

**Broxtowe Borough Council
Part 2 Local Plan 2018 - 2028**

HEARING STATEMENT

**Matter 7: Land in the vicinity of the HS2 Station at Toton
(Strategic Location for Growth) (Policy 3.2)**

**Statement by Oxalis Planning
on behalf of Bloor Homes**

November 2018

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1.0 **Background**

- 1.1 Oxalis Planning Limited (Oxalis) acts on behalf of various clients within the Borough of Broxtowe. This includes Bloor Homes who has interest in land near to the proposed HS2 Station, to the east of Toton Lane, at Toton (see Plan at Appendix 1).
- 1.2 Oxalis represents clients on a complete range of sites from large scale strategic sites, to village extensions and small scale infill schemes, throughout the East Midlands and nationwide. Oxalis is well placed to understand the complexity of delivering major housing schemes on sensitive sites.
- 1.3 Oxalis has been involved in the land close to the Toton HS2 Station site since 2011, before adoption of the 2014 Greater Nottingham Aligned Core Strategies (ACS). Representations have been made at the various stages of the ACS, including in April 2013 where strong concerns were raised that the proposed allocation of the HS2 Station site lacked ambition and failed to take account of government advice about the benefits and opportunities provided by a new High Speed Rail Station.
- 1.4 Policy 2 of the ACS (Spatial Strategy) identifies land east and west of Toton Lane, including Toton Sidings in the vicinity of the proposed HS2 Station as a strategic location for growth. This provides for a minimum of 500 homes, 'significant' new employment development and a new HS2 Hub Station to serve the East Midlands. Paragraph 3.4.6 refers to a minimum of 18,000 square meters of B class employment floorspace and also states that the precise details of the allocations will be recommended by the HS2 Working Group and determined in the Broxtowe Part 2 Local Plan. The precise boundary of the allocation was not identified although there was consensus during discussions at the examination that a substantial area of land would be brought forward.
- 1.5 Against this policy context, Oxalis has submitted representations to Broxtowe Borough Council at every opportunity during the evolution of the Part 2 Local Plan. It has been consistently argued that the approach taken to the HS2 Strategic Location for Growth lacks ambition and fails to take the unique opportunity provided by the HS2 Station. In April 2013 Oxalis prepared a document on behalf of Bloor Homes titled "Broxtowe Gateway Vision (April 2013)". This included a spatial masterplan illustrating how the site could be brought forward in a way that represents a genuinely strategic solution. This document was submitted as an appendix to Oxalis' representations dated 3 April 2013 (Aligned Core Strategies Consultation on Proposed Changes Regarding Inclusion of Land in the Vicinity of HS2 Station). A copy of this document is provided at Appendix 2.

- 1.6 In July 2016, Peveril Homes was granted outline planning application (ref. 12/00585/OUT) by Broxtowe Borough Council to build up to 500 homes with ancillary development on land to the west of Toton Lane, part of the HS2 site allocated in the emerging Part 2 Plan as a Strategic Location for Growth. This was approved despite strong concerns being raised that approval of the scheme would be likely to undermine proposals to take advantage of the unique opportunity for economic growth created by a HS2 Station. In February 2018, the first phase of Peveril's residential development (282 homes) was granted reserved matters approval.
- 1.7 In September 2017, East Midlands Councils (EMC) produced a document entitled "East Midlands HS2 Growth Strategy: World Class – Locally Driven". This document was endorsed by Lead Members from East Midlands City and County Councils as well as key representatives from D2N2 LEP, the Leicester and Leicestershire LEP, East Midlands Chamber and Rail Forum. The document built upon a September 2016 'Emerging Growth Strategy' and set out a vision for maximising the 'economic prize' created by HS2.
- 1.8 In October 2017, EMC produced its own version of a masterplan document, titled "Development Framework and Illustrative Masterplan: Core Principles" for the Toton HS2 Hub (Appendix 3). This replicated elements of Oxalis' April 2013 'Broxtowe Gateway Vision' by promoting a mixed-use scheme comprising a transport interchange (multi-modal hub), employment (labelled an Innovation Campus), waterside area, park-side residential area and a new community hub (including school, leisure centre, health centre, public open space and a decked car park). Like the Oxalis 'Vision', EMC's 'Framework' sought to take the opportunity presented by the HS2 Station by providing a variety of employment opportunities close to the station with residential elements interspersed throughout the scheme. Both documents proposed development to the east of Toton Lane, although Oxalis' Vision was more ambitious by proposing a larger developable area. Both documents sought to deliver a more bold and ambitious solution to that being advocated by the Borough Council in its Part 2 Local Plan.
- 1.9 While the EMC Framework is a step in the right direction, this has not been subject to stakeholder consultation and therefore its deliverability is questionable. The Council has not indicated it wishes to take the Framework forward as part of emerging Policy 3.2 or as an SPD. The EMC Framework was not informed by land owner or developer discussions, and conflicts with the Peveril Homes planning permission by proposing a different solution for this part of the site. This is confusing as it is unclear what purpose the EMC Framework is serving or whether the Borough Council supports its principles.

- 1.10 The proposed Broxtowe Borough Council allocation (Policy 3.2) has been allocated without having secured the necessary land owner or developer agreement. The Key Development Requirements (KDR) are not linked to any masterplan document and it is disappointing that the Council's aspirations do not appear to be aligned with the proposals put forward by EMC, or by Oxalis.
- 1.11 The site boundary that supports the emerging allocation includes the sewage works, the electricity sub-station and the secondary school. There is doubt about whether any of this land will become available and if so, when that land will be released. It is also unclear how the facilities on these three parcels of land will be replaced or compensated for.
- 1.12 The allocation includes part of Oxalis' clients' land to the east of Toton Lane (south of the tram line). There has been no discussion about how this land will be brought forward, when it will become available or what the end-use will be. These concerns are further discussed in answers to the Inspector's questions below.
- 1.13 What is clear is that there is a great deal of confusion between what the different parties feel should be delivered for this site. The Council's aspirations are vague and lack ambition while EMC has produced a Framework that doesn't align with what has planning permission and falls short of the growth opportunity presented by the land that is available. To assist the examination, Bloor Homes has reflected on the various documents, and commissioned Barton Willmore to produce a comprehensive Delivery Strategy for the HS2 Growth Hub. This is provided at Appendix 4. This document presents a solution that takes account of the Peveril Homes planning permission and which maximises the growth opportunities created by a new HS2 Station. This Strategy allows additional homes to be built to maximise the potential of the new strategic growth area, as well as compensating for the shortfall of deliverable housing sites referred to in other Matters. The Strategy demonstrates the potential of what can be secured within this Part 2 Local Plan.

2.0 Questions

- Q1. *What evidence is there that the site will be available, sustainable, viable and deliverable within the plan period?*

All land owners have not signed up to the Key Development Requirements that the Council is proposing in the Part 2 Local Plan so there is considerable doubt about whether Policy 3.2 can be delivered either as part of this Part 2 Local Plan or as part of a future ACS or Broxtowe Local Plan review.

Oxalis represents Bloor Homes, who have interests in land to the east of the HS2 Toton strategic allocation. This interest comprises most of the land identified on page 31 of the Barton Willmore Delivery Strategy (appendix 4). Part of this land, where the school and community hub is indicatively illustrated by Barton Willmore, is land that the Council has included in the red line site boundary on page 38 of the emerging Part 2 Plan. However, the Council has not discussed the allocation with the developer, the form of development or how / when it will be delivered. The delivery of this element of the allocation is therefore uncertain.

The proposed allocation (Policy 3.2) contains no masterplan, indicative or otherwise, to illustrate how the site would be brought forward. Given this, it is difficult to determine whether all the land can be brought forward, for what purpose or the timescales.

Paragraph 3.18 of the Submission Part 2 Plan refers to the eastern part of Toton / Stapleford Lane, stating that this could comprise a leisure / education hub with the potential of relocating Park and Ride. This paragraph then goes on to refer to there being sufficient space to link the Chetwynd development area. Without illustrating these proposals on a plan, it is unclear how these features can be provided, or who owns the land being referred to. It is likely that this paragraph is referring to the land which Bloor Homes has an interest in, who has not been party to discussions about the use of the land.

The HS2 Strategic Location for Growth including land to the east of Toton Lane, beyond the Part 2 Local Plan allocation, represents a highly sustainable solution. A sustainability appraisal of development at this location has been considered at various points, including as part of the 2014 Aligned Core Strategies, and in December 2015 (see examination library document PD/16). The 2015 Interim Sustainability Appraisal Report noted that housing growth in this area was rejected in 2010 (paragraph 7) because it was a prominent Green Belt site with significant local amenity value. That view subsequently changed with the introduction of the HS2 Station as it was noted that “HS2 and any associated infrastructure is likely to urbanise the area in sustainability objectives terms, potentially making any new

local development less intrusive". Paragraph 8 of this document went on to say that the proposed change to the Core Strategies, by including the HS2 Station, "materially alters the conclusions in the SA Publication Version Report (June 2012), in that a new strategic location for growth is appropriate for the sustainability of the plan area".

The development of land in the vicinity of the HS2 Station is highly sustainable. It is located on the edge of the urban area with excellent access to the Park and Ride / NET tram and railway station. The scale of available land allows for a comprehensive form of development with a full range of employment, retail, leisure and community facilities. There is sufficient land available to ensure that the most sensitive open space is retained and to make sure that strategic open space can be provided to allow built development to be integrated into the existing built form. A solution for how these features could be retained is illustrated in the Barton Willmore Delivery Strategy (page 31) at Appendix 4.

In deciding the boundary for the HS2 Station strategic allocation, the Council has carried out a review of the Green Belt (document ref. PD/13). This February 2015 document reviewed those sites being allocated for development in the Green Belt. This process reviewed Land East of Toton Lane: north of the tram line (Zone 39) and south of the tram line (zone 40). The study made reference to the weak defensible boundaries on land north of the tram line as well as the merging of the physical gap between Chilwell and Stapleford. It also refers to the land having the feel of being in a very urban setting, partly due to the A52 traffic noise and partly due to the view of houses in the distance to most sides. While the development of this area will result in some impact on the gap between settlements, the A52 provides a defensible barrier that would prevent areas from merging. Retaining a generous green gap will ensure that the settlements keep their separate identities. The Green Belt review is neutral on the urban regeneration aspects of the development. This presents an unbalanced perspective as the development of this land would bring significant benefits, providing a unique opportunity for economic growth, sustainable living and the delivery of key infrastructure.

Q2. Having regard to MM3 are the Key Development Requirements appropriate and justified?

The KDRs are neither appropriate nor justified. Firstly the site area to which the allocation relates continues to be unambitious and fails to take the once in a generation opportunity created by the HS2 Station. There is the opportunity to allocate a much larger area of land to the east of the A52 / Bardills Roundabout, which would provide the opportunity to construct a higher density employment and leisure development close to the station hub with hundreds of additional high quality residential properties interspersed throughout the site, including to the east of Toton Lane. This would allow the highly sustainable location to be fully embraced.

The KDR (2018-2023) sets out a proposal for 500 homes, requiring that these are provided “towards the south of the Strategic Location for Growth”. It is difficult to see how this can be delivered if Peveril Homes choose to implement their permission, as the Peveril permission relates to land in the centre of the allocation, to the east of the proposed Hub station.

The KDR requires that development should be located and designed to complement and not prejudice proposals for access to the HS2 Hub Station and Innovation Village. It is unclear how this will be achieved as there is no plan to illustrate where and in what form the Innovation Village will be developed. It is also unclear how this will work in the context of the Peveril Homes permission. The KDR makes no reference to the EMC Framework, which proposes the Innovation Village referred to in the policy. To implement EMC’s Framework, agreement would need to first be reached with Peveril for an alternative form of development, which doesn’t appear to have happened.

The KDR does not provide any requirements for employment development, or other uses that would complement a new HS2 hub station, during this Plan period. This is extremely disappointing and shows a frustrating lack of ambition. The development industry needs certainty as part of this Plan to allow for a well-planned and coordinated solution and to maximise the potential of HS2 for the East Midlands. Rather than seize this opportunity, the KDR postpones part of the scheme (the Innovation Village) to the review on of the Greater Nottingham Aligned Core Strategies. That could take many years to conclude, if at all, and there is no certainty that the local authorities involved in that process would propose an effective solution. This Part 2 Local Plan presents an opportunity to secure a high quality, sustainable, ambitious solution, building upon the vision set out in the ACS.

Q3. *Should the scale of development at Toton be outlined in the Policy? How would the comprehensive development of the site, appropriate phasing and design principles be ensured? Is it sufficiently clear in the Policy how this would be achieved? What mechanisms are in place or proposed to achieve this? What work has been completed to date? How would all stakeholders be involved?*

It is essential that Policy 3.2 sets out minimum development thresholds for the whole of the allocation, both for the full extent of the Plan period and beyond. It is also essential that the policy secures a masterplan or development framework for the site (potentially enshrined within an adopted SPD) to illustrate how the different components will be brought forward, how the right quality will be secured, when delivery will take place and to secure the necessary infrastructure.

Postponing part of the scheme for a future ACS or Local Plan will mean that the site will be developed piecemeal, with the opportunity to provide essential infrastructure, at the right time, being missed. For instance, the development of Bloor Homes for up to 1,000 additional homes to the east of Toton Lane presents a unique opportunity to deliver additional highway and sustainable transport infrastructure that could not otherwise be secured.

As drafted, the KDR of policy 3.2 are vague, without stakeholder agreement and with no certainty about what will be delivered and when. This approach is unsound and the policy requires significant amendment.

It isn't at all clear from the KDR how the different components will be delivered or how the different elements fit together. The timescales for delivering the different elements is uncertain and it is unclear which land owner will be responsible for delivering the different components. This introduces uncertainty, raising doubt about whether the allocation will be able to come forward.

Q4. In the event of uncertainty or delay with the HS2 Project what would be the implications for bringing this site forward, in particular with regard to the delivery of housing in the plan period?

The 500 homes identified in Policy 3.2 already has planning permission and is not linked to HS2 or an extension to the NET tram. This is disappointing as it allows the 500 homes to be delivered piecemeal, without consideration to development or infrastructure needs across the wider allocation. The new HS2 Station site has the potential to deliver a substantial and ambitious form of development that would secure a wide range of employment, residential and complimentary hotel, leisure, community and retail development across a much wider site. This would unlock land that would allow many hundreds of extra homes to be built, allowing residents easy access to a range of high quality transport opportunities.

The Borough Council has sought to extend the indicative development area identified in the ACS by including additional land to the west of the proposed station hub. While this is a step in the right direction, there is the opportunity to be much more ambitious and allocate significantly more land to the east of Toton Lane to maximise the opportunity that HS2 provides.

- Q5. *What progress has been made in securing and delivering the Infrastructure requirements for the site summarised in Appendix A of the ACS? Are there any unresolved issues? How would these be addressed? What would be the impact of any delay in the delivery of this necessary infrastructure? Are there any cross-boundary issues and how would these be resolved?*

The infrastructure requirements will be dictated by the eventual form and mix of uses and by the design / layout of the scheme. The extent of the development site as proposed does not take the opportunity to exploit the benefits that a new HS2 hub will bring. A more ambitious proposal will allow for a comprehensive infrastructure package to be delivered.

The infrastructure needs to be discussed and agreed with relevant land owners and / or developers to ensure it can be achieved and to make sure that phasing aligns with the Council's policy aspirations. To date this has not been progressed in terms of how it relates to land east of Toton Lane.

- Q6. *In light of the above, is the delivery of dwellings on the site from 2019/2020 as shown on the Housing Trajectory realistic?*

While the delivery of the Peveril Homes permission is not restricted by infrastructure set out in Appendix A of the ACS, in the event that a more ambitious, bold and comprehensive development comes forward for the HS2 Strategic Location for Growth, this would be expected to trigger additional infrastructure requirements. It is important that policy 3.2 sets out a requirement to agree a comprehensive approach to the delivery of the site, which should include infrastructure requirements and phasing.

3.0 Conclusions

- 3.1 The HS2 Strategic Location for Growth represents a once in a generation opportunity to exploit the unique socio-economic benefits that a new HS2 Station will bring. Policy 3.2 of the emerging Part 2 Local Plan lacks ambition both in terms of the size of the site being allocated and the form and type of development envisaged during the Plan period. It fails to take the opportunity that HS2 brings and therefore the plan is unsound.
- 3.2 Policy 3.2 needs modifications to ensure that the HS2 site is appropriately developed. The KDR need to clearly set out how the overall vision will be delivered, over what timescale. It needs to allow for phasing to be agreed and for delivery to come forward early. It needs to clearly set out the infrastructure requirements for the different components and needs to allow for phasing to be agreed.
- 3.3 A Delivery Strategy has been produced by Barton Willmore on behalf of Bloor Homes (Appendix 4), which shows how a far more ambitious development can be achieved, which would allow the Council to grasp the opportunity that HS2 brings. It builds upon the masterplans produced previously by Oxalis and by East Midlands Councils and provides a realistic and achievable solution for how the different components fit together. In contrast to the Council's approach, this would align with Peveril Homes' planning permission and would deliver key elements such as an Innovation Campus, academic research opportunities as well as at least three times as much housing across the site in a variety of forms to respond to the context of the different character areas. This solution would protect the integrity of the Green Belt by providing comprehensive landscaping and open space, protecting important landscape areas to the north and providing a new neighborhood centre for the community. Importantly it also delivers the essential infrastructure needed to enable this more ambitious form of development to be delivered effectively and sustainably.