

Anca Seaton

From: Nina Stanford <[REDACTED]>
Sent: 12 October 2023 18:35
To: Planning Policy
Subject: Reg 19 Consultation - Wilsons Lane Submission
Attachments: BIR.4240 Borough Plan Reg 19 Repls 2023 250923 FINAL.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Processed

Dear Sir/Madam,

Please find attached representations made on behalf of L&Q Estates relating to the NBBC Regulation 19 consultation, and which are hereby formally submitted.

Please confirm receipt of this email.

Kind Regards,

Nina

Nina Stanford
Planner

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[REDACTED]
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 <p>Nuneaton & Bedworth United to Achieve</p>	<p>Borough Plan Review Publication Stage Representation Form</p>	<p>Ref:</p> <p>(For official use only)</p>
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Name of the Local Plan to which this representation relates:

Borough Plan Review Publication Stage

Please return to Nuneaton and Bedworth Borough Council by 16th October 2023 via:

Email: planning.policy@nuneatonandbedworth.gov.uk

Post: Planning Policy, Nuneaton and Bedworth Borough Council, Town Hall, Coton Road, NUNEATON, CV11 5AA

This form has two parts –

Part A – Personal details.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

	<p>1. Personal details* * If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</p>	<p>2. Agent's details (if applicable)</p>
Title		Miss
First name		Nina
Last name		Stanford
Job title (where relevant)		Planner
Organisation	L&Q Estates	Pegasus Group
House no. and street		5th Floor, 1 Newhall Street
Town		Birmingham
Postcode		B3 3NH
Telephone no.		
Email address		

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Borough Plan does this representation relate?

Paragraph	Refer to attached Representations - Pegasus Ref: BIR.4240
Policy	
Policies	
Map	

4. Do you consider the Borough Plan is:

4.(1) Legally compliant?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

4.(2) Sound?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

4.(3) Complies with the Duty to Cooperate?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please mark with an 'X' as appropriate.

5. Please give details of why you consider the Borough Plan is not legally compliant, is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Borough Plan, or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Refer to attached Representations - Pegasus Ref: BIR.4240

(Continue on a separate sheet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Borough Plan legally compliant or sound, having regard to the matter you have identified in part 5 above, where this relates to soundness (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Borough Plan legally compliant or

sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Refer to attached Representations - Pegasus Ref: BIR.4240

(Continue on a separate sheet / expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

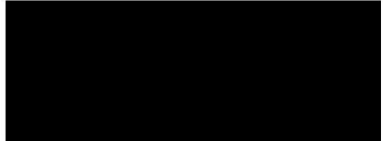
No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	X

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Refer to attached Representations - Pegasus Ref: BIR.4240

Please note the Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the oral part of the examination.

9.

Signature: (Please sign the box if you are filling in a paper copy. If you are filling in an electronic copy, the box can be left blank)	
Date:	12/10/2023

BOROUGH PLAN REVIEW 2021–2039

**NUNEATON AND BEDWORTH BOROUGH
COUNCIL**

**PUBLICATION DRAFT PLAN – REGULATION 19
CONSULTATION (SEPT 2023)**

Representations on behalf of L&Q Estates

Date: September 2023 | Pegasus Ref: BIR.4240

Author: NS/DO



Document Management.

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Contents.

1. INTRODUCTION.....	1
2. BACKGROUND	3
3. REPRESENTATIONS ON THE CONTENT OF THE DRAFT PUBLICATION PLAN	5
4. SUMMARY AND CONCLUSION	10



1. INTRODUCTION

- 1.1. Pegasus Group on behalf of L&Q Estates (“L&Q”) are pleased to make formal representations with respect to the **Borough Plan Review – Publication Draft Plan (Regulation 19) 2021–2039** document. This representation letter forms the response to **Part B** of the **Borough Plan Review Response Form**. In particular, these representations relate to the allocation at Wilsons Lane (“the **Site**”) under **Policy SEA2**, with the Site being allocated for approximately 19.09 hectares of employment land and approximately 73 dwellings. The document was opened to public consultation on 4th September 2023, with the deadline being **16th October 2023**.
- 1.2. These representations are framed in the context of the requirements of local plans and spatial development strategies to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (“**NPPF**”, 2023), paragraph 35. For a development plan to be sound it must be:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective and joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.
- 1.3. These representations follow a number of previous representations made over the last 6 years in relation to the earlier versions of the emerging local plan, as well as the Wilsons Lane Concept Plan SPD (2020). Although some of the previous concerns have been addressed during the evolution of the emerging local plan, the representations made in Section 3 of this report will require consideration during the examination process as they have not been sufficiently addressed.

Policy SEA2 – Wilsons Lane

- 1.4. As set out in this response, the content of Policy SEA2 – Wilsons Lane in the draft Publication document requires amending to recognise the planning application ref: **037237** which was granted planning permission at Planning Committee on 24 May 2022 (and issued on 21 March 2023 following the signing of the Section 106 Agreement). In summary:
- no consideration has been given to the approved Land Use Plan (BIR.4240_021_01 Rev Q) as part of the planning application ref: 037237, which directs all the housing allocation to the southeast and diversion of the public footpath B25 and not requiring the retention of the central hedgerow or ridge and furrow areas;



- overly prescriptive and prohibitive policy aspirations, despite liaison with LPA on an alternative approach.

1.5. The policy as currently worded largely retains the policy wording set out in the Borough Plan (June 2019) and the parameters of the Wilsons Lane Concept Plan SPD (2020), and does not reflect the known and identified constraints on the Site. Given that a significant amount of technical work has been undertaken in relation to the Site and dialogue with relevant authorities, during pre-application and as part of the planning application ref: O37237, it has been demonstrated that some of the principles set out under Policy SEA2 – Wilsons Lane are either not accurate or achievable. Therefore, there is overwhelming evidence in support of an alternative approach, when balanced against the need to deliver the most appropriate form of development, making efficient use of the land and in particular providing a development that is deliverable and meets market requirements. In this respect it is important that a sufficiently flexible approach is provided in the policy which will reflect the detailed evidence available, the extant planning permission and ensure the Site is delivered.

2. BACKGROUND

- 2.1. Prior to the adoption of the 2019 Borough Plan, which allocated the site EMP2, L&Q (formerly Gallagher Estates) has been engaged with Officers from Nuneaton and Bedworth Borough Council (NBBC), Coventry City Council (CCC), Warwickshire County Council (WCC) and other stakeholders. Initial dialogue began in 2013 when the site was being promoted for mixed use development, and formal pre-application discussions took place between both Development Management and Planning Policy Teams of NBBC and CCC in October 2018, to agree the form of development and further details associated with preparing the planning application, including the format of the public consultation exercise. This meeting also included other statutory consultees including Highways Officers from CCC and WCC.
- 2.2. In response to the pre-application advice received, various technical and environmental reports were finalised to inform an outline planning application proposal upon which a public consultation exercise could be undertaken. During this time, the Borough Plan was adopted on 11 June 2019 confirming Strategic Allocation EMP2 as being removed from the Green Belt.
- 2.3. Despite the pre-application engagement on the proposed development, supported by technical studies and assessments, the site arrangement set out in the adopted Borough Plan Policy EMP2 shows employment within the central portion of the site and the housing as two parcels adjacent to Wilsons Lane.

Planning Permission ref: O37237

- 2.4. An outline planning application was submitted to both NBBC (ref: O37237) and CCC (ref: OUT/2020/1505) in June 2020, which was subsequently revised in May 2021. The description of development read:

"Outline application for the demolition of existing buildings and the erection of up to 73 dwellings and up to 55,750sqm of employment/ commercial floor space (comprising of 50,000sqm of B8 use (including 2,500sqm ancillary E(g)(i) office) and 5,750sqm of B2/ B8/ E(g)(iii) uses (including 300sqm ancillary E(g)(i) office)), complete with accesses, local area for play (LAP), land remodelling, landscaping, attenuation and the diversion of a Public Right of Way (REF B25) with all matters reserved except for access."
- 2.5. Planning permission was granted by Nuneaton and Bedworth at Planning Committee on 24th May 2022 and issued on 21st March 2023.
- 2.6. The remaining site within the Coventry's administrative authority was refused at Planning Committee on 6th October 2022. Following the refusal, the Applicant launched an Appeal and subsequent to the Hearing which took place on 8th August 2023, the part of the site within Coventry's jurisdiction was granted planning permission on 15th September 2023.
- 2.7. The approved Illustrative Masterplan and Land Use Plan are shown in Figures 1 and 2 respectively.



Figure 1: Illustrative Masterplan

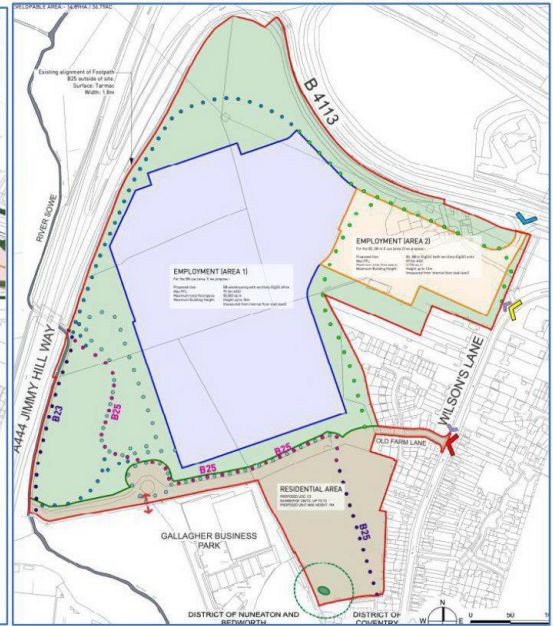


Figure 2: Land Use Plan

3. REPRESENTATIONS ON THE CONTENT OF THE DRAFT PUBLICATION PLAN

Strategic Allocations

Policy SEA2 – Wilsons Lane

- 3.1. Paragraph 7.101, accompanied by plans referenced 'SEA2 Employment area' and 'SEA2 Housing area', provides no flexibility or justification in relation to the proposed location of housing. Paragraph 7.101 states, "Residential development will be focussed in the north-eastern and south-eastern parts of the site, adjacent to the existing residential areas. The remainder of the site will be brought forward for employment uses".
- 3.2. It should be noted that the southern part of the site offers more suitable access arrangements for residential development, as demonstrated by the fact that planning permission has been granted for housing in this location.
- 3.3. It should also be noted that the eastern part of the site is more suitable for employment development due to the close proximity to the strategic road network which also makes it a less desirable location for residential development due to the significant noise impact and poorer air quality. The eastern parcel of the site is also constrained with electricity pylons cutting through this part of the site which would reduce the availability of usable land and make it less attractive for residential use.
- 3.4. Notwithstanding the above, the granting of planning permission by NBBC and Coventry in relation to ref: O37237 and OUT/2020/1505 respectively demonstrates that a suitable scheme can come forward with the housing element wholly being delivered to the southeast part of the Site. Furthermore, as part of the Committee Report for this application, it is notable that NBBC Planning Policy raised no objection to the proposed development including Land Use Plan (refer to Figure 2) which formed part of the approved plans under Condition 4. It is important that any plans associated with this policy reflect the planning permission and Land Use Plan to provide a smoother transition for any subsequent reserved matters application, to ensure this strategic allocation comes to fruition and preventing barriers to delivery through the planning process.
- 3.5. The Site's location, being adjacent to Junction 3 of the M6, the A444 and B4113, will assist in meeting the burgeoning demand for employment floorspace within the M6 transport corridor; whilst also providing much needed housing stock in the Borough. Again, it is essential that the policy reflects the approved Land Use Plan, in order to bring this strategic allocation into fruition.

Modification Proposed

- 3.6. The two plans at 'SEA2 Employment area' and 'SEA2 Housing area' should be amended to reflect the approved Land Use Plan (refer to Figure 2) because it has gone through the scrutiny of the planning application process and form the approved list of plans under planning permissions O37237 and OUT/2020/1505. It therefore represents a workable layout and is the most logical and efficient use of the Site, being capable of delivering this allocated site.

3.7. As previously requested during the Preferred Options consultation, paragraph 7.101 should be amended to read, *"Residential development will be focussed to the south-eastern part of the site, adjacent to the existing residential areas. The remainder of the site will be brought forward for employment uses."*

3.8. The relevant key development points associated with the above policy, and which the Applicant seeks to amend or delete, are numbered below as per the policy, for ease of reference.

8. Primary and Secondary Education

3.9. For the planning application ref: O37237, the County Council Infrastructure team did not seek primary education financial contribution as there was forecast to be sufficient capacity within the local area, with contributions sought for secondary level education instead.

Modification Proposed

3.10. This development point should be amended accordingly to read as follows:

"8. Financial contribution towards expansion of existing primary school provision and secondary school places at Ash Green School, if a requirement is demonstrated through discussions with Warwickshire County Council. Additional provision for early years, SEND and post-16 as required, if demonstrated by clear evidence."

14. Larger B2 and B8 uses to west of the landscape corridor

"14. Locate larger B2 and B8 uses to west of the landscape corridor on the lower ground, with smaller scale development on the more visible higher ground next to the housing site and existing residential development on Wilsons Lane."

3.11. The wording of this point is too prescriptive and is also incompatible with the planning permission ref: O37237, the approved Illustrative Masterplan and Land Use Plan (refer to Figures 1 and 2). No landscape corridor is proposed and the maintenance of this wording would potentially jeopardise a reserved matters application being realised. In particular, the wording is confusing bearing in mind that the planning permission does not include any housing on the higher ground on the northeast of the site. This issue is no longer relevant and should be **deleted**, as previously requested during the Preferred Options consultation.

16. Ridge and furrow

"16. Retain areas of ridge and furrow within open spaces."

3.12. Similarly to the above, the area of ridge and furrow should not be required to be retained. This was agreed with the Council through the granted planning permission ref: O37237 and OUT/2020/1505, As recognised within the Committee Report for application O37237, Warwickshire County Archaeology responded on this matter concluding that:

"16. Whilst we always regret seeing the loss of ridge and furrow within the county, I am not of the opinion that this isolated example is of such significance as to merit preservation in situ. I have advised the Planning Authority that I do not wish to object to the development and will not have any further comments to make in respect of this proposal."

3.13. This point is therefore no longer relevant and should be **deleted**, as previously requested during the Preferred Options consultation.

21. Retain Public Right of Way (PRoW) through middle of site

3.14. *"21. Seek to retain the section of public right of way routed through the middle of the site within a landscape corridor (with appropriate tree and shrub planting and open ground) and maintain views from the public right of way towards the western side of the River Sowe Valley, or if necessary, appropriately divert the public right of way along a route that does not materially inconvenience the public."*

3.15. This diversion, which was considered to be acceptable as demonstrated by the granting of planning permission ref: O37237, makes the most efficient use of the Site, and allows for a suitable development platform to meet current and future employment demand.

3.16. It has been recognised that dissecting the Site with a PRoW and landscaping corridor would severely compromise its ability to deliver the quantum of employment land proposed and respond to the needs and demands within the area on this allocated site. Given the Site's location adjacent to the strategic road network and the finite amount of land in these locations, it is important that the development potential for the land is maximised in order to provide suitable accommodation for businesses that need to be located in accessible environments and to prevent businesses from locating elsewhere, outside of the Borough.

3.17. Another consideration is that the PRoW's central location, spanning the entire length of the site from north to south, would require any new vehicular access road from the B4113 to intersect the PRoW so as to enable HGVs and other vehicles to cross. This would be unfavourable for the PRoW users, and could also create a risk to highways safety. Moving the PRoW to a more suitable and desirable location would be the most appropriate action.

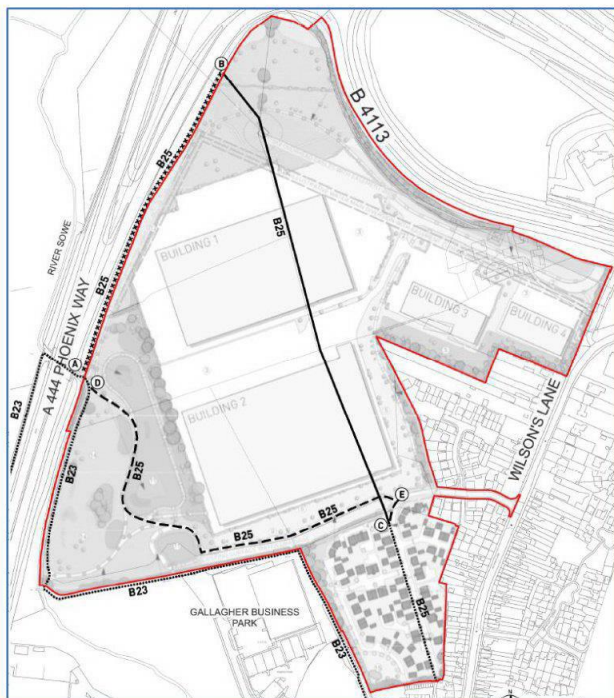


Figure 3: Diversion of PRoW Plan

- 3.18. It should also be noted that as part of the design development before the application ref: O37237 was submitted, an option to retain the PRow (B25) within a landscape corridor through the middle of the site was considered (although not on its existing alignment). There was concern, however, that whilst the policy requirement would be fulfilled it resulted in issues of potentially inappropriate amenity for users as well as concerns with regard to security surveillance. Following discussions with the Development Control Officer and relevant consultees as part of the application ref: O37237, it was agreed that the most appropriate option would be to divert the footpath along the southern boundary toward the A444, as shown in Figure 3 above. The emerging Policy should reflect these discussions.

Modification Proposed

- 3.19. This paragraph should be amended as follows:

"The section of public right of way routed through the middle of the site shall be appropriately diverted, as necessarily required to allow development, along a route that does not materially inconvenience the public nor cause a road safety hazard."

23. Retain and strengthen central hedgerow

- 3.20. *"Where possible, retain and strengthen the central hedgerow in order to maintain an east-west network of green infrastructure, or if necessary, compensate any loss in hedgerow through extensive replacement planting on the site."*

- 3.21. This point is in conflict with the planning permission granted under ref: O37237 and the type and quantum of land use proposed, given that the hedgerow splits one large strategic site into two smaller parcels. Notwithstanding, it was agreed as part of the planning permission that the loss of the hedgerow would be compensated as part of a range of measures to increase the BNG including the extensive planting of additional hedgerow and trees across the site. If required, the policy should be amended to only refer to the hedgerow being compensated for in replacement planting on-site.

Paragraph 7.102

"Ancillary offices E(g) should be focused on the eastern part of the site, adjacent to the existing and proposed residential properties. B2 and B8 uses will be focussed on the western part of the site. Scheme layouts need to take into consideration potential stand-offs and easements associated with the overhead power line and early discussions with National Grid are essential in informing any detailed layout, but it is considered that parking and storage areas will be provided in the vicinity of the power line."

- 3.22. This requirement is based upon there being a landscape corridor through the centre of the Site and does not consider the planning permission ref: O37237, which is not bringing this forward. It is taken that the wording of this paragraph is to protect the amenity of neighbouring residential properties, with Class E(g) being seen as a 'compatible neighbour'. However, it prevents B2 or B8 uses locating towards the eastern end unless it can be demonstrated that no material detrimental impact would be caused upon the amenity of the residential properties. This has already been demonstrated by the planning permission ref: O37237 which includes associated conditions for noise and landscape mitigation. It is considered that the eastern part of the site would in fact be a more appropriate location from Class B2 or B8 development due to the existing noise from the strategic road network and the existing access.



Modification Proposed

- 3.23. This paragraph should be amended as follows:

"Any proposed B2 or B8 uses that are located towards the eastern part of the site adjacent to existing residential properties, should demonstrate that there would be no material detrimental impact caused upon residential amenity. Scheme layouts need to take into consideration potential stand-offs and easements associated with the overhead power line and early discussions with National Grid are essential in informing any detailed layout, but it is considered that parking and storage areas will be provided in the vicinity of the power line."

Paragraph 7.104

"Access to the residential areas will be via two new access points onto Wilsons Lane. The existing pedestrian access to public footpaths B23 and B25 will be retained. Contributions towards associated improvements to Wilsons Lane, the B4113 and bus infrastructure will be sought."

- 3.24. This point is in conflict with the planning permission granted under ref: O37237, which proposes the whole residential element to be delivered to the southeast part of the Site, and the bus services element should be included to reflect point 5.

Modification Proposed

- 3.25. This paragraph should be amended as follows:

"Access to the residential area will be via a new access point onto Wilsons Lane. The existing pedestrian access to public footpaths B23 and B25 will be retained. Contributions towards associated improvements to Wilsons Lane, the B4113 and bus infrastructure or bus services will be sought."

4. SUMMARY AND CONCLUSION

- 4.1. Policy SEA2 – Wilsons Lane, as worded includes a number of requirements that are incompatible with development aspirations and has not been justified or positively prepared in a way that is deliverable, and does not take into account the development parameters approved under planning permission ref: 037237, which were based upon technical assessments and studies.
- 4.2. The modifications proposed are necessary to make the policy fit for purpose to facilitate the delivery of the Site in an expedient manner. Modifications are proposed, in light of the planning permission granted under ref: 037237 which was supported by a suite of technical and environmental reports, responses from statutory consultees and Council approval. The amendments proposed will ensure that this strategic site can be delivered in accordance with the Borough Plan Review, for the benefit of the local and wider community, and within the Council's desired timeframe, which is as soon as possible.
- 4.3. As currently worded and referenced above, the policy without the suggested modifications does not allow for the achievement of sustainable development, is **not positively prepared**, **not justified**, and **not effective**; as per paragraphs 16 and 35 of the National Planning Policy Framework.

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