

University of Warwick (222)

Warwick District Local Plan Examination

Matter 11 – University of Warwick and Major Sites in the Green Belt (Policy MS1)

October 2016

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Client
University of Warwick

Our reference
222

17 October 2016

1. Introduction

- 1.1 The University of Warwick has, since its inception just over 50 years ago, become a leading HE institution and has a large modern campus on the edge of Coventry straddling the boundary between the city and Warwick District.
- 1.2 With a reputation for research and teaching excellence, it makes a significant contribution to the West Midlands economy of circa £520m a year, with a student population of around 25,000 supported by 6,000 staff. Its Science Park is home to 123 companies employing 2,500 people and its Arts Centre hosts 1,250 events a year attracting audiences of 750,000.
- 1.3 It continues to grow and change at a rapid pace, providing high standards of accommodation to suit contemporary research and teaching methods, to enhance the student experience, to attract the best people, to collaborate with partners effectively, and to innovate particularly in meeting carbon management targets.
- 1.4 In addition, to mark its 50th Anniversary, the Chancellor, Sir Richard Lambert, established a Warwick Commission to consider the future role of the university in the region. This sought to explore how the University's ambitions as a thriving HE institution could be reflected through its local and regional engagement, contributing to the success of Coventry and Warwickshire and the wider West Midlands in the long term.
- 1.5 The University has participated in each stage of the Warwick District Local Plan and has been the subject of supportive site specific policies in previous local plans. The University has a good working relationship with Warwick District Council and is in regular dialogue at several different levels across both organisations. The University also has good relationships with Kenilworth Town Council and nearby parish councils.
- 1.6 The purpose of this submission is to set out the University's response to Matter 11. The Inspector's questions for this hearing session are:
 - (i) What is the background to development on the site? To what extent is it already developed?
 - (ii) What is the justification for removing the site from the Green Belt? Are there exceptional circumstances which justify altering the Green Belt?
 - (iii) Is the site boundary appropriate and what is the basis for it?
 - (iv) What are the potential adverse impacts of further development on the site and how could these be addressed?
 - (v) Is Policy MS1 clear enough in terms of what development may be permitted?
 - (vi) Should the policy itself be clearer about removing land from the Green Belt?

2. Background to Development

- 2.1 The University of Warwick was established in 1965 as part of the Robbins group of new universities and was gifted land on a circa 400 acre site straddling the administrative boundaries of Coventry and what is now Warwick District. The Warwickshire Land (as it became known) had been designated as part of the West Midlands Green Belt in 1960 but a new university was regarded as consistent with the principle of “institutions standing in extensive grounds”.
- 2.2 The core of the campus, including the students union, library, main academic buildings and arts centre, was built on the Coventry side from 1965, with mainly residential accommodation built on the Warwickshire land from 1972 although subsequent phases of development have seen “post-experience centres” at Radcliffe and Scarman, the Business School (as the first and only academic use) and new sports facilities, but residential remains the dominant use in Warwick District.
- 2.3 The University has developed in accordance with a number of Development Plans¹ over the years:
- The original 1964 plan by Ling & Goodman foresaw a 30 year development programme enabling a student population of up to 20,000
 - The 1966 plan by YRM adopted a strict grid pattern which can be seen in the configuration of Library Road and University Road
 - The 1974 plan by Shephard Epstein adopted a more relaxed character with courtyard buildings like Senate House, the Arts Centre and Students Union
 - The 1994 Casson Condor masterplan took a more organic approach. Legacies of this plan are Academic Square on main campus, the Lakeside and Heronbank residences in Warwickshire and the Medical School at Gibbet Hill
- 2.4 The 1994 masterplan was approved in 1995 as Supplementary Planning Guidance by both Coventry and Warwick District Councils. This coincided with the Warwick District Local Plan which was also adopted in 1995. It contained a site-specific policy (EMP8) relating to the University which stated that proposals for the campus would normally be given ‘favourable consideration’ as long as relevant criteria were met including “accordance with Green Belt policy”.
- 2.5 The policy favoured preparation of a brief to “build upon the historical and locational reasons for the continued development of the University” and stated that this would need to “address and identify the ‘very special circumstances’ that justify development in this Green Belt location”. Individual applications that accorded with the policy and brief would then be supported by the Council and referred to the Secretary of State.
- 2.6 The development of this policy coincided with the evolution of the 1995 version of PPG2 which introduced the concept of Major Developed Sites (MDS) which had their own

¹ University Development Plans were masterplans in modern terms, as opposed to statutory development plans in a Town & Country Planning Act sense

guidance in Annex C. Education establishments were specifically mentioned in para C1. This was therefore the new policy context at the time the Local Plan and SPG were adopted.

- 2.7 PPG2 was still in place when the next Development Plan review commenced in 2002, under the architect lead of MacCormac Jamieson Prichard (MJP). Warwick District Council however decided (on advice jointly sought from GOWM) that the SPG could not simply be updated and that it would be better to designate the Warwickshire Land as a Major Developed Site in the Green Belt through the Local Plan Review.
- 2.8 The University urged removal of the campus from the Green Belt but, as the extent of the Green Belt had been set in the Warwickshire Structure Plan (adopted 2001), the District Council felt that it could not alter the boundary until the review of the Green Belt scheduled for Phase 3 of the Regional Spatial Strategy Review which never took place.
- 2.9 The Warwick District Local Plan adopted in 2007 therefore included the University's Warwickshire campus as a MDS in Policy SSP2 which allowed for "appropriate limited infilling and redevelopment for employment or other uses identified in the supporting text as being appropriate for each site". Reference was made to Annex C of PPG2.
- 2.10 The supporting text on the University in paras 10.16-10.18 stated amongst other things that:
- The Warwickshire Land was now critical to sustaining its vision for the long term
 - The University Development Plan remained an appropriate framework against which proposals could be considered
 - Any revisions or updates to this plan, which went through the relevant adoption process, would be accorded significant weight
- 2.11 In determining the extent of the MDS, the Inspector considered that the 1994 SPG was a material consideration in defining the area for the policy to apply and, since it had been subject to public consultation at the time of its preparation, it was reasonable to accommodate the commitments made in that Plan.
- 2.12 Following the adoption of the Local Plan in 2007, the University submitted an outline planning application for 171,000 sq m of additional development across its campus, of which 81,900 sq m was within Warwick District, all within the MDS boundary. The application set out the 'very special circumstances' required for permitting development in the Green Belt and the Secretary of State chose not to intervene, so planning permission was granted by Warwick DC in October 2009 for a period of 10 years.
- 2.13 Since 2009, a total of 51,500 sq m GEA has been approved (equating to 46,370 sq m GIA) comprising:
- Day Nursery – 741 sq m (built)
 - Sherborne Residences (527 beds) – 13,549 sq m (built)
 - Scarman House extension – 1,035 sq m (unimplemented)
 - Warwick Business School Phase 3B – 7,783 sq m (built)

- Cryfield Energy Centre – 1,203 sq m (built)
- Sherborne Phase 2 (273 beds) – 7,635 sq m (under construction)
- Flat Floor Conference Facility – 1,224 sq m (recently completed)
- Sports Centre – 13,200 sq m (recently approved)

- 2.14 In 2012, the University demolished the 4,400 sq m Hurst Residences and obtained outline permission for their like-for-like replacement pending future redevelopment. A scheme has yet to come forward but the University is actively considering a further 650 residential bedspaces on the Warwickshire Land.
- 2.15 There remains capacity for approximately 30,000 sq m within the parameters of the 2009 permission, particularly within Masterplan Zone 5 where no development has yet taken place between the rear of Radcliffe House and east of Heronbank residences.
- 2.16 With the Coventry side of campus filling up to the point where few large sites remain available, the Warwickshire Land is now the main area of opportunity for campus development. With the Sports Centre now to be built in Zone 6, the infrastructure will be put in place to create the central spine route through Zone 5. The Warwickshire Land is therefore critical to the continued growth and expansion of the University.
- 2.17 A Parameters Plan is included at **Appendix 1**.

3. Justification for Removal from the Green Belt

3.1 As set out in our original representations, the NPPF states in para 83 that Green Belt boundaries should only be altered in “exceptional circumstances” through the preparation or review of a Local Plan, having regard to their intended permanence and taking account of the need to promote sustainable patterns of development (para 84).

3.2 Whilst fully supportive of the Council's proposed removal of the University campus from the Green Belt, we were concerned that there was inadequate justification in the Local Plan. We provided suggested “exceptional circumstances” as follows:

- The University was established and allowed to develop in the Green Belt at a time when HE institutions “standing in extensive grounds” were regarded as appropriate uses in the Green Belt.
- The 2007 adopted Local Plan designation as a Major Developed Site was based on PPG2 Annex C advice which is no longer extant.
- The NPPF emphasises either the redevelopment of brownfield sites or ‘limited infilling’ as being acceptable forms of inappropriate development in the Green Belt. Neither is an appropriate way of describing the University's approved 89,000 sq m of development in the Green Belt or any future variation of the masterplan.
- Central Campus West, whilst developed to date at a lower density than Central Campus East, is still an urban development of some scale served by a loop road and infrastructure designed for a major university campus. The addition over the next 5-7 years of a further 89,000 sq m will more than double the amount of development on the University's Warwickshire land.
- The land comprising the University's built campus no longer serves the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open (NPPF para 79). This is because allowing development on the scale permitted to date (both built and approved) has resulted in the land no longer being permanently open. Nor does it contribute to any of the five purposes of Green Belt.

3.3 In its report on public participation, the District Council's response was:

Whilst it is possible to concur with the exceptional circumstances raised, it is not considered necessary to reference this in the explanation section of the policy.

3.4 We look to the Inspector to provide guidance on this point, but it is our belief that the plan needs to say more.

3.5 In the Publication Draft Local Plan at para 1.43, the spatial strategy states: “*only develop sites in the Green Belt where exceptional circumstances can be justified*”.

3.6 These are defined in draft Policy DS4 which states: “*The following will be taken into account in considering exceptional circumstances:*

- (i) *the availability of alternative suitable sites outside the Green Belt;*
- (ii) *the potential of the site to meet specific housing or employment needs that cannot be met elsewhere;*
- (iii) *the potential of the site to support regeneration within deprived areas; and*
- (iv) *the potential of the site to provide support to facilities and services in rural areas”.*

3.7 Draft Policy DS19 identifies the extent of the Green Belt on the Policies Map with the supporting text at para 2.79 stating: “*The boundaries of the Green Belt were established in previous Local Plans. A number of changes have been made to Green Belt boundaries in this Local Plan to enable development to come forward in a measured way, as set out in other areas of this document and in accordance with the NPPF*”.

3.8 The University of Warwick is listed as one of the areas of land removed from the Green Belt in para 2.80.

3.9 In the supporting text to draft Policy MS1 (University of Warwick) at para 3.146, the plan provides the only justification of the change:

“The predominantly built up nature of the area currently known as Central Campus West means that this land is no longer appropriate for retention in the Green Belt”.

3.10 This reflects the comments in the Joint Green Belt Study (June 2015) which in assessing parcel C19 (which includes the University’s sports fields as well as the built-up part of campus) remarked as follows:

- The University represents a significant development in the Green Belt which compromises openness.
- The southern areas of the parcel are still relatively open and free from buildings.... “*A masterplan for much of the undeveloped parts of the parcel has been approved. However, this has not been considered in the assessment as the development has not been built and openness has not yet been compromised*”.
- The parcel contains significant urbanising development as a result of the University of Warwick campus. However, there are portions of the parcel which are open agricultural fields that still retain the characteristics of countryside. As the masterplan development has yet to be constructed, its encroaching effects on the countryside are yet to be fully realised.

3.11 Going back to draft Policy DS4 to find what the Local Plan has in mind as exceptional circumstances, the University of Warwick does not satisfy (ii), (iii) or (iv) and therefore can only be considered in the context of (i) “*the availability of alternative suitable sites outside the Green Belt*”.

- 3.12 The University made the case in 2007 as part of its successful outline planning application that 'very special circumstances' existed to permit otherwise inappropriate development in the Green Belt because, amongst other things, there was no non-Green Belt alternative to accommodate the campus's growth. This line of reasoning plays no part in the above justification at para 3.146.
- 3.13 The reason the University is concerned that adequate justification should be provided for Green Belt boundary alteration is the High Court judgment in *Gallagher and Lioncourt Homes v Solihull MBC* [2014] EWHC 1283 (Admin) which shows that the test of exceptional circumstances is particularly onerous. Para 125 of the judgment at sub-para ii) a) states: "...it is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary".
- 3.14 In para 125 sub-para iv), it goes on to state: "*Once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration*". Finally, at para 130, the Judge states: "*....something must have occurred subsequent to the definition of the Green Belt boundary that justifies a change*".

What has changed?

- 3.15 When the Green Belt was designated in 1960, there was no University of Warwick. The University came along in 1965 and only in 1995, when PPG2 changed the treatment of MDS, did development have to demonstrate 'very special circumstances' in accordance with the SPG approved in 1995. At the time of the 2007 Local Plan, the University had yet to revise the 1995 University Development Plan and, therefore, designation as a MDS (in accordance with PPG2 Annex C) was deemed appropriate. The 2009 outline planning permission was granted with the benefit of "very special circumstances" in accordance with the 2007 Local Plan policy.
- 3.16 With publication of the NPPF in 2012, the concept of MDS was removed and replaced with para 89 which allows exceptions to the restriction of inappropriate development for:
- "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."*
- 3.17 The nature of the University's development on greenfield sites cannot be regarded as limited infilling and, with the exception of the now-demolished Hurst residences, there is no other redevelopment of PDL planned or anticipated.
- 3.18 Green Belt policy has therefore changed such that the University of Warwick's approved and policy-supported development (both in adopted and emerging plans) can no longer be regarded as consistent with the NPPF (notwithstanding the determination in 2009 that very special circumstances existed).
- 3.19 It is time for the Green Belt to reflect these unusual and, we believe, exceptional circumstances as set out above.

4. Proposed Green Belt Boundary

- 4.1 The proposed Green Belt boundary on the Local Plan Policies Map 7 (University of Warwick) was discussed with the University before it was drafted. It differs from the MDS boundary shown in the 2007 Plan under Policy SSP2 for the following reasons.
- 4.2 Policy SSP2 defines a Major Developed Site in the Green Belt and not a Green Belt boundary itself. It refers to “*an area of 43 hectares has been identified for this purpose, which reflects the outer limit to development as defined by the University Development Plan 1994-2004*”. The policy boundary was agreed by the Inspector.
- 4.3 In the intervening time, outline planning permission was granted in 2009 for the MJP masterplan which includes a Parameters Plan defining a number of development zones within which a certain amount of floorspace can be built to maximum heights.
- 4.4 The proposed Green Belt boundary therefore follows the outer edge of this planning permission in accordance with para 85 of the NPPF, particularly using physical features which are readily recognisable and likely to be permanent.
- 4.5 The boundary therefore can be described as follows from east to west, starting with where the alteration begins at the Bluebell roundabout on Gibbet Hill Road:
 - The boundary follows Leighfield Road from its junction with Gibbet Hill Road
 - Just past Cryfield House and the sports pavilion, the road starts to swing north. At this point, the Green Belt boundary continues across an open field in an east-west direction in a continuation of the Leighfield Road boundary until it reaches Whitefield Coppice. This is the only part of the boundary which does not follow a recognisable physical feature because it follows the future boundary of masterplan development zone 6 where permission has recently been granted for a Sports Centre. This will provide the definitive southern boundary in this location.
 - At Whitefield Coppice, the boundary follows the edge of the woodland north and then south-west until it reaches a brookstray, where it turns north-west.
 - It then reaches a field boundary where an 82m spot height is identified on the plan. It continues up the field boundary in a north-easterly direction until it reaches the corner of properties off Featherbed Lane (off Westwood Heath Road). At this point, the Green Belt boundary turns west along the administrative boundary between Coventry and Warwick District.
- 4.6 The 2016 Proposed Modifications to the Local Plan remove land south of Westwood Heath Road (Site S1) from the Green Belt. This land adjoins the campus and results in the proposed Green Belt boundary varying from that shown on Policies Map 7. At the point where the boundary reaches the south-west corner of the University campus (where the 82m spot height is shown), the proposed modified boundary continues along the brookstray to the north-west off the University's land and along the edge of the safeguarded land.

5. Potential Adverse Effects and Mitigation

- 5.1 The outline planning permission for 81,900 sq m of development on the Warwickshire Land is extant until 2019 and, as we have shown, there remains about 30,000 sq m of floorspace capable of being developed after current commitments are built out.
- 5.2 There is mitigation in the form of the approved Masterplan which has a range of strategies for landscape and ecology, archaeology, movement, surface water disposal and flood risk management, and services infrastructure. These are governed by the conditions attached to the permission and by a Section 106 Agreement which embeds a Travel Plan and a series of obligations around modal shift and maximum parking and traffic generation levels. Monitoring to date has shown the Travel Plan to be successful.
- 5.3 Going forward, within the plan period, it is the University's intention to update its masterplan (as reflected in draft Policy MS1 supporting text at para 3.145). We set out in the hearing submission for Matter 7c the current position as far as the refresh of the masterplan is concerned. The current one has almost three years to run (and then two years to implement any reserved matters) but it is evident that a refresh is required within the next 12 months. Whilst there is capacity on the Warwickshire Land, the situation on the Coventry side of campus is more restricted.
- 5.4 The masterplan refresh will take place in collaboration with the District Council, as well as Coventry City Council and Warwickshire County Council as highways authority. A steering group formed to support the previous masterplan continues to meet on an as-needs basis and will be formalised as soon as the University gears up for the refresh.
- 5.5 Any mitigation for future development not covered by the 2009 masterplan will be considered through the normal development management process in any future masterplan with Policy MS1 as the appropriate policy context.
- 5.6 It is worth noting that Policy DS NEW1 in the Proposed Modifications also refers to the longer term development of the University and states that "development proposals must take into account the potential for future growth at the University of Warwick". We have commented on this in our Matter 7c submission.

6. Clarity of Policy MS1

- 6.1 The Inspector asks two questions regarding the clarity of Policy MS1 itself.
- (i) Is Policy MS1 clear enough in terms of what development may be permitted?
 - (ii) Should the policy itself be clearer about removing land from the Green Belt?
- 6.2 The policy simply refers to “development at” the University but states that it will only be permitted in line with an approved masterplan or development brief. The control mechanism is therefore the ability of the District Council to approve any future masterplan or development brief and determine the suitability of any use or development proposed at the University.
- 6.3 The supporting text refers to the University’s contribution to the local economy, its role as an HE institution of international importance, and specifically mentions that the Warwickshire Land has been developed to meet residential needs.
- 6.4 Developments in Warwick District within the last 10 years which have been approved by the District Council include expansion of the business school, new conference and sports facilities as well as further residential accommodation. These are consistent with the range of uses identified in the planning permission. We do not think it is necessary to provide a definition by way of an inclusive list.
- 6.5 We refer to our view on the need for exceptional circumstances to be set out in the plan earlier in this statement and whether this is in Policy MS1 or DS19 (Green Belt) is for others to decide.

Appendix 1: Parameters Plan from 2007 Masterplan

Masterplan allowance on Warwick District: 81,900 sq m GEA

Permissions within Warwick District since 2009:

- Day Nursery 741 sq m GIA (built)
- Sherborne Residences (527 beds) 13,549 sq m GIA (built)
- Scarman House extension 1,035 sq m GIA (unimplemented)
- Warwick Business School Phase 3B 7,783 sq m GIA (built)
- Cryfield Energy Centre 1,203 sq m GIA (built)
- Sherborne Phase 2 (273 beds) 7,635 sq m GIA (under construction)
- Flat Floor Conference Facility 1,224 sq m GIA (recently completed)
- Sports Centre 13,200 sq m GIA (recently approved)

Total: 46,370 sq m GIA

Total: 51,500 sq m GEA

With Planning Approval not yet constructed Built or under construction

PARAMETERS PLAN FROM 2007 MASTER PLAN

Gross External Floor Areas (m2)

	ACADEMIC (teaching, research)	OTHER (arts centre, new initiatives, students' union)	SUPPORT (admin, social, sports)	RESIDENTIAL	TOTAL	
ZONE 1:	5,000	0	4,600	0	9,600	3
ZONE 2:	36,300	14,900	10,400	12,400	74,000	5
ZONE 3:	0	0	0	3,500	3,500	3
ZONE 4:	0	0	2,700	26,650	29,350	4
ZONE 5:	8,600	8,100	6,950	6,650	30,300	4
ZONE 6:	7,600	0	650	7,800	16,050	4
ZONE 7:	3,300	0	-1,300*	0	2,000	3
ZONE 8:	4,200	0	2,000	0	6,200	4
TOTALS	65,000	23,000	26,000	57,000	171,000	

MAXIMUM BUILDING HEIGHTS

(storeys above ground level)

* negative value for demolitions

PARAMETERS PLAN FROM 2007 MASTER PLAN

Main Areas for Development/ Redevelopment	Major Structural Landscaping and Open Areas
Major Formal Squares/ Avenues	Lakes/ Ponds
Existing Development Retained	Areas outside University ownership

NOTE:

Development areas also accommodate landscaping, foot/cyclepaths, access and car parking as per PPG 13. Major structural landscaping and open areas also accommodate foot/cyclepaths. Building footprints for new developments are indicative only.

UNIVERSITY OF WARWICK

Parameters Plan from 2007 Master Plan with Outline Planning Approval, overlaid with Development with Full Permission in Warwick District

9 HENEAGE STREET, SPITALFIELDS, LONDON, E1 5UJ

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