

## Matter 7A Written Statement – H44 North of Milverton – Dan Robbins (6241)

16<sup>th</sup> August 2016

To Mr Kevin Ward, Planning Inspector

### Re: Local plan proposed modifications consultation

I am writing this letter to oppose some of the modifications proposed in the amended Local Plan submission; in particular I support the absence of development on the North Leamington Green Belt around Old Milverton/Blackdown (henceforth referred to as OM&B).

The Green Belt in this area meets the 5 key roles of Green Belt and is an excellent and well used cultural and exercise related resource. Recent developments in Kenilworth, Baginton and Lillington already take land from this essential Green Belt and further development on it would not be sustainable. I object to further such development whilst recognising the need for further housing requirements.

I would like to make the following points:

- A Joint Strategic Housing Needs Analysis was performed with Coventry City Council (CCC). As the review identified the necessity to increase the number of houses above those originally proposed I believe that there is sufficient non Green Belt land to accommodate this additional development;
- This should be about Warwick District Council (WDC) and the ability of our district to accommodate the required housing for the next 15 years. We should not have to use additional district land to satisfy the shortfall of other councils;
- The Revised Development Strategy has a fair distribution of new housing across the District. It is fair because there are still plans for new houses in the Green Belt at Thickthorn and Lillington as well as proposed development in villages;
- The original Revised Development Strategy proposed that most of the new development be located close to where employment opportunities already exist (e.g. industrial parks to the south of Leamington and Warwick) this provides an opportunity for people to live close to their place of work, reducing or eliminating commuting for many people, reducing pollution and improving quality of life. There is ample space to build to the south of Leamington as the next nearest town is Banbury;
- Focusing development in the South, in one broad area, ensures adequate public services can be provided and developed to meet the needs of the new population. These services can be designed to meet the exact needs of that new population and planned within easy walking and cycling distance, minimising traffic congestion;
- The original Revised Development Strategy provided for improvement to the road network south of Leamington to relieve the existing congestion and to cater for the new development. The transport assessment clearly showed that development in the north would generate more traffic congestion in the district as it would have forced people to travel south to employment land, shopping and the M40;
- It is possible that mitigation methods may need to be employed in the southern areas to reduce pollution and congestion but the work needed to do this would be less than for development in the north

WDC wants to remove about half of Old Milverton from the Green Belt. Initially 250, and later a total of 1,350 of Coventry's houses will be built in Old Milverton together with a primary school, a railway station, medical centre and employment opportunities. It makes no sense to locate housing for Coventry in Old Milverton and to create more traffic on the A452, A46 and Stoneleigh Road courtesy of approx. 3,000 new cars (on the premise there will be two per new house). Plans for a Park and Ride Scheme will significantly change North Leamington and open the area to major development in the future.

The expression in the plan to build a railway station in Old Milverton to be used for a commute to Coventry would suggest that in the first instance the houses are going to be located too far from Coventry. The alternative travel plan for the Park and Ride overlooks the fact that the proposed site is too far from the A46. To put this in perspective, the equivalent in terms of a park and ride for Leamington would be over a seven or eight mile radius which would extend further than the boundaries of surrounding local towns like Kenilworth and Warwick.

The principles of the Park and Ride Scheme as outlined by Warwick District Council contain proposals that also need to be reviewed not least the fact there will be no dedicated buses but instead a glorified car park where scheduled bus services will stop with users having to time visits to coincide with the bus timetable.

The protection of OM&B's visual, historic and archaeological qualities is protected under paragraph 64 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

For years, Green Belts have protected agricultural and other undeveloped land. By doing this they encourage the re-generation of previously developed or 'brown field' land in urban areas. Without the strong protection Green Belts offer against many forms of development, much more farmland and woodland would be consumed by urban sprawl. With the increasing global pressures from climate change and population growth, our farmland and woodlands will become more valuable in future, not less.

A potential location in Coventry that has seemingly been discarded but should be seriously be reconsidered is King's Hill. With the land available there is the potential for 4,000 houses; the Coventry submission only includes development of 1,800. Apparently the reason for not further utilising this land is that it is not possible to build more than 200 houses per annum because it has never been done before in a local parish. I would suggest that in this ultra modern age it is not beyond the wit of man, or even that of the construction industry to build more than 200 houses per annum. The local plans of both Warwick and Coventry significantly underestimate the capacity of the land adjacent to Coventry to deliver Coventry's housing need.

The proposed siting of the development is particularly ill-considered as it is on Green Belt land used by many villagers, local residents and tourists for recreation and walking dogs, and building here would both diminish the striking view into the centre of the village and be prominent from most angles within the village. The house designs are likely to be out of keeping with the village's strong historic character. While design issues might be solved by conditions or revised proposals, these could not remedy the siting problem.

Furthermore, there is no need for this kind of open market housing in OM&B. Warwick District has more than five years' supply of housing land to meet the requirements of its emerging Local Plan.

I believe that the proposed development of OM&B is a direct contravention of policy. The proposed development would significantly alter the fabric of the area and amount to serious 'cramming' by what is a low density road. The proposal allows very little space for landscaping and I believe that it would lead to gross over-development of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.

The land for development incorporates steeply sloping arable fields. Significant moisture, and drainage issues, during periods of sustained rainfall leads me to have concerns about the impact of the proposed development on surrounding properties in terms of drainage as well as ground stability. As climate change has demonstrated, through incidents of flooding throughout England, developing these proposed sites is likely to accentuate the risk of localised flooding as the surface

water will not have adequate land to drain in to, and man-made drainage systems have been proven to not cope with heavy and sustained rainfall. In the face of climate change, this land is likely to have an increasingly significant role in storing carbon and preventing flooding.

The proposed site of development, as ear-marked in the (future) safe-guarded land, is at such an angle that the primary amenity area of our garden would be severely overlooked from the top rooms of the new development, likely to result in a serious invasion of our privacy.

On this latter point, I believe that the proposed development is a direct contravention of the District Wide Local Plan. The design of the proposed development does not afford adequate privacy for the occupants of our home or of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities. I would urge you to consider the responsibilities under the **Human Rights Act** in particular **Protocol 1, Article 1** which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. I believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. **Article 8** of the Human Rights Act also states that a person has the substantive right to respect for their private and family life.

In many cases there is likely to be a significant overlap between Article 8 and Protocol 1, Article 1. However, I perceive this right (Protocol 1, Article 1) to be wider than Article 8 in the sense that it applies to the peaceful enjoyment of all of a person's possessions and not merely to his home. This could include land (garden). The grant or refusal of planning permission will frequently affect the lives, homes and property of others. Notably the owners and occupiers of neighbouring properties, all of whom have the right to respect for their home and a right for the peaceful enjoyment of their possessions. This is the right that will be threatened through the proposed development of Old Milverton and Blackdown.

Article 8 gives everyone the 'right to respect' for his or her home, for example for the prevention of disorder or crime, for the protection of health or morals and for the protection of the rights or freedoms of others. This last element provides scope for planning policy which may supersede the freedom of the individual in the interests of the public.

However, the legal precedent is set out in the case of *Britton vs SOS* whereby the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8 (2). Private and family life therefore encompasses not only the home but also the surroundings. In this instance, other sites within the boundaries of CCC and secondarily within WDC, which are deemed to be lower value land, should be considered. It should not bend to the pressure that is undoubtedly brought to bear, and lobbied for, by the interests of developers.

Continuing the references to policy, Government Planning Policy Statement PPS1, Paragraphs 17 – 19 states "Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to **protect** and enhance the **quality, character and amenity value of the countryside** and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources." The proposed development to cope with another council's (Coventry) housing shortage is counter-intuitive to this because:

1. It is contrary to Green Belt policies 1 (no 'very special circumstances') and 2 ('openness');
2. The proposed development will place extra burdens on the OM&B infrastructure, with the local infant school(s) already at full capacity and limited amenities or facilities within the immediate vicinity;
3. The site will increase traffic on an already busy road, near a sharp bend (Old Milverton Road), with no pavements or street lights, hence creating even more of a risk for pedestrians and drivers (an extra 2,500+ vehicles are planned for this site);
4. There are NO special circumstances for this proposed site in a green belt area

Under the National Planning Policy Framework:

1. greenbelt is to be protected and requires exceptional circumstances to be built on. There is nothing exceptional about the council's plans to build on unspoilt land to meet their current housing target when there are other lower value sites that are not included in the plan. WDC, in cooperation with CCC, has assessed sites on the edge of Coventry as being of lower Green Belt value;
2. brown field sites are to be prioritised over the development of green field and certainly greenbelt sites, but these plans offer up greenbelt in advance of brown field site development or lower value greenbelt sites;
3. merging of communities is to be prevented, yet development of these sites will lose the individual identities currently held between Old Milverton, Leamington, Warwick and Kenilworth;
4. infrastructure must come first, yet the outline ideas to provide infrastructure are either not in place, or are not time-lined in advance of the proposed developments. There are currently no plans to develop new healthcare with these massive scale extensions of population;
5. target level of housing development within the plans should be capped in line with the capacity of brown field sites to accommodate it, to protect greenbelt - yet these plans significantly exceed it

There are some other considerations over the plan to build houses in the OM&B vicinity:

*Development Plan Policies:*

- I understand that it is only in exceptional cases that personal circumstances may be relevant to planning decisions. However, the Convention puts the rights of the individual first on the basis that the rights of the individual are paramount unless there is justification in the public interest. This justification, and the proof of exceptional circumstances, has not been provided to merit development upon the Green Belt;
- The current housing target which drives the need to develop on the greenbelt is flawed and needs to be changed. It is based on outdated, over inflated housing targets and needs to be brought in line to the latest 2014 figures (from the ONS), which show a need significantly fewer new homes;

*Impact on highway safety and traffic:*

- This section of A452 near Blackdown is one of the most congested and dangerous between Kenilworth and Leamington; adding over a thousand extra houses will cause gridlock and increase accidents within this over-burdened area;

*Conservation of the natural environment:*

- The above sites are host to different species and an array of wildlife that will perish as a result of the proposed development;
- The site is used both as working agricultural land and as land for which exercise - which provide the community a meaningful way to connect with the natural environment;

Before concluding, I would also like to consider the CCC plan, and the contradictions within it as it impacts upon alternative Councils.

*Green belt and green environment:*

- The Local Plan will make sure Coventry keeps its beautiful parks, green belt and open spaces as the city grows;
- And the Council will continue to work with neighbours in Warwickshire to make sure greenbelt land is treated sensitively and the city and the surrounding county preserves its countryside and historic character;
- The Council will also work with its neighbours to ensure that appropriate land is retained in the green belt to prevent Coventry merging with adjoining towns and cities

Through protecting their green belt and their interest it is at the expense of others. If they have a housing shortage then they need to look at the resources at their disposal first. Building houses in

Old Milverton for Coventry's needs does not fulfill either points about preserving the countryside (of its neighbours) nor ensuring the green belt is retained to prevent towns merging. Building here would reduce the distance between Leamington and Kenilworth to approx 1.5 miles.

*Environment:*

- The Council would work with the Environment Agency to keep development away from areas at risk of flooding wherever possible;
- The city is a designated Air Quality Management Area, where pollution levels are closely monitored, and future development will be in areas where public transport is available and people can walk or cycle to reduce reliance on cars

The land ear-marked for development, especially the gully near Guys Cliffe Avenue has poor drainage during periods of heavy sustained rain. This is at odds with their plan. They also wish for people to walk or cycle to reduce reliance on cars, however, building homes in Leamington to cope with their housing demand would make this a very long walk and I certainly would not like to cycle the A46 to get in to Coventry. Developing land closer to Coventry would be more beneficial in the achievement of such objectives.

In conclusion, the exclusion of development in the North Leamington Green Belt enables the plan to comply with the NPPF. The NPPF and the 2015 Conservative Manifesto stated clearly that Ministers attach great importance to the Green Belt and will maintain existing levels of protection. In March 2015, the Prime Minister declared that protecting the Green Belt is 'paramount'. Several of the sites identified in the plan are contrary to such policies and declarations.

Whilst I acknowledge that WDC has to develop, it needs to be developed in a structured fashion, and development needs to be in the right place. North Leamington, and the district as a whole, should not have to use its land to fulfil a significant proportion of the housing requirements of CCC. There is significant opposition across the district as it currently stands to cope with its own housing requirements. To build a further 6,000 houses would be in contravention of Article 8 of the Human Rights Act as upheld in *Britton vs SOS*.

Yours sincerely

Dan Robbins