

## MATTER 7c

### Proposed housing site allocations, safeguarded land direction for growth – Edge of Coventry

Monday 7<sup>th</sup> November 2016

for CEG

**Nexus Planning reference  
[14104 and 9156]**

Roger Tustain BA (Hons) Dip Plan DMS MRTPI  
**Nexus Planning Ltd**  
Suite A, 3 Weybridge Business Park  
Addlestone Road  
Weybridge  
Surrey KT15 2BW

**T** 01932 837850  
**M** 07919 045 191

## Matter 7c: Proposed housing site allocations, safeguarded land and direction for growth – Edge of Coventry

### Introduction

- 1) CEG control significant land interests immediately south of Westwood Heath Road through to the Kenilworth Road. They are also in the process of securing significant additional land to the East of Kenilworth Road (Appendix A). Detailed technical submissions were made to Warwick District Council on the 21<sup>st</sup> December proposing a comprehensive phased masterplan approach to growth to the South of Westwood Heath. This followed an earlier submission and meeting with the Council in October 2015 setting out a broad development concept in the area.
- 2) The phased approach advocated by CEG proposed a phase 1 of approximately 900 dwellings on site S1 identified in the Local Plan Modifications (MOD 22, New Policy DS NEW 2), a phase 2 comprising 600 dwellings on land allocated at (MOD 10 H42) and a phase 3 comprising a further 1000 dwellings for longer term growth. The Westwood Heath Vision document together with the technical appendix was appended to CEG's Regulation 19 consultation response and will be cross referred to in this statement.
- 3) The CEG technical work was undertaken prior to the completion of the County Council's Strategic Transport Assessment (STA) (TA14PM) which modelled a number of development scenarios ranging between 425 – 1,500 dwellings South of Westwood Heath and 1050 – 4,000 dwellings on land at Kings Hill. It is clear from that document (STA Appendix A para 44-47), that capacity south of Westwood Heath is limited to 425 dwellings (assuming cumulative impact with the Kings Hill development) in advance of strategic transportation intervention to relieve traffic on Crackley Lane and Gibbet Hill Road. This capacity constraint is reflected in the Local Plan Modifications and is the primary reason for restricting housing sites to 425 dwellings within this sustainable location (H025PM paragraph 29).
- 4) Prior to and following the publication of the STA and the Local Plan Modifications, CEG has engaged with Warwickshire County Council and the University of Warwick (who have considerable land interests to the south of the current University Campus) to discuss the delivery of major strategic road infrastructure to the south of Coventry – the A46 Link Road. It is the intention that Warwickshire County Council (together with other potential parties) will submit a Statement of Common Ground (SocG) on link road delivery however, in summary, the County Council has confirmed that there is more than a reasonable prospect that the A46 link road will be implemented by 2022/23. Once in place, the capacity for development to the south of Westwood Heath, in transportation terms, increases significantly. The general alignment of the A46 link road is attached at Appendix B.

5) CEG's main concerns with the Local Plan, as generally articulated in its representations are in summary:

- a. The CEG proposal for 900 dwellings on site S1 has not been considered or sustainability appraised (as a reasonable alternative to the allocated site (H42) despite the fact that it is more contained in landscape and topographical terms; it is better physically related to a number of schools, employment and community facilities in the vicinity; and, importantly, it can help facilitate the delivery of wider transportation infrastructure in terms of land control and financial contributions. Reviewing the Council's evidence base there is no comparative analysis between the two sites and no explanation as to why this has not occurred; despite officers being completely aware of CEG 's proposals through meetings and written submission. This is considered to be a legal flaw in the sustainability appraisal methodology.
- b. A comprehensive development comprising allocated site H42 together with the CEG site (the safeguarded land) has not been considered for allocation – notwithstanding MOD 14 and 15 references to the need for a 'comprehensive approach' to development. This is despite the fact that Warwickshire County Council, as highway authority, has confirmed in the draft SoCG that the delivery of additional road infrastructure to the south of Coventry (the A46 Link) has a 'more than reasonable prospect' of delivery by 2022/23. This is important within the context of the NPPF Paragraph 47 footnote 12 when assessing a supply of specific developable sites or broad locations for growth, for years 6-10 and, where possible, years 11-15 of the plan period. CEG consider that within the context of the Council's Modified Policy DS15 aspiration to comprehensively masterplan H42 together with the safeguarded land (site S1), the formal allocation of the safeguarded land together with the H42 site should have been considered and indeed is necessary to deliver policy DS15 objectives.

6) In respect of point 'a' above, further detail is provided in our Matter 3 and Matter 4 statements, highlighting how the Sustainability Appraisal (SA) (SA11PM) failed to assess land controlled by CEG (site C31 in the SHLAA Update 2016) as a reasonable alternative to site H42, or indeed the combined performance of sites H42 and S1. The benefits of a comprehensive approach to sites H42 and S1 is detailed throughout our statements (principally this Matter) however, we do also consider that the allocation of site S1 instead of H42 would also offer a range of benefits / reduced impacts as follows:

- potentially lesser impact upon the Green Belt due to the very weak performance of site S1 in terms of fulfilling the purposes of the Green Belt (as detailed in CEG's Technical Annex to its representations), which has a

materially lower score than the wider parcel C20 assessed in the Joint Green Belt Review Study (LA07PM);

- potentially reduced landscape impact due to the highly contained nature of site S1, as detailed within the Technical Annex; and
- ability to plan for and deliver aspects of the A46 link road improvements, as required.

- 7) Further details in this regard are set out in the Technical Annex appended to our Regulation 19 representations.
- 8) It should be noted that the substantive element of this statement relates to the principle of the Council's approach and as such in commenting on questions 1-10 many issues raised in question 11-19 are addressed.

## **Question 2) How does it fit with the overall spatial strategy?**

- 1) As set out in CEG 's statements to Matter 4 together with its technical submissions on land to the south of Westwood Heath (as appended to submitted representations), the broad location adjacent to the urban area of Coventry in this location is consistent with Policy DS4. In general terms HO25PM para 21-27 sufficiently justifies the approach taken. The suitability of this general location within the context of the 2014-based household projections is further reinforced with Coventry City projected to see higher growth than set out in the SHMA (HO20PM) for the HMA, as detailed in our Matter 2 statement. Optimum opportunity should be taken to allocate and deliver new homes and infrastructure in this location to support Coventry's growth.
- 2) Notwithstanding the above, H025PM Table 3 assesses the general locations for growth in the Green Belt (the three stage approach). In support of the general location and justifying an 'Exceptional Circumstance' (NPPF para 83) criterion 3 states that (within the context of the overall 2,225 dwellings comprising the Westwood Heath and Kings Hill developments) *'this is a sustainable location which allows expansion on the edge of the City's urban area **providing opportunities for infrastructure improvements**'* (my emphasis). The allocation of H42 in isolation provides little in terms of *'opportunities for infrastructure improvements'*. It is required, through Policy DS15, to comprehensively master plan local on-site facilities which need to be considered within the context of the safeguarded land beyond the plan period. Despite the potential legal and enforceability aspects of this policy requirement, this simply 'consumes the allocation's own smoke' and provides no wider social or environmental benefit to support or augment the 'exceptional circumstances' necessary for Green Belt release. In addition, the limited scale of the allocation will not trigger wider highway works within the area (none are identified in the IDP June 2016). However, the H42 allocation will result in a diminution in highway capacity terms as set out in the STA (TA14PM) which states at

paragraph 44: *'The evidence presented suggests that by the addition of approximately 425 dwellings, the Crackley Lane route is likely to be nearly over capacity as are the links which comprise Gibbett Hill Road.'*

- 3) With the exception of housing delivery, there are no other '*opportunities for infrastructure improvements*' from the H42 allocation. The justification for removing it from the Green Belt in isolation as articulated in Council's document H025PM Table 3 is therefore weakened.
- 4) Germaine to CEG 's principal arguments; the allocation of the CEG safeguarded land for residential development (with or without H42) would provide the opportunity for wider infrastructure improvements in the area; specifically, the implementation of the A46 link road. Through both land control and development contributions that could be pooled from a larger comprehensive scheme, the development of the CEG land would assist in road delivery as will be set out in the SoCG with Warwickshire County Council. More specifically, funding bids for the road would be enhanced if it could be demonstrated that private sector funding was available through developer contributions and, in addition, the works secured significant social, economic and environmental improvements which would include the delivery of housing.
- 5) In summary, a more comprehensive scheme comprising the CEG safeguarded land and H42 would assist in securing the delivery of much wider infrastructure enhancements within the area with associated social, environmental and economic benefits. This, together with housing delivery provide robust 'Exceptional Circumstances' justifying conformity with the Local Plan Spatial Strategy.
- 6) Whilst it is accepted that no more than 425 dwellings could be delivered prior to infrastructure delivery, this should not prevent the allocation of a wider area which could be properly masterplanned and phased accordingly in accordance with modified policy DS15.

**Question 3) In addition to housing provision, are there any other benefits that the proposed development would bring?**

- 1) Modified policy DS15 sets out the on-site community infrastructure required in association with the policy H42 allocation to be quantified in the context of this allocation and the potential wider area over the long term. By this it is assumed community infrastructure is to be considered within the context of H42 and the safeguarded land. This raises a number of concerns as set out below. All these would be rectified by including the CEG safeguarded land as part of the formal allocation.
  - a. The Community Infrastructure Levy (CIL) Regulations 122 is clear that a planning obligation can only be taken into account when determining a planning application for

a development, or any part of a development, if the obligation meets all of the following tests:

- i. necessary to make the development acceptable in planning terms
  - ii. directly related to the development; and
  - iii. fairly and reasonably related in scale and kind to the development.
  - iv. A planning application for H42 cannot make cumulative provision for community infrastructure associated with a larger area of land that might, at some point in the future, be allocated for housing. Within the context of modified policy DS15, the Westwood Heath (H42) allocation is the only situation where this arises. Should H42 and the safeguarded land be incorporated into a larger allocation, then it would be entirely reasonable for infrastructure to be comprehensively planned and delivered with each party contributing its proportional share in accordance with the CIL Regulations.
- b. Policy DS15 requires a development brief of layout / design statement to accompany a planning application for the strategic sites, including H42. Criterion b of the policy is clear that such a development brief / design statement needs to include the safeguarded land. It is therefore clear that the Council want to see a comprehensive approach to both design and on-site infrastructure (as if the site were allocated). From a planning perspective, the suitable location for on-site infrastructure within the context of the wider area is likely to be on the safeguarded land at a location more centrally located within both development parcels. Notwithstanding the legality of a development brief / masterplan covering allocated land and open countryside (safeguarded land); from a delivery perspective there is no certainty, in policy terms, that the safeguarded land will be released. Modified policy DS NEW 2 makes this clear; *'the status of safeguarded land will only change through a review of the Local Plan following an assessment of development need and the identification of the most appropriate location for development'*.
- 2) Based upon the above it is considered that the quantum and delivery of additional planning benefits associated with H42 would be limited to those required to mitigate the impact of the 425 dwellings allocated and no more. As set out earlier in this statement, wider highway infrastructure benefits would only arise through a more comprehensive scheme that includes CEG safeguarded land.

**Question 4) What are the potential adverse impacts of developing the site? How could they be mitigated?**

- 1) The adverse impact of developing the site relates, primarily, to the inability to comprehensively plan the area in a way that will provide the most appropriate long term land use planning and design solution to urban growth within this area. The emerging proposal, as set out in the Policy H4 site promotor's 'vision' for the site, is inward looking and reflective of the reality that it will and can only deliver a standalone solution to housing delivery. The site proposer advocates a 'Garden Village' concept but ignores the potential for a wider green infrastructure and place-making strategy integrating with the emerging University of Warwick's agenda.
- 2) Whilst CEG acknowledge the Council's aspiration to masterplan comprehensively in the area, by incorporating the safeguarded land into development proposals, this, is in our view ultra vires. Land use allocations have to be determined through statutory planning policy via Local Plan preparation. They cannot be introduced and weighted as a material consideration through supplementary non statutory guidance.
- 3) The above would be mitigated through formal allocation of H42 together with the safeguarded land S1. This would provide the opportunity to plan and deliver comprehensive development in a fully integrated way within this area in association with key stakeholders such as the University of Warwick. An illustrative masterplan at Appendix C demonstrates how this might be achieved, delivering circa 1,500 dwellings in total. Appendix B demonstrates a wider concept, including the provision of a centrally located mixed use centre, adjacent to the new A46 link road and strategically positioned to serve the needs of both the residential development and the University. An area for the potential long term expansion of the University if also identified.

**Question 8) What would be the effect of the proposal on purpose of including land within the Green Belt.**

- 1) The Council's Joint Green Belt Study 2015 (LA07PM) appraises the site as part of a wider parcel of land (C20) scoring the area 13/20 in terms of it contributing towards the purpose of the Green Belt. In overall terms the area scored less well in terms of it contributing towards the purpose of the Green Belt than many other areas within the District including the area including the King's Hill allocation.
- 2) CEG has carried out a more detailed Green Belt assessment based upon three development scenarios within the area. This is included at Appendix E of the Technical Annex submitted with CEG 's representation. Whilst the study has not appraised the policy H42 site in isolation it has appraised it as part of a wider 1,500 dwelling allocation comprising H42 and the safeguarded land. In summary:

- a. 900 dwelling scheme (CEG site S1 safeguarded land) performs 9/20.
  - b. 1,500 dwellings (CEG safeguarded land and H42) 12/20
  - c. 2,500 longer term growth as part of a future Local Plan 15.5/20.
- 3) Given the above, it is clear that site S1 performs very weakly in Green Belt terms and its removal from the Green Belt is wholly justified. However, it is also clear that the inclusion of site H42 increases the overall performance of the parcel in Green Belt terms. Whilst it is likely that this can be somewhat attributed to the increase in the area of land assessed, it does also suggest that H42 may perform a stronger role in fulfilling the purposes of including land in the Green Belt than site S1 should the sites be considered in isolation.
- 4) It is important to note, however, that both the Council and CEG 's Green Belt studies were undertaken on the basis of the current baseline. Post the implementation of HS2 and emerging strategic transport infrastructure, the scoring is likely to be lower for all development scenarios.

### **For the proposed safeguarded land South of Westwood Heath Road**

#### **Question 11) Why was the safeguarded land identified, what is it intended to achieve?**

- 1) As set out in H025PM, almost 6,000 dwellings within the Warwick district are needed to meet Coventry's housing needs. H025PM paragraph 26 states that land within the District outside of the Green Belt i.e. south of Warwick and Leamington, already has significant housing allocations and is not well related, in terms of infrastructure connections, to Coventry's housing need. Locations on the edge of Coventry are therefore the most appropriate for Green Belt release in the alternative to other Green Belt sites in the District.
- 2) H025PM paragraph 29 confirms that the safeguarded land is suitable for further housing development, a conclusion which we support given its relationship to the existing urban edge its clearly contained nature and its accessibility to a wide range of services and amenities. Submissions made by CEG in support of its Regulation 19 representations expand on the spatial suitability of this area for growth within the context of local facilities and services.
- 3) As set out earlier in this statement, CEG consider, however, that the safeguarded land should be allocated in addition to the H42 allocation to allow a comprehensive approach to site delivery notwithstanding the fact that in isolation the safeguarded land would provide a more suitable standalone housing allocation.

#### **Question 13) How does it fit with the overall spatial strategy**

- 1) See response to earlier questions.



**Question 14) What would be the effect of the proposal on the purposes of including land within the Green Belt?**

- 1) See answer to question 8.

**Question 16) Are there potential adverse impacts and how can they be mitigated?**

- 1) As safeguarded land, the planning status of the site is intended to remain as open countryside and as such there will be no adverse impact. However, the adverse impact of not allocating the land in conjunction with H42 is set out in the response to question 4.

**Question 17) Are there any infrastructure, physical or other constraints to development? If so how could they be overcome? Is the land realistically developable?**

- 1) The STA (TA14PM) states that there is only capacity for 425 dwellings within this area in advance of any major strategic highway infrastructure. The aforementioned SoCG will provide the most up to date position on infrastructure delivery. Should the safeguarded land be allocated with the H42 land (or in isolation), financial contributions and land could be made available to expedite strategic transportation delivery. Baseline technical work in support of housing delivery on the safeguarded land is attached to CEG 's representations in the vision document and technical appendix.

**Question 18) Are there exceptional circumstances which justify altering the Green Belt? If so, what are they?**

- 1) See response to questions 2 and 3. In CEG 's opinion the exceptional circumstances of releasing the safeguarded land S1 for development are stronger than allocation H42 due to the certainty of comprehensive planning and infrastructure delivery in addition to the facilitating of wider strategic transportation infrastructure with associated social, environmental and economic benefits.

**Question 19) Is the Overall amount of safeguarded land sufficient?**

- 1) CEG 's view is that the land should be allocated now to enable the proper planning of the area. Wider Green Belt releases may be appropriate through a Local Plan Review, or alternatively CEG's preference is for an Area Action Plan to consider the area (including further Green Belt releases) within the context of emerging transformational change.
- 2) Furthermore, the allocation of site S1 would in our view (and the County Council's) help support the Plan, in particular through the accomplishment of objectives set out in Policy DS NEW 1.

**For the Direction of Growth**

- 1) CEG 's Regulation 19 representations to the modifications clearly set out the rationale for a more formal consideration of long term development within the direction of growth through the

preparation of a delivery focussed Area Action Plan. NPPF paragraph 153 is clear that Local Plans can be reviewed in whole or part to respond flexibly to changing circumstances.

Paragraph 155 sets out that meaningful engagement and collaboration with neighbourhoods, local organisations and business is essential.

- 2) It is known that this general area will undergo transformational change over the next 20 years. HS2, major highway infrastructure and the investment aspirations of the University of Warwick, together with potentially greater housing and employment pressures from Coventry will ensure this. Policy DS NEW 1 provides an acknowledgement that the wider area needs to be considered comprehensively through coordinated actions of the many stakeholders to respond to this known change. Such a policy is justified given the certainty of change in the area. However, to be effective it needs to require the production of an Area Action Plan in order to deliver emerging proposals through a statutory but streamlined Local Plan process.
- 3) Importantly, the delivery of highway infrastructure and specifically the A46 link is fundamental to the delivery of any emerging proposals eluded to in policy DS NEW 1. It is therefore critical that improved certainty on highway delivery is delivered through this plan. CEG s proposals for an integrated H42/ Safeguarded Land would assist in that objective.

## APPENDIX A – PLAN SETTING OUT LAND OWNERSHIP DETAILS





- LAND OWNERSHIP
- A. University of Warwick
  - 1. Steele (CEG in legals)
  - 2. Pittaway (CEG in legals)
  - 3. Bevan/Parker (CEG in discussions)
  - 4. Marwaha (CEG in legals)
  - 5. Hague & Sons (CEG in discussions)
  - 6. Hobbins (CEG in discussions)
  - 7. Hill (CEG in discussions)



## **APPENDIX B – WIDER CONTEXT MASTERPLAN INCLUDING POTENTIAL A46 LINK ROAD ALIGNMENT**





C	Rev
DE216_007	Drg No
CEG	Client
Westwood Heath	Project
Potential Development Expansion	Title
1:15,000@A3	Scale



**APPENDIX C – 1,500 DWELLING CONCEPT MASTERPLAN COVERING SITE  
H42 AND S1**



## LEGEND

- Safeguarded land (S1)
- Housing allocation (H42)

## Existing Land Use

- Residential & community
- University of Warwick (including permitted growth)
- Education
- Employment
- Sports pitches
- Open space & farmland
- Allotments
- Water course/body
- Woodland/trees

## Proposed Land Use

- Residential
- Primary school
- Mixed-use
- Formal open space
- Country park
- Informal open space & green corridors
- Equipped children's play
- Woodland/trees

## Movement

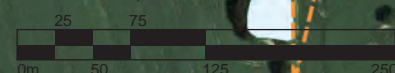
- Primary road
- Secondary road
- Public right of way (footpath) & established link
- Public right of way (bridlepath)
- Proposed footpath/cycleway

## Services

- Fuel pipeline to be retained (6m easement)



SCALE 1:5,000



- Rev

DE216\_008 Drg No

CEG Client

Westwood Heath Project

Framework Plan Title

1:5000@A3 Scale