

Anca Seaton

From: Ben Ward <[REDACTED]>
Sent: 16 October 2023 09:29
To: Planning Policy
Subject: Marrons obo Nicholas Chamberlaine School Foundation Trust - Regulation 19 Representations
Attachments: 2023.10 - Marrons obo Nicholas Chamberlaine School Foundation Trust - Reg 19 Reps Rev B.ENG.pdf; Representation_Form_A__Personal_details__Electronic_.docx
Categories: Processed

Dear Planning Policy

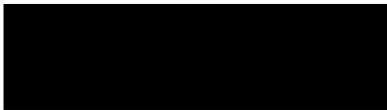
On behalf of the Nicholas Chamberlaine School Foundation Trust please find attached our representations to the Borough Plan Review Publication (Reg 19) Consultation.

I would be grateful if you could confirm safe receipt of this email and its attachments.

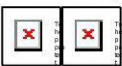
Kind regards


Ben


Ben Ward MRTPI
Planning Director




Marrons
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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

	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.	2. Agent's details (if applicable)
Title		Mr
First name		Ben
Last name		Ward
Job title (where relevant)		Planning Director
Organisation (where relevant)	The Nicholas Chamberlaine School Foundation Trust	Marrons
House no. and street		Waterfront House, Waterfront Plaza, 35 Station Street
Town		Nottingham
Postcode		NG2 2DQ
Telephone number		
Email address (where relevant)		

This matter is being dealt with by
Ben Ward
Waterfront House, Waterfront Plaza,
35 Station Street, Nottingham
NG2 3DQ

Our ref:
Your ref:

FAO Planning Policy
Nuneaton & Bedworth Borough Council
Town Hall, Colton Road
Nuneaton
CV11 5AA

October 2023

By email to:

planning.policy@nuneatonandbedworth.gov.uk

Dear Sir/Madam

BOROUGH PLAN REVIEW – PUBLICATION DRAFT PLAN (REGULATION 19)

Marrons is instructed on behalf of the Nicholas Chamberlaine School Foundation Trust to prepare a representation to the Borough Plan Review (BPR) Publication Draft Plan (Regulation 19) Consultation. On behalf of our client, we offer the following comments on the BPR which we trust that the Council will find helpful.

STRATEGIC POLICY D2 – SETTLEMENT HIEARCHY AND ROLES

Analysis

Draft Policy DS2 sets out a settlement hierarchy for the Borough and describes the relative role and function of each settlement. It sets out that Nuneaton has a primary role for new development whilst Bedworth has a secondary one. As a consequence, the majority of new development over the plan period will be directed toward Nuneaton. Where other settlements are concerned, development will be directed at a scale that reflects the “settlement’s ability to accommodate change.”

Policy DS2 is essentially a re-statement of the established spatial strategy in the adopted Local Plan. It is evident, however, that there have been changes to the adopted Local Plan’s spatial strategy in several respects, notably the deletion of two strategic allocations – HSG4 and HGS7. As set out in the discussion on the residential site allocations, the reasoning for this is unclear. That said, the SA states at paragraph 7.4.2 that in terms of the spatial strategy, “the Council seek to deliver a brownfield first approach.” If that is the case, then that is a significant and unheralded change in approach to the spatial strategy in the adopted Borough Plan which was to meet housing need predominantly through the delivery of urban extensions, including several released from the Green Belt for that purpose.

That some of these urban extensions are now being deleted in favour of an urban-focused approach is an important change that is not reflected within Policy DS2 which states that the Council will merely “encourage” development on brownfield sites. Whilst an urban area focused strategy is not in and of itself an unsound approach, there is a lack of a link between the purported spatial strategy within Policy DS2 and the proposed allocations that will support delivery of that strategy and this link needs to be made clearer. In addition, we would note that the deleted

allocations are in the Borough's secondary and tertiary settlements (i.e. Bedworth and Bulkington) whereas many of the proposed non-strategic allocations are in and around Nuneaton. This would indicate a significant swing towards Nuneaton in terms of the scale of future growth which, given the primacy of the town in the Borough is not unexpected. However, Bedworth and Bulkington should still experience a level of growth commensurate with their position in the settlement hierarchy and the respective contribution of these settlements towards housing supply as a result of the deletion of HSG4 and HGS7 has materially diminished which affects the spatial strategy whilst the already dominant role of Nuneaton has been amplified.

Change Requested

We would suggest that Strategic Policy DS2 is redrafted to better clarify the chosen spatial strategy and the role and function of each settlement within the hierarchy and its role in accommodating growth. At present, it is a simple rehearsal of analogous policy within the adopted Borough Plan despite the fact that the BPR represents a departure from the established spatial strategy in several important respects.

POLICY DS3 – OVERALL DEVELOPMENT NEEDS

Analysis

The evidence base on housing needs within the Borough has been subject to a number of iterations which have generally been characterised by a downward trend in the level of housing need. The need figure for the Borough has drifted down from 703 dwellings per annum (dpa) in the adopted Borough Plan to 646 dpa in the Draft Nuneaton and Bedworth HEDNA and the BPR Preferred Options consultation to 545 dpa in the current BPR Publication Draft.

The figure of 545dpa is higher than the Local Housing Need figure calculated using the Standard Method which would result in a figure of 442dpa. That said, use of the Standard Method as opposed to a "trends-based" approach within Warwickshire would also result in significant unmet need "spilling over" from Coventry at least part of which would need to be accommodated within Nuneaton and Bedworth. Coventry City Council, however, has embarked on a plan-making exercise predicated on the abandonment of the Standard Method and its 35% urban uplift which results in no unmet need arising. Whilst the soundness and legal compliance of that approach will need to be tested through the subsequent examination process, it stands to reason that if this approach is found unsound or wanting of legal compliance then it could have significant implications for the soundness and legal compliance of the BPR in terms of its housing requirement.

The Planning Practice Guidance (PPG) is clear that the Standard Method produces a minimum annual housing need figure. It does not produce a housing requirement. As such, the bespoke report "Towards our Housing Requirement" by Icenis is, generally speaking, a welcome document and it considers factors not captured by the Standard Method which may indicate a greater housing requirement such as affordable housing need, growth strategies, economic growth and unmet housing need from other areas.

Affordable Housing Need:

From a review of "Towards our Housing Requirement" it is clear that 545dpa is derived from planned levels of economic growth. As a figure, it bears little relation to other elements that may suggest a higher housing requirement than the minimum provided for by the Standard Method. In respect of affordable housing need, for example, Icenis estimates that 1,628dpa would be required to meet the Borough's affordable need in full albeit this is dismissed as unrealistic. Historically speaking, affordable housing delivery has only met a third of the annual affordable need identified with the conclusion drawn by Icenis that this evidence suggests an acute affordable housing need in the Borough. We agree. However, it is unclear how this important fact has fed into the housing

requirement. In fact, the housing requirement at 545dpa would not be dissimilar to the average rate of annual completions over the last five years, the same rate that has resulted in the acute affordable housing need referred to by Icen. Whilst it is accepted that it may not be possible to viably meet affordable housing needs in full, decisions have been made in the context of the BPR such as the deletion of existing housing allocations that would actively undermine affordable housing delivery which, in the context of the evidence base on affordable housing need, cannot be a sound approach.

Unmet Need from Neighbouring Areas:

“Towards our Housing Requirement” only deals with potential unmet needs arising from other areas in a cursory way. At paragraph 4.37 the observation is made that the housing requirement figure of 545dpa arising from the Planned Economic Growth Scenario would provide “headroom” over and above the local housing need figure of 409dpa to contribute to unmet needs from other areas. Firstly, the statement that the minimum local housing need/Standard Method figure for Nuneaton and Bedworth amounts to 409dpa is factually incorrect. The local housing need figure for the Borough is 442dpa as referenced so there is materially less headroom than assumed by Icen. Secondly, the level of headroom provided by an uplift to accommodate economic growth bears little if any relation to the levels of unmet need which may arise from surrounding areas. For the sake of comparison, the proportion of unmet need arising from Coventry and accommodated within the adopted Borough Plan amounted to 201dpa, approximately double the headroom figure allowed for in the Planned Economic Growth Scenario. As such, the BPR housing requirement lacks critical flexibility to respond to changing circumstances.

Change Requested

The housing requirement figure of 545dpa has not been adequately set to reflect the need to secure affordable housing delivery and to provide a flexibility contingency to accommodate unmet need from surrounding areas. This renders the BPR unsound as it is not positively prepared to meet development needs or respond to changing circumstances. In respect of affordable housing, whilst it may not be possible to meet needs for it in full, existing capacity clearly exists within the Borough to provide more affordable housing that would otherwise be enabled by 545dpa. The evidence clearly shows that 545dpa will continue the trend of affordable housing under-delivery in the Borough. Given the acute affordable housing needs in the area, we would recommend that the LPA consider and incorporate a “capacity-led” uplift into the housing requirement to deliver a level of affordable housing that is closer to the amount that is needed as identified by the evidence base.

POLICY DS4 – RESIDENTIAL ALLOCATIONS

Analysis

Despite the forgoing in terms of the need to provide flexibility to accommodate unmet needs from surrounding areas and the need to increase the housing requirement to accommodate affordable housing delivery, the BPR proposes the deletion of two strategic allocations from the Borough Plan— namely HSG4 Woodlands and HSG7 East of Bulkington. Our client has sought understand the rationale behind these proposed deletions in terms of the consideration of spatial options and reasonable alternatives and to this end have considered the content of the Sustainability Appraisal (SA) prepared by AECOM.

The Sustainability Appraisal:

Paragraph 6.1.5 of the SA states that various elements of supply remain consistent across all the options tested. These include all strategic allocations in the adopted Borough Plan that are still considered “appropriate and deliverable.” The six strategic options are considered in Table 6.1 of the SA. At least three of the options incorporate the deallocation of sites HSG4 and HSG7,

including Option 1 (the preferred option), which would see the allocation of additional sites within the urban area to replace these deleted strategic allocations.

HSG4 and HSG7 are the only sites within the existing Local Plan singled out for deletion. Whilst it is true that many of the current local plan allocations benefit from planning permissions and HSG4/7 do not, this alone cannot explain why they have been selected for de-allocation. HSG4 is currently subject to a planning application for circa 150 dwellings under LPA reference (Ref. 039730). Despite this, Footnote 2 of the SA erroneously states that “No planning application has been submitted for HSG4.” As such, the conceptualisation of strategic options with the SA is based on a false premise that HSG4 will not come forward when a planning application for a least part of the allocation has already been submitted. Footnote 2 of the SA also alludes to significant infrastructure being required to enable the delivery of HSG4. However, this is not unusual in respect of a strategic urban extension for almost 700 units. Thus there is no logical basis for why HSG4 in particular has been singled out and the result is a flawed conceptualisation of the strategic options tested.

As set out above in respect of the spatial strategy, the LPA’s preferred option is predicated on a “brownfield first” approach as set out in the SA. If this is the case and existing and uncommitted strategic allocations on Greenfield sites are proposed for deletion on that basis, then these must all be tested on the same basis through the SA process to identify the most appropriate strategy. Indeed, the SA identifies some benefits which flow from deletion of HSG4 and HSG7 but it stands to reason that the same or greater benefits could be achieved from the deletion of other uncommitted strategic allocations. For the avoidance of doubt, we do not consider that any allocations within the adopted Borough Plan should be deleted given that these have gone through the examination process and been found sound, but if this is an approach the LPA wish to use then it is critical that the reasonable alternatives to the selected strategy are understood and tested. This is not the case.

In respect of the SA, a further issue arises in that it assumes that despite being allocated in an adopted development plan, HSG4 and HSG7 will not be granted planning permission within the BPR plan period prior to the BPR’s adoption. Together, both strategic allocations account for at least 885 dwellings and even a fraction of this number coming forward will affect the spatial strategy both in terms of quantity and location of housing provision. This scenario is not tested within the SA vis-à-vis options that would see additional development elsewhere in the Borough, on top of these existing allocations. The non-strategic site allocations predominantly relate to sites within the built-up area for which there is already policy support, as reflected by the fact that many of these either have planning permission or resolution to grant planning permission. Hence it is not unrealistic to expect the BPR non-strategic site allocations coming forward plus development at HSG4 and HSG7 yet the SA does not test this scenario.

HSG4 (Woodlands) – Delivery and Timescales:

It is accepted that like many large-scale allocations, HSG4 has not come forward as quickly as anticipated. However, it is evident from reviewing the housing trajectory evidence¹ produced as part of the examination of the Borough Plan that HSG4 was only expected to start delivering completions within the 2021/2022 monitoring year and was only expected to achieve peak delivery in the 2023/2024 monitoring year. This is not an inordinate delay as regard a strategic allocation and now a planning application has been submitted, it would not be unreasonable to expect some completions within the next two years.

Paragraph 122 of the National Planning Policy Framework (NPPF) states that planning policies and decisions need to reflect changes in the demand for land and they should be informed by

¹ NNBC86 – Action 11 – Updated Trajectory

regular reviews of both the land allocated for development in plans and of land availability. It continues by stating that:

“Where the local planning authority considers there to be no reasonable prospect of an application coming forward for a use allocated in the plan it should, as part of plan updates, reallocate the land for a more deliverable use that can help address identified needs (or, if appropriate, de-allocate a site which is undeveloped).” [Emphasis Added]

This is a firm statement within the NPPF of the circumstances where the LPA should consider de-allocating sites. It is where there is “no reasonable prospect” of the site coming forward for that intended use having considered more deliverable uses. There is nothing within the Plan or its evidence base that would indicate that HSG4 has not reasonable prospect of coming forward. In fact, a pending live planning application on part of the allocation indicates the contrary. Whilst HSG4 has not come forward as rapidly as anticipated, this is not an unusual situation and the delay is not so pronounced that there is now no reasonable prospect of delivery. To retain confidence in a plan-led system as well as to provide a level of certainty for the public and the development industry, the deletion of allocations within existing local plans should not be taken lightly.

Given our client’s status as a Charitable Trust there are certain formalities that must be observed including the demonstration to the Charities Commission of achieving best value in respect of its assets. Our client remains fully committed to bringing forward its portion of the allocation as part of a combined approach with the adjoining landowner (as demonstrated to planning officers on previous occasions). The School Foundation has progressed a number of background technical specialist reports to assist in the preparation of a planning application for the site to meet the housing needs of the Borough. That work continues to be progressed, and an application is envisaged within the next 4 to 6 months as part of the Charity’s commitment to deliver a well-designed and sustainable scheme for their site. Joint work has also been undertaken with the other principal landowner within the allocation, the Arbury Estate, which has already submitted a planning application for 150 dwellings.

Much of the concern running through the Plan and its evidence base has been derived from the requirement for HSG4 to deliver a new access onto the A444 via a new northbound slip. The access strategy is a result of high-level transport work prepared in May 2018 as part of the Borough Plan examination. Subsequent, up-to-date and more detailed transport work has been undertaken with respect to the proposed development for 150 dwellings within the Arbury Estate’s portion of HSG4. The Transport Assessment by Mode Transport Planning dated June 2023 has tested off-site junction capacity using Warwickshire County Council’s transport model and, as set out within paragraph 10.4.14 of the Transport Assessment, concludes the following in respect of this issue:

“There remains practical reserve capacity across the network of all junctions in all scenarios. It is envisaged that the network of junctions will continue to operate with suitable spare capacity following the introduction of additional traffic associated with the proposed development, and no mitigation is therefore considered necessary at this location.” [Emphasis Added]

Having regard to the content of the TA, it stands to reason that further development could come forward on HGS4 without the need to deliver the A444 access and that this would not result in a cumulatively severe impact to the local road network.

Housing Need:

As set out above, the Borough is experiencing an acute need for affordable housing. Whilst it may not be possible to meet all the affordable housing need arising over the plan period, the deletion of allocations such as HGS4 which could substantially contribute towards meeting this need cannot be sound approach as it is an active decision to deliver less affordable housing than may otherwise be the case within the Borough Plan. Furthermore, deletion of HSG4 erodes the Borough’s ability

to respond to changing circumstances vis-à-vis unmet need from Coventry and the upward adjustment to the base LHN need to accommodate economic growth is not on its own sufficient to provide adequate contingency.

Change Requested

By virtue of the failure to retain HSG4 a key strategic allocation within adopted Borough Plan, the BPR is unsound, firstly for lack of justification of this decision and secondly for lack of compliance with national planning policy. The decision to delete HSG4 also means the BPR is not positively prepared as deletion of his key strategic allocation will undermine the policy framework's ability to accommodate affordable housing, the need for which the Plan's own evidence base suggests is acute. It will also undermine the ability of the BPR to respond to changing circumstances such as accommodating any unmet housing need arising from Coventry. In order to rectify these deficiencies with the Plan, we recommend the retention of HGS4.

CONCLUSION

In order to achieve plan soundness, our client requests that the housing requirement should be reviewed to provide additional flexibility and capacity to deliver affordable housing within the plan period; the spatial strategy text should be revised to reflect the BPR's change of approach to the management of growth; and that HSG4 be retained as a strategic site allocation. As our client is seeking changes to address fundamental issues of Plan soundness, attendance of the hearing sessions into the soundness and legal compliance of the Plan is requested.

We trust that the LPA will find the above comments helpful.

Yours Sincerely

Ben Ward MRTPI
Planning Director

