

APPLICATION REFERENCE: PL/2020/02450/PPFL

Site Address: Connected And Autonomous Vehicles Testbed Fernhill Lane Balsall Common Solihull

Proposal:	Laying of hardstanding material and engineered sections of kerb on land off Fernhill Lane to serve as a temporary mobile trailer area to facilitate a Connected and Autonomous Vehicles (CAV) Testbed.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The application site is within SMBC Highway land and more than 1 objection has been received.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This application seeks permission for the laying of a grasscrete hardstanding and engineered sections of kerb on land off Fernhill Lane to serve as a temporary mobile trailer area to facilitate a Connected and Autonomous Vehicles (CAV) Testbed to monitor the performance of CAVs on a unique road feature in this area (a narrow blind bend).

The hardstanding will be used to serve the placement of a temporary mobile trailer 6.3 metres long and 3.3 metres wide, upon which various items of equipment will be placed, for testing CAVs for several days at a time. The trailer will be towed to the site, secured to a security point, and left in place for testing within the trailer demarcation area indicated on the submitted plans.

The combined provision of the hardstanding along with its proposed use of a mobile trailer would amount to operational development and as such, constitutes inappropriate development within the Green Belt. In such circumstances development may only be acceptable if Very Special Circumstances (VSC's) exist that outweigh the harm to the Green Belt by way of the inappropriateness of the development and any other harm.

This Planning application has been submitted on behalf of Transport for West Midlands (TfWM) and the proposal is required for Phase 4 of the Midlands Future Mobility (MFM) Meridian 3 Connected & Autonomous Vehicle (CAV) Testbed on existing rural and inter-urban public roads in Solihull and Warwickshire. TfWM's role is to ensure the region's transport system meets the region's goal of using CAV technologies to improve the transport network for everyone in the West Midlands. Through intelligent systems and integrated policy CAVs will be key to the West Midlands leading the way in reducing individual car ownership, reducing congestion, shortening journey times and improving air quality.

Further to this key issue, this report demonstrates that there are no adverse impacts (harm) regarding impact upon character and local distinctiveness of the area, neighbour amenity, highways, ecology, and drainage.

The proposal is therefore recommended for approval.

BACKGROUND

This application is one of a number of other planning application submitted for the provision of a CAV Testbed, some of which have already been approved and include the following locations;

- CCTV Camera Attached To Lamp Column 8 Kixley Lane Knowle: PL/2020/02936/PPFL- Attachment of CCTV cameras and a communications box to an existing lighting column located off the B4101 Kenilworth Road (to the west of Kixley Lane) to facilitate a Connected and Autonomous Vehicles (CAV) Testbed. Decision Due 8/2/2021 (BW)
- Site 262 Warwick Road Knowle: PL/2020/02458/PPFL- Attachment of CCTV Cameras and a Communications Box to an existing lighting column located off the A4141 Warwick Road (to the north of Lodge Road) to facilitate a Connected and Autonomous Vehicles (CAV) Testbed Approved 10/12/2021 (LT)
- Site 263 Warwick Road Knowle: PL/2020/02459/PPFL- Attachment of a roadside unit, CCTV cameras and communications box to an existing lighting column located off the A4141 Warwick Road (to the north of Blackdown Road) to facilitate a Connected and Autonomous Vehicles (CAV) Testbed. Approved 7/1/2021 (LT)
- Road Side Mast For RSU And GNSS Coventry Road Solihull: PL/2020/00130/PPFL- Erection of a road side mast for mounting a Roadside Unit (RSU) and a Global Navigation Satellite System (GNSS) Correction Unit to the south of the A45 Coventry Road (to the east of the road's junction with Goodway Road) to facilitate the creation of a Testbed for Connected and Autonomous Vehicles (CAVs). Approved 5/5/20 (BW)
- Connected And Autonomous Vehicles Test Bed Elvers Green Lane Knowle: PL/2020/02272/PPFL-Use of land off Elvers Green Lane to serve as a

temporary mobile trailer area to facilitate a connected and autonomous vehicles (CAV) test bed. Decision to be made at Planning Committee.

- Connected And Autonomous Vehicles Test Bed Lavender Hall Lane Berkswell: PL/2020/02271/PPFL- Laying of hardstanding material and engineered sections of kerb on land off Lavender Hall Lane to serve as a temporary mobile trailer area to facilitate a connected and autonomous vehicles (CAV) test bed. Decision Due.
- CAV Weatherstation And RSU Terminal Road Birmingham Airport: PL/2019/02899/PPFL- Erection of a road side mast for mounting a roadside unit (RSU) and weather station to the south of Birmingham Airport to facilitate the creation of a testbed for connected and autonomous vehicles (CAVs). Approved 5/5/20.
- CAV Cameras Terminal Road Birmingham Airport: PL/2019/02900/PPFL- Erection of a road side mast for mounting two CCTV cameras to the west of Birmingham Airport to facilitate the creation of a testbed for connected and autonomous vehicles (CAVs). Approved 5/5/2020.

TfWM is the transport arm of the West Midlands Combined Authority (WMCA). The WMCA consists of eighteen Local Authorities (including Solihull MBC) and three Local Enterprise Partnerships (LEPs) working together to achieve a shared vision of a West Midlands region that is healthier, happier, better connected and more prosperous. The WMCA has powers over transport, economic development and regeneration throughout the West Midlands. The West Midlands Strategic Transport Plan sets out the long-term approach to guiding improvements to transport across the West Midlands Combined Authority area (including Solihull) over a twenty-year period. CAV (including road side infrastructure to enable CAV technology) is a key transport priority and committed scheme to deliver the Movement for Growth Plan at the Metropolitan and Local Tier.

A connected vehicle is a vehicle with technology that enables it to communicate and exchange information wirelessly with other vehicles, infrastructure, other devices outside the vehicle and external networks. Connected vehicles have the potential to increase convenience and comfort for drivers and passengers, improve personalisation and delivery of services, and contribute towards achieving social objectives such as enhancing road safety, reducing fuel consumption and emissions, facilitating parking and improving traffic management and efficiency. An autonomous vehicle is a vehicle that is, in the broadest sense, capable of driving itself without human intervention.

The proposal is required for Phase 4 of the Midlands Future Mobility (MFM) Meridian 3 Connected & Autonomous Vehicle (CAV) Testbed on existing rural and inter-urban public roads in Solihull and Warwickshire. Through intelligent systems and integrated policy CAVs will be key to the West Midlands leading the way in reducing individual car ownership, reducing congestion, shortening journey times and improving air quality.

A CAV Testbed is a testing environment that enables managed interaction between connected and autonomous vehicles situated amongst other live road users, which is required to test and monitor their performance. The proposed communications infrastructure forming part of this planning application will feed information to connected vehicles to begin with and then include autonomous vehicles once this technology is further advanced. The Testbed will be temporary in nature whereby all apparatus shall be removed upon completion. It is anticipated the Testbed will last for approximately 8 years.

As part of their work to deliver the complete MFM CAV Testbed, TfWM have to date delivered the urban element of the Testbed, which is known as Meridian 1 (M1). M1 will seek to test CAVs in urban environments in order to improve CAV technology in those environments.

The proposal is part of the Meridian 3 testbed, which will deliver testing locations in rural and inter-urban locations in order to test CAVs in a variety of environments that provide unique use cases, such as narrow bridges or fords. This particular site is required to allow testing close to a blind bend. Mobile testing trailers are required to facilitate testing in these environments in order to offer Clients a flexible testing environment and to minimise the visual impact of the testing apparatus by ensuring it takes place on a temporary basis.

To take CAV technology to the next stage, there is a need to test on live roads. Real world road environments are required to test the success and adoption of CAVs which depends on how well these vehicles integrate into real world road environments alongside existing transport services and infrastructure. While controlled testing on private roads is important in providing confirmation that systems are behaving as expected in a range of controlled scenarios, testing in a live road environment is vital to understand user acceptance and how these systems operate amongst the complexity and unpredictability that is inherent in real world environments. Private road testing has already taken place at HORIBA MIRA's proving ground for CAVs in Nuneaton, Warwickshire. Testing in a live road environment will help accelerate the adoption of new mobility in the UK and globally.

Wider and anticipated benefits of enabling CAV include the following:

- Provide business opportunities for the automotive, communications, infrastructure and transport sectors in the UK;
- Reduced need for car ownership (car sharing, autonomous public transport, ride hailing etc.); and
- Reduced pollution, through controlling access and speed to maximise traffic flows and throughput, thus reducing inefficient braking and acceleration.

The need to deliver CAV technologies has been set at national and regional level, and is being supported at local level. Central Government is committed to supporting innovation in transportation, with a commitment to investing in CAVs, recognising the expected commercial and technological expansion of the CAV sector. The proposed technology and communications infrastructure will play a pivotal role in delivering the Testbed and maximising the testing capabilities offered to potential clients. The Department for Transport (DfT) outlines the opportunities

CAVs offer to improve mobility dramatically with the substantial benefits that such technological advancements can bring to society, the environment and economy.

MAIN ISSUES

The key main issues in this application are;

1. Whether the proposed development would constitute inappropriate development in the Green Belt;
2. The effect of the proposal on the openness of the Green Belt;
3. The effect of the development on the character and local distinctiveness of the local area.
4. The effect of the proposal on the living conditions of the occupiers of neighbouring properties;
5. The effect of the proposal on highway safety and the free flow of the road;
6. Other Material Considerations (Ecology and Drainage);
7. The balancing act and the consideration of VSC.

CONSULTATION RESPONSES

Statutory Consultees

Balsall Parish Council have no objection to the application but if approved, that the time period of the temporary use is stipulated and a schedule or method for the reinstatement of the area is conditioned.

Non Statutory Consultees

- SMBC Drainage - No objection
- SMBC Highways – No objection subject to conditions
- SMBC Ecology – No objection subject to conditions
- SMBC Landscape – No observations

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

8 letters of objection have been received from separate addresses raising the following concerns;

- The site is very boggy and prone to regular flooding;
- The site is a single track country lane not suitable for this proposed industrial use and not for a towing vehicle;
- The hardstanding will encourage antisocial behaviour, litter and fly tipping;
- The proposed use will have highway safety implications for other users;
- The proposal will displace and disrupt wildlife that need to be preserved;
- The parking of the trailer over days will lead to theft and damage to the trailer;

- The trailer and equipment would be better installed on a university campus where all the research can be done.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: - 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2019, the National Planning Practice Guidance.

Whether the proposed development would constitute inappropriate development in the Green Belt

The site is located within the designated Green Belt where Chapter 13 of the NPPF (2019) - Protecting Green Belt Land applies and is an appropriate policy context for assessing the application.

The proposal would be for the provision of a hardstanding together with the use of the trailer equipment that would be installed on site for sustained periods of time and over a number of years during the project lifetime.

Paragraph 146 of the NPPF lists certain forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including 146 (b) - Engineering operations.

The proposal clearly constitutes an engineering operation. However, the proposed hardstanding taken together with its proposed use, including the trailer equipment to be installed on the hardstanding over extended periods of time, would have a greater impact upon open than the current status of the site, and would therefore not preserve the openness of the Green Belt.

Policy P17 of the Solihull Local Plan 2013 - Countryside and Green Belt advises that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances.

Taking the above into account the above policy context it is clear that the proposal does not fall within the exceptions of paragraph 146 of the NPPF 2019 or the Solihull

Local Plan and can therefore only be seen as inappropriate development in the Green Belt. The proposal is therefore by definition harmful to the openness of the Green Belt.

Taking these matters into consideration, substantial weight is attached to the harm arising due to the inappropriate nature of the development in accordance with the NPPF.

In order for the development to be acceptable (in Green Belt terms) there must therefore be demonstrable VSC's that clearly outweigh the harm of the proposal by way of its inappropriateness, and any other harm. These will be assessed later in this report.

The effect of the proposal on the openness of the Green Belt

Paragraph 133 of the NPPF says, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'.

From a visual point of view the proposed hardstanding and trailer equipment to be installed over a sustained period of time would introduce operational development on an area of open countryside where non currently exists. This inevitably means that there would be a reduction to openness contrary to one of the purposes of the Green Belt, which is to safeguard the countryside from encroachment.

This would be detrimental to the existing openness of this Green Belt land. The NPPF and policy P17 state clearly that inappropriate development is by definition harmful to the openness of the Green Belt. As such, it therefore follows that the proposal creates harm.

The NPPF and P17 state that the Green Belt has 5 main purposes, which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In its simplest terms, openness can best be described as being land devoid of urbanising features or structures, and as such, as soon as urbanising features are proposed on an area of land, openness is physically and visually harmed irrespective of the degree of visual impact of said structures.

Having regard to the 5 purposes of including land within the Green Belt as set out above, it is considered that the proposal would conflict with the third purpose. The third purpose seeks to safeguard the countryside from encroachment.

The site is situated off a small country lane in open fields, well away from the main urban form of neighbouring villages and towns. As such, developing the site as

proposed would result in urbanising development that would clearly be at odds with these purposes. Further the proposal would cause encroachment on the site. Substantial weight against the proposal is therefore afforded to the proposal by virtue of it constituting inappropriate development in the Green Belt and being harmful to one of the stated purposes of including land within the Green Belt.

The applicant's consider that in this instance there are VSCs that clearly outweigh the harm of the proposal by reason of its inappropriateness and any other harm. The significance and weight to be attached to the submitted VSCs will be assessed at the end of this report in the balancing exercise, once the extent of any potential 'other harm' has been properly assessed and identified.

The effect of the development on the character and local distinctiveness of the local area.

With regard to neighbour concerns that the proposal would industrialise the existing rural lane, Policy P15 of the Solihull Local Plan advises that the Council will seek to achieve good quality design which conserves and enhances local character, distinctiveness and streetscape quality.

The parking of the trailer and erection of the equipment contained within over sustained periods of time and over the project lifetime would be visible in the immediate vicinity and also from across the open rural surrounding fields, As such, the proposal would be considered to be a visually urbanising structure within this location and would therefore be harmful to the character and appearance of this rural location and the wider surrounding rural area. Negative weight should be attributed to this in the planning balance.

The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Overall the resulting separation distances of over 100 metres to the closest neighbouring plots would ensure amenity and privacy levels would not be harmed between properties and maintained without any unacceptable levels of overshadowing, overlooking, noise or disturbance. On this basis the proposal would accord with policy P14 of the SLP, SPG New Housing in Context and guidance in the NPPF.

Given there is no identifiable harm that cannot be mitigated by planning conditions neutral weight is attributed to this in the decision making process.

The effect of the proposal on highway safety and the free flow of the road.

Policy P8 – Managing Demand for Travel and Reducing Congestion of the SLP advises inter alia that: *'All development proposals should have regard to transport efficiency and highway safety [and] development will not be permitted which results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any users of the highway or other transport network'*.

Although not submitted with the application, a Road Safety Audit (RSA) was carried out for the proposal and shared with the LPA ahead of the formal planning submission. The RSA for the site on Fernhill Lane did not raise any highway safety issues.

Furthermore, it has been shown that a visibility splay of 77m can be achieved from the layby area around the bend in the road. When applying Manual for Streets formulae, the achievable visibility splay distance would be commensurate with vehicle speeds of approximately 47mph. Due to the narrow width and alignment of Fernhill Lane it is unlikely vehicle speeds will be this high. It is therefore considered that the level of visibility that can be achieved at the layby is acceptable.

Accordingly, the proposal will not be detrimental to highway safety and it is considered compliant with Policy P8 of the SLP. Neutral weight should be attributed to this in the decision making process.

Other Material Considerations (Ecology and Drainage)

Ecology

The Preliminary Ecological Appraisals report that accompanies the application identifies a number of potential roost features for bats on nearby trees, as well as potential habitat for water voles, badgers, reptiles and amphibians.

The Preliminary Ecological Appraisals report states that a Precautionary Working Method Statement should be produced to ensure that works are carried out in a sensitive way and that protected species are not impacted. Since the proposed works are limited to an area of hardstanding on the existing road verge which currently comprises bare ground, this is considered a suitable approach and the precautionary working measures can be secured by condition.

The proposal is therefore compliant with Policy P10 of the SLP and neutral weight should be attributed to this.

Drainage

SMBC Drainage Officers have no objections to the proposals. The proposal is therefore compliant with Policy P11 of the Solihull Local Plan 2013 and neutral weight is attached to this in the balancing exercise.

The balancing act and the consideration of VSC.

Given that the scheme represents inappropriate development within the Green Belt, VSC's need to be demonstrated to outweigh the harm to openness and any other harm. This report has demonstrated definitional harm by way of inappropriateness (to which substantial weight should be attached), increased harm to the openness of the Green Belt by virtue of additional built form (to which moderate weight should be attached), and harm to character (to which limited weight should be attributed).

Any submitted VSC's must therefore outweigh this harm. In this instance the following summarised main points listed below from have been submitted by the applicant in their Planning Statement document and that can be considered as VSC's. They include;

- Developing and enabling CAV generally result in significant opportunities and benefits for the automotive, communications, infrastructure and transport sectors in the UK. It is expected to reduced need for car ownership (car sharing, autonomous public transport, ride hailing etc.); and result in reduced pollution, through controlling access and speed to maximise traffic flows and throughput, thus reducing inefficient braking and acceleration.
- As set out previously in this report, the delivery of Meridian 3, which specifically seeks to monitor CAV technology in the rural environment is a key transport priority and committed scheme to deliver the Movement for Growth Plan at the Metropolitan and Local Tier.
- Solihull MBC's Transport Strategy 'Solihull Connected' recognises technology is moving at such a pace that it is more valuable to consider it as an enabler of overarching objectives. A key objective is to support the deployment of Intelligent Transport Systems (ITS) and technology. At the local level, the 'Solihull Connected' Delivery Plan (2016-2036) seeks to make the most of opportunities presented to the council through new technologies and innovations. The proposal will therefore contribute towards meeting this objective.
- The final sites proposed for Meridian 3 (including this one) have resulted from a significant number of desktop studies and site surveys undertaken by WSP's design teams. Testbed sites were chosen based upon criteria such as the safety and ease of build and maintenance, environmental constraints and the fit for purpose nature of the site for housing the required technology. This site is one such site, and it's location within the Green Belt is unavoidable given the objectives of Meriden to test and monitor CAV in a rural environment.

According, it is considered that the submitted VSC's as listed above amount to the the very special circumstances (VSC's) required to outweigh the harm to openness of the Green Belt created by the proposed development.

For the above reasons the proposal would not conflict with SLP Policy P17 or the NPPF 2019 Framework. Neutral weight should be attributed to this.

Public Sector Equality Duty

In making your decision, you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions). The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 it is only one factor that needs to be considered, and may be balanced against other relevant factors.

Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant).

CONCLUSION

Although the proposal represents inappropriate development within the Green Belt, there are accepted very special circumstances that outweigh the harm to openness and any other harm.

With regard to neighbour concerns, the design and site layout of the proposed hardstanding would consist of a grasscrete finish that would help blend into the surrounding grass verges and hedges along this rural lane and without the need to remove any existing hedges, all of which would help produce a sympathetic response to the site and its surrounding rural landscape.

Regarding neighbour concerns that the application site would encourage crime and antisocial behaviour, the proposed hardstanding would be little different to widened areas of tarmac that already exist along narrow single track country lanes, throughout the Country and provide convenient passing points for vehicles travelling in opposite directions.

Regarding other neighbour concerns the proposed grasscrete hardstanding can be given permission via a planning condition for a set period of time during the project lifetime and removed from site.

The proposal is considered to be acceptable in all other aspects, subject to appropriate conditions, and is thus considered to comply with Policies P7, P8, P10, P11, P14, and P17 of the SLP and in accordance with the NPPF.

The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – compliance with plans

2. CS05 – commencement within 3 years
3. The planning permission is granted for a period of 10 years from the date of this permission after which the proposed development shall be removed from site thereafter. In accordance with Policy 17 of the SLP 2013 and to avoid the proliferation of development in the Green Belt.
4. CS06 – materials to be submitted.
5. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for badger, bats, breeding birds and or appropriate working process and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.
Reason: To ensure that protected species are not harmed by the development