct access to Cheswick Green village.

The existing route takes traffic along the Stratford Road and down Creynolds Lane. These roads are major routes that are constructed to accommodate significant levels of traffic.

The proposed access off Kineton Lane may be closer to Cheswick Green village. However, it will encourage traffic to use the narrow country lanes which are not fit for purpose that run through Illshaw Heath leading up to Cheswick Green village.

The local road network through Illshaw Heath is not in our view acceptable to take the volume of traffic that could be generated if the proposed access off Kineton Lane is allowed.

We are of the view that the applicant and Council should give full consideration to the potential issues that will arise around Illshaw Heath if the new access is approved.

The access will force more traffic onto Kineton Lane and the surrounding area. The problem will be particularly prevalent at key times of the day such as school times and working hours.

The applicant and Council should give consideration to maximising and enhancing the existing access arrangements to the site.

The justification put forward concerning connections is not sufficient to outweigh the presumption against inappropriate development in the Green Belt.

The final Very Special Circumstance put forward by the applicant is concerned with place-making.

Paragraphs 8.56 through to 8.61 of the Planning Statement are concerned with this issue.

The basic thrust of the argument is that the proposed access will provide a key frontage and approach for the residential element of Blythe Valley.

We disagree with this view. The application is outline with only indicative site layouts provided. There are therefore no street elevation plans at this stage. However, the layout plans show an access across Green Belt land to dwellings that are set a considerable distance back from the Kineton Lane road frontage.

The development that will be visible from Kineton Lane will be an access road, lighting and signage. This, in our view, does not make a positive contribution to the area. Far from it, it will introduce an urban character to an area that is undeveloped and open in the sense advocated by Green Belt policy.

There is therefore no design merit in the proposed access and it will certainly not bring forward design matters that outweigh the presumption against inappropriate development.

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Paragraphs 8.62 to 8.67 of the applicants Planning Statement provides a summary of Green Belt considerations.

Paragraph 8.63 reiterates the argument that the development is not inappropriate as in the applicants view it does not affect openness or conflict with the five purposes of the Green Belt.

The applicant goes on in paragraph 8.64 to justify the development on the grounds that it takes place at or below ground level.

We have put forward information to confirm that paragraph 90 of the NPPF only accepts engineering operations as appropriate development if the development does not conflict with the purposes of including land in the Green Belt or the openness of the Green Belt.

The development is not entirely at ground level or below it. It will also include lighting and signage that will be above ground level.

The physical presence of the access road across Green Belt land will have significant and detrimental impacts on both the openness of the Green Belt and on encroachment into the countryside.

The lighting and signage will add further urbanising features.

The impact of the development will be exacerbated by the general comings and goings of vehicles.

The impact will be heightened during the hours of darkness through the street lighting and vehicle headlights.

The impact of the development on the Green Belt is significant and harmful.

The impact on the openness of the Green Belt and the total change in character of the land from undeveloped Green Belt to suburban housing access detrimentally affects openness and results in encroachment into the countryside.

This places the development of the access road at odds with the objectives of paragraph 90 of the NPPF resulting in the development being inappropriate in the Green Belt. Inappropriate development is harmful by definition and there is an immediate presumption against granting planning permission.

The Very Special Circumstances advanced by the applicant are in our view based on the desirability and profitability of the development.

We are not persuaded that any of the Very Special Circumstances demonstrate that the harm brought forward by the development is outweighed.

The proposed access off Kineton Lane is therefore inappropriate development in the Green Belt for which there are no Very Special Circumstances to deviate away from the presumption to refuse planning permission.

The Kineton Lane access should therefore be refused on Green Belt grounds.

We would suggest that the application should be amended to remove the proposed access off Kineton Lane.

Indeed, the applicant has been fully aware of the Parish Council's opposition to the Kineton Lane access through the pre-application process.

The questionnaire prepared by the Parish Council also confirms strong opposition to the proposed access.

We therefore consider that there is no justification for the proposed access off Kineton Lane.

The Connectivity of the Development with the Surrounding Area

The Parish Council is fundamentally opposed to the proposed access off Kineton Lane.

There is however scope to connect the development to surrounding areas.

The hamlet of Illshaw Heath and Cheswick Green village are the closest settlements to the site.

The proposed access off Kineton Lane is detached from Cheswick Green village and in real terms would allow access to the road network towards Stratford upon Avon rather than Cheswick Green village. Of particular concern is where Dyers Lane narrows at the single track canal bridge

There are opportunities to improve connectivity via a footpath along Illshaw Heath Road to its junction with Warings Green Lane.

The Parish Council also requests that there should be a footpath along Illshaw Heath Road from its junction with Warings Green Lane to its junction at Dyers Lane.

Measures such as traffic calming should be put in place to protect all road users.

There are a significant number of cyclists and equestrian users in the area which require the road system to be a safe environment.

Street lighting will also improve road safety in the area.

The enhancement of the existing road system to service the proposed development coupled with improvements that will allow direct pedestrian and cycle access between Cheswick Green village and Blythe Valley will result in improved connectivity between the application site and the surrounding area.

The approach proposed by the applicant seeks only to alter vehicle access. Therefore, it is likely that residents and visitors to Blythe Valley will drive through the surrounding areas on their way to work or home without actually connecting with the area.

The indicative plans show residential, commercial and retail uses within Blythe Valley.

In essence, there will be no need for residents to interact with other areas as they will either drive using the road system or use facilities on Blythe Valley.

The development has the potential to become of an insular nature if suitable mitigation measures are not taken.

We would use Dickens Heath as an example of insular development. The area has shops, homes, a village centre and associated infrastructure. That in our view has contributed to the insular nature of the development which seems detached and isolated from other parts of Solihull.

Blythe Valley should be treated differently. The existing road system should be fully utilised and direct pedestrian/cycle links can be provided between Blythe Valley and Cheswick Green village.

This approach will retain the separation between the two settlements but will enable connectivity between the two areas.

The Scale and Density of the Development

The application proposes up to 750 dwellings. This figure does not include the 250 units to be provided within the proposed care facility. The actual figure for the amount of dwelling units proposed by the application is therefore 1000 dwelling units.

The Local Plan sets out a number of allocated housing sites.

Blythe Valley is shown as having capacity for 350 dwellings over 7.25 hectares of land with a density of 46 dwellings per hectare.

The figure of 350 dwellings fell under policy P5 which has been quashed as part of the Solihull Local Plan Court of Appeal Judgement.

Policy P1 therefore becomes relevant. Paragraph 7.2 of the Local Plan refers to development of Blythe Valley and indicates that a substantial residential element of circa 600 dwellings would help to reinvigorate the park by helping to sustain a broader range of services.

The applicant has taken this further by proposing up to 750 dwellings and a 250-unit care facility.

The original development capacity identified in the Local Plan has been raised by 250 dwellings via the Court of Appeal Judgement. The applicant has added a further 150 dwellings plus a 250-unit care facility onto the already increased capacity of the site.

The number of dwellings proposed is now 400 more than was indicated in the adopted Local Plan. This amounts to around a 115% increase over what was originally considered to be acceptable for the Blythe Valley site.

The application indicates that up to 750 dwellings will be provided.

We have no reason to assume that any fewer dwellings will be provided.

The volume of development that is proposed at Blythe Valley when considered against other developments that are to take place in the area brings forward a potential volume

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of new residents that can only have a detrimental impact on the availability and delivery of local services.

There is already a consent granted under application reference 2014/1163 for a development of 220 dwellings at land adjacent to Mount Dairy Farm, Tanworth Lane, plus 14 dwellings at Mar City on the A34. These sites, together with 750 dwellings at Blythe Valley Park, will give a total increase of housing of 126% in Cheswick Green parish.

The pressure of development within the parish of Cheswick Green is therefore intense.

The principle of development is accepted under the Local Plan.

However, policy allows for up to 600 dwellings at Blythe Valley.

Cheswick Green parish and the surrounding area are being faced with an unfair burden to provide development land.

We see no reason why Blythe Valley should take more dwellings than is indicated in the Local Plan.

In real terms, the Blythe Valley allocation has increased from 350 dwellings to 600 dwellings and the applicant is proposing a further increase to 750 dwellings.

The development as proposed is over intensive.

We acknowledge the need for housing. However, the provision should be commensurate with Local Plan policy and should not place unnecessary burdens on the availability and delivery of services in the Cheswick Green parish.

The Impact of the Development on the Demand and Supply of Local Services

The Parish Council is extremely concerned that the proposed development will result in a detrimental impact on the demand for and supply of services within the local area.

The Blythe Valley development is one of a number of developments that will add to the population of the area.

The cumulative impact of the Blythe Valley development and developments such as Mount Dairy Farm must be given serious consideration in terms of the impact of the demand for, and supply of local services.

The Parish Council has forwarded a copy of the questionnaire that was handed to residents to the Council for reference purposes.

It is evident from the responses to the questionnaire that have been received that local residents are extremely concerned that the influx of new development will have a detrimental effect on the provision and delivery of local services.

The primary concerns relate to the availability of medical facilities and the provision of primary school education.

Medical Facilities

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The overwhelming view of local residents was that the existing doctor's surgery in Cheswick Green village should be retained and expanded to meet pressure from additional patients from development taking place in the area.

Consideration needs to be given to how medical facilities will be affected by the development.

The application proposes up to 750 dwellings. This will in all likelihood be a mix of house type and size.

The occupants of the new dwellings will include people of all ages living in family groups, shared accommodation or single person households.

This could result in medical conditions ranging from minor to serious coming under the care of the existing medical practice. That alone will place significant pressure on existing medical facilities.

The application also includes a 250-unit care facility.

The application is outline and no details are available concerning the level of care that residents will require.

The care facility could, for instance be a sheltered development where residents have a high level of independence but share some communal facilities.

However, the care facility could be of a high dependency nature where residents require constant care and attention.

In either event, the care facility will add a further 250 residents to the 750 dwellings that are proposed.

Consideration must be given to the fact that 750 dwellings will result in a significant number of residents when the potential occupancy of the dwellings is taken into consideration.

Medical practices have to operate on a commercial footing and be financially viable.

It may be desirable to include a purpose built practice as part of the Blythe Valley development.

We are concerned that the creation of a new medical practice at Blythe Valley could result in the loss of the existing practice in Cheswick Green as it may be more financially viable to move the practice in its entirety to Blythe Valley.

The ultimate decision on where to locate a doctor's surgery and the services located within the practice are at the discretion of the practice and that decision will be made on a commercial footing.

The ultimate decision of whether to provide a doctors surgery lies with the NHS. It is not in the gift of the Council or the developer to provide a doctors surgery.

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The most logical and beneficial way of addressing the increased demand for medical services is to expand the existing provision within Cheswick Green village.

The existing doctor's surgery is an established part of the community and it should be protected.

The expansion of the existing surgery will retain a medical practice within the existing community and will provide facilities for future residents of the area.

This approach is the most viable solution by protecting existing services within its current location and offering medical facilities to future residents of the area.

Primary Education

Local residents have expressed a view that primary education facilities should form part of the Blythe Valley development.

The Solihull School Organisation Plan 2016 confirms that the proposed development is not of a sufficient size to warrant a primary school in its own right.

The onus will therefore fall on the existing primary school system to accommodate new pupils associated with the proposed development.

The Parish Council has given full consideration to the best way of addressing the issue of primary school education.

The Parish Council considers that the expansion of Cheswick Green Primary School offers the best location to accommodate the demand for primary school places associated with existing and future properties in the area.

Delivery of Mitigation Measures

The Parish Council is aware that the overriding principle of the development is supported by the adopted Local Plan Policy.

The purpose of this representation is to highlight concerns raised by the Parish Council and influence the application so that any approval in so far as is possible meets the requirements of local residents, the Council and the developer.

There will without doubt be significant and far reaching implications for the long term future of Cheswick Green parish and the surrounding area.

The Parish Council is eager to be involved in the preparation of any Section 106 Agreement to ensure that suitable mitigation measures are in place to address the impact of the development on local services and infrastructure.

A copy of a document prepared by the Parish Council is appended to this report which sets out the requirements of the Parish Council.

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The details that the Parish Council request to be included in any Section 106 Agreement are summarised below:

- *The expansion of the Medical Facilities (Village Surgery) by way of building an enlarged building within the village to meet the increased number of patients and the requirements of a modern medical practice.*
- *The expansion of Cheswick Green Primary School by way of extending the building, providing off street parking for teaching and support staff and a suitable 'drop off point' for children arriving by car.*
- *The provision of additional playing fields for use by the increased number of pupils at the school. The playing fields could then be used for recreational purpose by residents once the school is closed.*
- *The provision of Allotments. At the Annual Parish Meeting held on 21st April 2010, residents requested that the Parish Council search for a suitable site for Allotments. The Parish Council has an obligation to formally consider any such request if there is a demand.*
- *Improved road safety measures for the proper management of vehicles and pedestrians along with cyclists and horses from the local riding stables in the hamlet of Illshaw Heath and along Illshaw Heath Road, Dyers Lane and School Road together with the immediately surrounding lanes. Provision of a footpath along Illshaw Heath Road. The provision of street lighting.*
- *The provision of a new Community Centre in Cheswick Green village that could be used to replace the existing Village Hall. The Community Centre could be used by existing users of the Village Hall and the anticipated increased numbers of users resulting from the additional housing and businesses at Blythe Valley Park. The Community Centre could also be used by Cheswick Green School and businesses within the Parish, such as those that exist on Blythe Valley Park and within the village.*
- *Recreational facilities at Blythe Valley Park, such as play equipment and allotments and the like.*
- *Any necessary extension to Tudor Grange Secondary School that is in the catchment area for pupils living in Blythe Valley Park.*

The requests made by the Parish Council are reasonable and will mitigate against the impact of a major development proposal.

Summary and Conclusion

The application relates to outline planning permission for a mixed use development at Blythe Valley Park.

The details included in the current application relate only to a proposed access off Kinton Lane, an internal spine road and elements of landscaping.

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The overall principle of the development is supported by the adopted Solihull Local Plan.

The proposal put forward by the applicant does however deviate away from what is confirmed in the Local Plan.

Blythe Valley Park has a clear development boundary. This includes the Green Belt boundary.

The proposed access off Kineton Lane is outside of the development boundary included on the adopted Local Plan proposals map.

The proposed access off Kineton Lane is within the Green Belt.

The applicant has put forward an argument that the development is appropriate in the Green Belt.

The applicant also puts forwards arguments that Very Special Circumstances exist if the development of the access road is considered to be inappropriate development in the Green Belt.

We are of the view that the access road and associated infrastructure fails to meet the requirements of paragraph 90 of the NPPF due to detrimental impacts on the openness of the Green Belt and encroachment into the countryside.

The proposed access is therefore inappropriate development in the Green Belt that brings forward significant harm to the interests and purposes of including land in the Green Belt.

The Very Special Circumstances put forward by the applicant do not outweigh the significant harm that is brought forward to the Green Belt.

There is nothing in the applicants Planning Statement to suggest that the access off Kineton Lane is an essential part of the development.

The Very Special Circumstances put forward by the applicant relate only to matters of convenience, desirability and profitability of the development.

Such issues should not be allowed to permit inappropriate development in the Green Belt.

The applicant should work with the Council to ensure that the existing road access to the site is used to its full capacity rather than developing Green Belt land.

Furthermore, the ultimate protection of the Green Belt from further development will be compromised and eroded if the proposed access off Kineton Lane is allowed.

The general principle of mixed use development is accepted at the site,

The number of dwellings considered acceptable has risen from 350 to 600.

The application proposes up to 750 dwellings.

The development should include no more than 600 dwellings.

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We appreciate the need to provide new housing. However, Cheswick Green Parish should not be forced to take a disproportionate amount of development.

The current proposal and extant consents such as Mount Dairy Farm are placing an unnecessary burden on the area and in so doing will have a significant impact on local services.

The protection and provision of local services is of paramount importance.

The Parish Council has presented reasonable and enforceable requests for matters to be included in any Section 106 Agreement.

In conclusion, the Parish Council accept that the overall principle of the development is accepted under the adopted Local Plan policy.

That however, does not mean that development that steps outside of the adopted Local Plan Policy should be approved.

The development should therefore be amended to remove the access off Kineton Lane, reduce housing numbers to no more than 600 and provide suitable mitigation measures to protect local services.