

Anca Seaton

From: Ben Ward [REDACTED]
Sent: 16 October 2023 16:16
To: Planning Policy
Subject: Marrons obo Rosconn Strategic Land - Regulation 19 Representations
Attachments: 2023.10 - Marrons obo Rosconn Strategic Land - Reg 19 Reprs.ENG.pdf;
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Categories: WIP

Dear Planning Policy

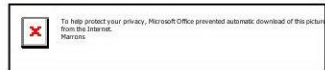
On behalf of Rosconn Strategic Land please find attached our representations to the Borough Plan Review Publication (Reg 19) Consultation.

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

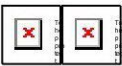
Kind regards

Ben


Ben Ward MRTPI
Planning Director




Marrons
1st Floor, One Colton Square, Leicester, LE1 1QH



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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	Mr
First name	Nick	Ben
Last name	Carr	Ward
Job title (where relevant)	Strategic Project Director	Planning Director
Organisation (where relevant)	Rosconn Strategic Land	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 Rosconn Strategic Land 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 seeks to describe the relative role and function of each settlement. It sets out that Nuneaton has a primary role for new development whilst Bulkington has a tertiary one. As a consequence, the majority of new development over the plan period will be directed toward Nuneaton.

Policy DS2 is essentially a re-statement of the established spatial strategy in the adopted Local Plan. The Regulation 19 Sustainability Appraisal by AECOM 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 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. Of course we support the use of urban sites to meet development needs where they are suitable and deliverable with Rosconn Strategic Land’s interest at Land at Willow Close, Nuneaton being one such site. However, a more 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 which is different from a “brownfield first” approach which would indicate sequential preference given to previously developed land over greenfield land.

Whilst a more 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 HSG4 (Woodlands) and HSG7 (East of Bulkington) 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, Bulkington should still experience a level of growth commensurate with its position in the settlement hierarchy and the respective contribution of this settlement to meeting housing need over the plan period should be acknowledged in Policy DS2 to enable the reader to understand the spatial strategy and the role of each settlement has in accommodating development needs.

Change Requested

We would suggest for Plan soundness that Strategic Policy DS2 is redrafted to better clarify the chosen spatial strategy, the role and function of each settlement within the hierarchy and each settlement's role in accommodating growth. At present, it is a simple rehearsal of analogous policy within the adopted Borough Plan despite notable changes to the overall development strategy.

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 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 as is the case in the current plan period. 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 Icenis. 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

Rosconn Strategic Land has an interest in and is promoting on behalf of the landowners Land off Leyland Road, Bulkington (part of strategic allocation site SHA5) and Land rear of Lilleburne Drive and Willow Close Nuneaton (NSRA8). Rosconn Strategic Land supports the retention of land West of Bulkington within the BPR and the allocation of Land at Willow Close, Nuneaton for residential development. We nonetheless offer the following observations in respect of both sites:

Land off Leyland Road, Bulkington

Land off Leyland Road, Bulkington forms part of existing strategic allocation HSG8 (West of Bulkington) which forms part of the adopted Borough Plan. Since the adoption of the Borough Plan HSG8 has made significant progress and as observed within Draft Strategic Policy SHA5, the balance of the allocation has either achieved planning permission or at the time of writing has resolution to grant planning permission subject to legal agreement.

The number of planning permissions and the rate at which they have come forward clearly underlines a commitment to bringing the allocation forward on the part of those with interests within it and the general deliverability of the allocation site as a whole. In addition to this, it is essential that as a large settlement with a substantial number of services and facilities Bulkington plays its

part in sustainability accommodating new residential growth and the Borough Plan released West of Bulkington from the Green Belt on this basis to do exactly that. It is therefore fully appropriate and necessary for soundness to “roll forward” West of Bulkington into the next plan period given the status of the allocation and the delivery of this site for residential development will assist in meeting general housing need over the BPR plan period as well as delivering much-needed affordable housing of which the BPR’s evidence base indicates there is a critical shortfall. We note that Draft Strategic Policy SHA5 articulates a number of key development principles there are several criteria upon which we would wish to comment.

Policy SHA5 states that West of Bulkington would be developed for a mix of residential and community uses. However, other than public open space and green infrastructure which are part and parcel of the extant consents, the proposed development at West of Bulkington is residential in nature, albeit development of the land for that purpose will make off-site contributions towards community infrastructure.

Criterion 1 of Draft Strategic Policy SHA5 specifies that at least 348 dwellings will be provided to the West of Bulkington. The expression of this number as a minimum figure is welcome but it is noted from the tally of planning permissions granted or to be granted within paragraph 7.75 of the supporting text comes to 381 dwellings. Whilst there are several applications made only in outline at this stage which provide a total figure “up to,” it would still be appropriate to reflect the planning status of the land within the scale of development referenced within the policy to provide clarity to decision-takers.

Criterion 25 states that development proposals should be in accordance with the extant HSG8 Concept Plan Supplementary Planning Document (SPD). Whilst we acknowledge this as a material consideration in the delivery of the allocation, the Concept Plan SPD was never intended to be prescriptive but rather provide a framework through which future proposals will be delivered. Indeed, the Committee Report noting some level of conflict with the HSG8 Concept Plan in respect of Rosconn Strategic Land’s application at Land off Leyland Road primarily in respect of the proposed access location commented:

“Concept Plans are primarily used to provide a visual representation of policy requirements and are conceptual in nature. They are not intended to be exhaustive, nor dictate how all elements of an allocated site are to be developed.”

Rosconn Strategic Land fully agrees with this statement and as such, we would propose that Criterion 26 is redrafted to acknowledge an element of flexibility and for proposals to “have regard to it” rather than be in accordance with it.

Land at Willow Close, Nuneaton

Land at Willow Close, Nuneaton is an urban site within the existing built-up area of the town. Noting the primary of Nuneaton’s role in the spatial strategy of both the adopted Borough Plan and the Borough Plan Review, we consider a policy framework that acknowledges the contribution of such urban sites to future housing supply where they are suitable and deliverable is welcome and in line with the National Planning Policy Framework’s (NPPF) exhortation at paragraph 69(c) that local planning authorities through their policies and decisions should give “great weight to the benefits of using suitable sites within existing settlements for homes.”

The deliverability and suitability of Land at Willow Close is reflected in the fact that the site has achieved resolution to grant planning permission pursuant to application reference 038144 for up to 29 dwellings. However, whilst most of the site (99% of it) including the totality of the developable area lies within the Borough of Nuneaton and Bedworth, the access to the site lies within the neighbouring Borough of North Warwickshire necessitating, due to the cross boundary nature of the site, applications to both authorities. Whilst Nuneaton and Bedworth Borough Council appropriately supported development of the site and resolved to grant planning permission subject

to legal agreement, North Warwickshire Borough Council has refused planning permission for the proposed access off Willow Close. The Local Highway Authority (Warwickshire County Council) raised no objection on safety or capacity grounds to the proposed access of Willow Close. Rather, the adverse impact relied upon by North Warwickshire Borough Council in its refusal relates to the purported impact of additional traffic movements to the health of existing residents at Willow Close. This is an unusual basis upon which to resist proposals a relatively small-scale residential development with a residential area of a large town and appears to have arisen principally from North Warwickshire Borough Council's capacity as a housing manager for the properties along Willow Close. In short, there is no objective evidence that the level of disturbance and emissions caused by additional vehicular traffic utilising Willow Close would result in harm to the amenity of the existing residents along Willow Close. Rosconn Strategic Land has appealed North Warwickshire Borough Council's refusal of planning permission and no evidence has been adduced as part of that process nor as part of the application to substantiate North Warwickshire Borough Council's decision. Consequently, its decision to refuse planning permission for the proposed access is not well-founded and wording of the BPR should be clear that the proposed access from Willow Close is acceptable in highway safety and capacity terms and in light of all other material considerations.

Aside from access considerations, we note the Plan's commentary in respect of the site on page 39 of the BPR Publication Draft and consider the relevant points below:

Masterplanning

The Publication Draft states that opportunities exist to set development back from Bar Pool Brook to protect its function as a wildlife corridor and to continue a sense of undeveloped character along the valley bottom. Bar Pool Brook is likely to have been man-made or influenced and lacks value as a natural feature, as noted by the Preliminary Ecological Appraisal (PEA) by Harris Lamb submitted in support of the application. The PEA also notes that Bar Pool Brook is sluggish in flow and turbid which limits its potential for important species as well as being culverted under roads and houses at points upstream. As such, whilst Bar Pool Brook is a constraint to be addressed, it does not have significant wildlife value. However, as noted later on within the Plan's commentary on the site, development does provide an opportunity to enhance the value of Bar Pool Brook and provide complementary planting and a habitat enhancement, an approach adopted by the proposed landscape strategy which supported the outline planning application. In addition to the above, Land at Willow Close is bound by a consolidated pattern of residential development on three sides. As such, we do not consider it appropriate or accurate for the supporting text to refer to a sense of "undeveloped character."

Public Rights of Way

The Publication Draft offers commentary respect of the public right of way crossing the site, stating that it should be retained and integrated within the proposed development. We consider that there should be some amendment to this text for the purposes of precision. Whilst there is a public right of way crossing the site, it does so in a manner that would make new development awkward as it would run between the back gardens of the new proposed dwellings and those fronting Chancery Lane. This would not be an ideal arrangement hence the outline scheme proposed diverting the public right of way from the south eastern corner of the site, along the southern boundary and through the part of the site that would be retained and enhanced for public open space, subsequently connecting with the existing "exit point" toward the north-west corner of the site. Whilst this approach would still constitute "retention and integration," the text should be clearer that the BPR does not require retention of the public right of way *in situ* as this would not be desirable from a place-making point of view.

Flood Risk

The Publication Draft offers commentary in respect of flood risk and observes that the site is within flood zones 1, 2 and 3 and has some fluvial and surface water flood risk. It also refers to the need to deliver safe access and egress to the site in light of the flood constraints and to the sequential and exception test.

It is relevant to note that Warwickshire County Council as the Lead Local Flood Authority (LLFA) has no objection to the development of the site for 29 homes and the matters raised in the Publication Draft's commentary have already been addressed. In respect of the sequential and exception tests, the evidence base document "Sequential and Exceptions Test 2023" which supports the BPR indicates that both tests are passed in respect of the site.

Change Requested

Given the forgoing we would recommend the following changes:

Land off Leyland Road, Bulkington

1. Amendment to Strategic Policy SHA5: "Strategic housing site SHA5 will be developed for ~~a mix of residential uses and community uses.~~" Necessary for precision and to provide clarity to decision-takers.
2. Amendment to Strategic Policy SHA5, Criterion 1: "Provision of at least approximately 348 381 dwellings in a mix of dwelling types and sizes." Necessary for precision and to reflect the planning status of the site to provide clarity to decision-takers.
3. Amendment to Strategic Policy SH5, Criterion 26: "Development proposals should have regard to be in accordance with the extant HSG8 Concept Plan SPD..." To provide sufficient flexibility in delivery of the allocation and to provide appropriate guidance to decision-takers.

Land at Willow Close, Nuneaton

1. Amendment to supporting text for NSRA8: "The access to the site is located within the North Warwickshire Council boundary and has been found to be acceptable on highways grounds by Warwickshire County Council as the Local Highway Authority." The proposed access is important to the delivery of the site for residential development and it should be acknowledged that it can be acceptably brought forward to provide clarity to decision-takers.
2. Amendment to supporting text for NSRA8 "Opportunities exist to set development back from Bar Pool Brook, ~~to protect its function as a wildlife corridor and to continue a sense of undeveloped character along the valley bottom.~~" The ecological evidence indicates that Bar Pool Brook has limited ecological value. In addition, the site is located within the urban area bound on three sides by consolidated patterns of residential development. It is incorrect to attribute an "undeveloped character" to any part of the site.
3. Amendment to supporting Text for NSRA8 "The ~~existing~~ public right of way should be retained and integrated within any proposed development..." To provide flexibility, clarity to decision-takers and to reflect the approved development proposals given they are predicated on diverting the public right of way through the proposed public open space.
4. Amendment to supporting text for NSRA8 "The Report concluded that both Sequential and Exception Tests are required for this site and these tests have been applied and passed." The sequential and exception tests have been passed in respect of the site as per the evidence base document "Sequential and Exceptions Test 2023" and this should be reflected in the supporting text.

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 several changes are necessary to Draft Strategic Policy SHA5 and NSRA8 for Plan soundness. 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

