



Broxtowe Borough Council

Hearing Statement to Matters, Issues and Questions

Part 2 Local Plan Examination

On behalf of Peter James Homes Ltd [718]

November 2018

In respect of Hearings Scheduled for:

Weds 5 December 2018:

Matter 4 Housing Delivery, Trajectory and Land Supply
Matter 5 –Housing Size, Mix and Choice (Policy 15)

Tues 11 December 2018:

Matter 8 Other Main Built Up Area Site Allocations
Policy 3.4 Stapleford

Thurs 13 December 2018:

Matter 12 Other Development Management Policies

Quality Control

Project No.	13.052			
Client	Peter James Homes			
Title	Examination Hearing Statement			
Location	Land west of Coventry Lane, Stapleford			
File Reference	P&DG/13.052 EHS			
Issue	Date	Prepared By	Reviewed By	Authorised By
1.	November 2018	AG	DP	DP

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1.0 Introduction

- 1.1 This Hearing Statement sets out submissions made by Planning and Design Group (UK) Ltd on behalf of Peter James Homes Ltd, a local housing developer in the ownership of J McCann & Co (Nottingham) Ltd.
- 1.2 This Statement is submitted concerning the following matters:
- Matter 4: Housing Delivery, Trajectory and Land Supply
 - Matter 5: Housing Size, Mix and Choice (Policy 15)
 - Matter 8: Other Main Built Up Area Site Allocations
- 1.3 On the following pages our submissions are provided to each of the above matters, for the Inspector's consideration and discussion during the Hearing sessions. These submissions have direct regard to land proposed for allocation to the west of Coventry Lane for up to 240 dwellings through Policy 3.4 Stapleford (west of Coventry Lane) of the Part 2 Local Plan. Peter James Homes are the predominant landowner of this site.
- 1.4 This Statement is submitted in response to the issues and questions established by the Inspector in September 2018 that will guide the relevant Examination in Public. They should be read in conjunction with our previous representations, including extensive supporting evidence, made throughout the Broxtowe Part 2 Local Plan drafting and consultation process.

2.0 Matter 4: Housing Delivery, Trajectory and Land Supply

ISSUE: Whether the approach to the provision of housing is justified, positively prepared, effective, deliverable and consistent with the NPPF and the Aligned Core Strategy.

- 2.1 This statement seeks to address all questions under this issue. This is in order to draw together general conclusions that relate to the proposed allocation of land to the west of Coventry Lane, Stapleford for up to 240 dwellings under draft Policy 3.4.
- 2.2 In principle the Part 2 Local Plan is considered sound as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the document. This includes the allocation of land to the west of Coventry Lane, alongside a range of site-types identified in the Housing Trajectory (Table 4). The focused areas of growth accord with Policy 2: The Spatial Strategy of the adopted ACS in that land allocations have been proposed in accordance of the settlement hierarchy. Namely the Main Built-Up Area (MBA) of Nottingham and the other named settlements of Awsworth, Brinsley, Eastwood and Kimberley (including Nuthall and Watnall) across Broxtowe.
- 2.3 The defined MBA, which includes Stapleford and adjoins Nottingham, is designated as a sustainable location for housing growth in the spatial hierarchy of the ACS. Therefore, the MBA as a whole is allocated a distributed target to deliver 3,800 dwellings as a part of Broxtowe's overall identified housing need. In all 14 housing sites are allocated in the MBA area delivering a total of 2,729 dwellings. This reflects an effective and significant 72% contribution to the 3,800 dwellings required across the MBA.
- 2.4 The delivery of these allocations will be critical in addressing the overall need for housing in Broxtowe. This includes the delivery of land to the west of Coventry Lane, if the Housing Trajectory is to be fully realised. Particularly where allocated sites, such as that to the west of Coventry Lane, can provide an assured supply of new homes earlier in the Local Plan period within the context of a generally backloaded Housing Trajectory.
- 2.5 Indeed, the allocation of land is absolutely essential in the adoption of a plan-led approach in line with the principles of the NPPF. This is particularly whereby the allocation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development. As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered. The Part 2 Local Plan is required to act as the delivery tool for

Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this.

- 2.6 Given their critical nature, absolutely no doubt, or risk, should be brought about in relation to the proposed allocations in the Part 2 Local Plan. This certainly includes land to the west of Coventry Lane which is an entirely sustainable, available, viable and deliverable site allocation that has been through a robust period assessment and is supported by a wider range of appropriate evidence. Without full support for the site allocations, as proposed in the Part 2 Local Plan, the soundness of the document, in particular the effectiveness of the Housing Trajectory, would need to be brought into question.
- 2.7 This situation is exacerbated by the current deficit in housing land and delivery shortfall across Broxtowe which makes the need for housing more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.9 years' worth of housing land supply as of April 2018. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of around 856 dwellings, prompting the addition of a 20% buffer. The application of a 20% buffer is certainly considered appropriate given the context of housing under-supply. The allocation of land to the west of Coventry Lane will therefore directly support the delivery of housing against this shortfall in turn make a significant contribution to the delivery of a sound Part 2 Local Plan.

3.0 Matter 5: Housing Size, Mix and Choice (Policy 15)

ISSUE: Whether the approach to the delivery of housing is justified, effective and consistent with national policy in the NPPF

QUESTION 5: Is the requirement for 5% of dwellings in schemes over 20 units to form serviced plots for self-build or custom build justified by the evidence? What level of demand is indicated by the Council's Register? How has scheme viability been assessed?

- 3.1 The Part 2 Local Plan states that the relative demand for self-build and custom build plots will be determined with regard to expressions of interest recorded via the Council's Register.
- 3.2 This however creates uncertainty for the developers of major sites in terms of the design, planning and viability of schemes. Development schemes are subject to detailed business planning in advance of any planning application and the time sensitive nature of this policy (which will surely fluctuate based on the level of interest and the location of relevant parties) will add considerable doubt from a developer perspective.
- 3.3 Whilst the associated Self-build and Custom Housebuilding 2016 regulations have brought about requirements on Local Authorities to maintain an active Register of interested parties there is no necessity to mandate a certain proportion of self or custom- build plots at a site level. Instead the register should act as a general indicator of demand for subsequent appropriate action or negotiation with relevant interested parties, supported by appropriate Local Plan policy leads. Currently the Council display little clarity of understanding behind the 'at least' 5% self and custom-build policy stipulation on sites of over 20 dwellings.
- 3.4 Should Broxtowe Borough Council wish to support custom and self-build opportunities then it may wish to consider the specific allocation of development sites, perhaps using land within its control.

4.0 Matter 8: Other Main Built Up Area Site Allocations

QUESTION 1: *Is there evidence that the development of each allocation is suitable, available, sustainable, viable and deliverable?*

- 4.1 The allocation of land to the west of Coventry Lane, Stapleford is entirely suitable and sustainable. On a principle matter the site accords entirely with the spatial strategy of the ACS, delivering new homes within the MBA of Nottingham in a sequentially preferable location.
- 4.2 In addition, robust assessment of the site, including a depth of appropriate evidence, and full engagement with the Part 2 Local Plan process provides further assurance of the site's suitability and sustainability. The following documents have all been submitted in relation to land west of Coventry Lane:
- Phase 1 -Transport Assessment
 - Flood Risk Assessment
 - Noise and Vibration Assessment
 - Desktop Ground Investigation
 - Phase 1 - Ecology Report
 - Indicative Master Plan
 - Green Belt Review
 - Sustainable Growth Report
 - Landscape and Visual Impact Report
 - Sustainability and Deliverability Review
 - Intrusive Ground Investigation Report
 - Ecological Appraisal
 - Green Belt Exceptional Circumstances Report
- 4.3 It has been agreed between all relevant parties, including Broxtowe Borough Council, that these reports provide substantive evidence in support of the allocation and that no significant constraints or barriers to delivery have been identified. The evidence identifies that no demonstrable harm would arise from the allocation that cannot be adequately or suitably mitigated.
- 4.4 The relevant reports can all be made available to the Inspector, as required, to provide further evidence of the site's suitability and sustainability.

- 4.5 In relation to sustainability matters: We would note that the site includes a significant brownfield element , including a highway depot, a manufacturing building, poor quality farm buildings and former railway sidings.
- 4.6 The site is positively identified for its ability to provide enhanced Green Infrastructure corridors that link areas of Nottingham to recreation opportunities (e.g. Stapleford Hills/Erewash Valley Trail), improve pedestrian and traffic flows and provide a tranquillity buffer between Stapleford Hills and the Bramcote Crematorium. In addition, on-site habitat creation, amenity space and integrated SuDS will be delivered through the development scheme to the significant sustainability benefits.
- 4.7 The site's location will allow future residents access to a range of community services within both walking and cycling distance (including retail and education facilities). It is also anticipated that development of the site will act as catalyst, alongside adjacent land allocations, to enhance bus service provision to the area. This will be of particular benefit to the Bramcote Crematorium which cannot currently be accessed directly by public transport.
- 4.8 The development scheme is anticipated to deliver a range of social infrastructure contributions that will be agreed through further discussions (including the delivery of 30% affordable housing provision on-site) and generate considerable inward investment during the construction phase.
- 4.9 Therefore, from an environmental, social and economic perspective the allocation of land to the west of Coventry Lane is considered to be entirely sustainable.
- 4.10 The site is available. All relevant land owners including Peter James Homes, Broxtowe Borough Council and the Rodgers family (represented by Grace Machin Planning and Property Ltd) are in advanced discussions and are all willing for the land to come forward for development as described. Regular meetings have taken place throughout the Part 2 Local Plan process to assure site progress and address any matters or issues arising pro-actively.
- 4.11 Peter James Homes, a local house builder, will act to develop the site. Given that there are no considerable forecast constraints or barriers to development the site is considered entirely deliverable on allocation in the Part 2 Local Plan. In addition, the basis of a suitable planning application has been prepared in anticipation of an allocation to minimise time lapse between adoption of the document and the start of works on-site.

- 4.12 The developer has an excellent local, and recent, track record of housing delivery. For example, 90 dwellings have been successfully delivered and sold at Pentrich Fields, Giltbrook over a 18-month period by Peter James Homes. The same approach will be applied to the development of land to the west of Coventry Lane.
- 4.13 Finally, due to the forecasted absence of abnormal costs, the quantum of proposed development and the favourable housing sub-market the site is considered to be viable whilst delivering appropriate planning obligations which will be secured through further discussion.

QUESTION 2: *What is the expected timescale and rate of development? Is this realistic?*

- 4.14 No development timescales have been fixed, in the interests of being realistic, however site works are projected to start on-site during 2020/1 with completion by 2022/3. This is with an appropriate allowance made for the allocation of land to the west of Coventry Lane in the Part 2 Local Plan and the subsequent grant of appropriate planning consents. Notwithstanding, the site will come forward earlier in the Local Plan period.
- 4.15 The projected build-out rate mirrors that delivered by Peter James Homes on Pentrich Fields, Giltbrook and land to the west of Coventry Lane is an absolute priority in their land portfolio and business plans. A second developer may be involved if considered appropriate.

QUESTION 3: *Having regard to the respective Main Modifications, are the Key Development Requirements appropriate and justified? How significant are the Key Development Aspirations to achieve a sustainable development? Should they be Requirements for e.g. measures to mitigate highways impact?*

- 4.16 On final review of the proposed Main Modifications the Key Development Requirements are considered appropriate and read as follows:

'New Homes:

- 240 homes.

Connections and Highways:

- Provide safe pedestrian and cycling routes including crossing points on surrounding roads linking to the redeveloped school, the development on the eastern side of Coventry Lane in Bramcote, the Field Farm development and the Erewash Valley Trail.

- Vehicular access to the site shall only be via Coventry Lane and should be via a single junction which serves both allocations Policy 3.3 (East of Coventry Lane Bramcote) and Policy 3.4 (West of Coventry Lane Stapleford).
- Incorporate design measures to slow the speed of traffic on Coventry Lane.
- Enhance bus routes adjacent to the site

Green Infrastructure:

- Provide enhanced Green Infrastructure corridors linking urban areas of Nottingham to the east with Bramcote and Stapleford Hills, Bramcote Park, Boundary Brook, Pit Lane Wildlife Site, Nottingham Canal and Erewash Valley Trail in the west.
- Provide a buffer between the crematorium and Stapleford Hill to ensure tranquil setting of crematorium is not compromised and ensure the new housing will not be in shade for extended periods of time due to the proximity of Stapleford Hill.'

4.17 In relation to the proposed Key Development Aspiration the current wording reads as:

'Mitigate highways impact on the wider road network to ensure that congestion is not made worse than currently exists.'

4.18 Whilst this aspiration is recognised some doubt is raised over whether this is realistic. The NPPF requirement is such that the impact of any development on the relevant highway networks is not severe. As such the aspiration to, in effect, neutralise, the impact of development from congestion could prove unworkable and should the edited to more appropriately read:

'Mitigate highways impact on the wider road network to ensure that impacts are not severe.'

4.19 This is considered to be a reasonable alternative.

QUESTION 4: *What are the site constraints, potential impacts or infrastructure requirements of the allocation and how would these be addressed?*

- 4.20 This question has been addressed substantively in relation to Question 1. Notably a wide range of evidence reports have been submitted in relation to land west of Coventry Lane through the Part 2 Local Plan process (please see the list above).
- 4.21 It has been agreed between all relevant parties, including Broxtowe Borough Council, that these reports provide substantive evidence in support of the allocation and that no significant constraints or barriers to delivery have been identified. The evidence identifies that no demonstrable harm would arise from the allocation that cannot be adequately or suitably mitigated. The relevant reports can all be made available to the Inspector, as required.
- 4.22 Appropriate planning obligations to meet social infrastructure requirements (e.g. public transport, community facilities, education, open space and health care) will be met through development of the site and achieved through subsequent discussions and a related S.106 agreement. These obligations have been scoped with Broxtowe Borough Council and Nottinghamshire County Council in preparing site related evidence. The key physical infrastructure requirement is a preferred single junction serving both proposed allocations to the west and east of Coventry Lane (Policy 3.3) either side of the A6002. This is expected to be delivered in partnership through subsequent discussions and relevant agreements (including with Nottinghamshire County Council) to secure and enhance access to the site. It is also listed as a Key Development Requirement. We would note that meetings have taken place with The Highway Authority and it has been agreed that the existing bell mouth access will provide an effective access to the proposed residential development.

QUESTION 5: *How have the Opun Design Reviews informed the respective policies?*

- 4.23 The Opun Design review has proved to be very positive and the aspirations of the exercise are supported. Planning and Design Group and Peter James Homes were fully engaged in the Opun Design sessions and were able to inform and be informed by the process overall. The key opportunities identified in relation to land to the west of Coventry Lane are summarised as follows:
- Undertaking a detailed site analysis to demonstrate an in-depth understanding of site and context i.e. identifying and mapping character areas, key routes, connection points, movement pattern, key views to and from the site etc

- Provision of a Development Framework Plan for both sites (i.e. including the allocation the East of Coventry Lane, Bramcote) which will set a strategic framework for the overall development concept and development principles
- Provision of a Parameters Plan to ensure a high-quality scheme is delivered, through the provision of clearly stated parameters and guidance on street hierarchy, parking, building density, building height, open spaces and landscape
- Provision of a detailed Landscape Strategy Plan which identifies the different character and identity of all of the existing outdoor spaces at an in depth and local level etc
- Utilising landscape and water as a unifying element to connect the two sites i.e. a landscaped vehicle route incorporating SuDS / Swales connecting the two sites
- Undertaking a comprehensive and integrated approach to the management of water within the sites
- Provision of a 'Vision' for Coventry Lane including an integrated approach (highways, landscape and urban design) in addressing existing problems of connectivity, speeding and noise
- Provision of a clear street hierarchy to provide legibility and sense of place
- Provision of cycling and pedestrian routes which integrate with the existing network and connect to facilities including the schools and college

4.24 The key factor emerging from the Opun Design Review was therefore encouraging a sense of connectivity between both land to the west and east of Coventry Lane which are identified for allocation in the Local Plan Part 2. This has been, and will be, incorporated into aspirations underpinning the design process of land the west of Coventry Lane. The review has also helpfully promoted a strategic link between all proposed/existing land allocations to the north of Stapleford (including the allocation of land at Field Farm through the ACS) which is fully supported in order to maximise the outstanding potential of this future growth area. It is recognised and understood

by Peter James Homes that while the site is deliverable in its own right, the site is not an island and the allocations and consented development in this location will deliver sustainable growth benefits whereby the whole is greater than the sum of its parts.

QUESTION 6: Where a site is to be released from the Green Belt, have the exceptional circumstances for releasing the site from the Green Belt been demonstrated? Would the release of the site prejudice or conflict with the purposes of the Green Belt?

4.25 The principle release of land from the Green Belt has been clearly established through Policy 3: The Green Belt of the ACS. This states that relevant Part 2 Local Plans would undertake Green Belt reviews in order to address the development requirements of each Local Authority and is justified by the following rationale:

‘Non-Green Belt opportunities to expand the area’s settlements are extremely limited and therefore exceptional circumstances require the boundaries of the Green Belt to be reviewed in order to meet the development requirements of the Aligned Core Strategies and Part 2 Local Plans.’

4.26 In light of this adopted policy approach, the proposed alterations to the Green Belt boundaries are justified and exceptional circumstances have been demonstrated through the ACS and latterly a Green Belt Review carried out by Broxtowe Borough Council. In addition, a site-specific Green Belt Review and a Green Belt Exceptional Circumstances Report have been produced by Planning and design Group on behalf of peter James Homes, which further evidence that the appropriate exceptional circumstances have been addressed. These documents were submitted as part of the preparation of the Part 2 Plan and can be provided to the inspector as required.

4.27 It is clear that the Green Belt is very tightly drawn around Broxtowe’s sustainable settlements and predominates large tracts of the Borough. Also, non-Green Belt opportunities for further development within sustainable settlements, and within settlements that lie beyond the Green Belt, are limited. To direct growth to other areas beyond the Green Belt, in effect ‘leap-frogging’ the Green Belt to poorly accessed, open countryside would not support sustainable patterns of development and is, in any event, not an option in Broxtowe which is entirely Green Belt outside of existing settlement frameworks. As such the allocation of land to the west of Coventry Lane accords entirely with the principle and exceptional circumstances of Green Belt release.

4.28 Indeed, any failure to strategically and appropriately release land form the Green Belt will not only jeopardises the delivery of much needed homes, but will also place

pressure on less suitable, less sustainable and more visually important areas of Broxtowe. Therefore, the current approach is considered justified and as adopted through the ACS, which has been through independent examination to test its soundness

- 4.29 Further, the approach and examination of the ACS was further scrutinised through the legal challenge *Calverton Parish Council v Nottingham City Council & Ors* [2015] EWHC 1078 (Admin) (21 April 2015).
- 4.30 At para 59, Mr Justice Jay concludes that: *'the Inspector was able to reach an evidence-based conclusion as to the presence of exceptional circumstances at the first stage, and that she was not in some way adjourning the matter over for substantive consideration at Stage 2. Further, in modifying the ACS so as to achieve a sequential approach to site release (with Green Belt release occurring, as it were, last) the Inspector was achieving an overall state of affairs which, as she put it, "should secure an effective policy consistent with national policy" (paragraph 118). Not merely was this a legally tenable approach, it was in my judgment both sensible and appropriate in the circumstances of the instant case. I would not go so far as to hold that paragraph 118 of the report directly applied paragraph 83 of the NPPF, and somehow satisfied the touchstone of exceptional circumstances; but what it did was to bring about an outcome which has the strong tendency to protect the Green Belt and its purposes. For example, to the extent that release of Green Belt land would be required, the first candidate for release would be land nearer the inner boundary. The sequential approach was, therefore, a factor to be taken into account.'* (our emphasis)
- 4.31 As part of the Green Belt Review process extensive and robust site-specific evidence that land to the west of Coventry Lane contributes less to the Green Belt criteria than other alternative sites which were considered. The allocation of the site will not result in the coalescence between settlements, would safeguard the wider countryside from encroachment and provide a real and defensible boundary.
- 4.32 Within the Green Belt Review carried out by Broxtowe Borough Council the site scored relatively low when assessed against Green Belt purposes, as defined in the NPPF, and alternative sites. In particular the defensible boundary of the railway to the north, Coventry Lane to the east and the allocated Field Farm site to the west were noted. This is anticipated to restrict urban sprawl, creates appropriate site containment and reduces the overall justification for Green Belt designation. The site presents an opportunity to strategically develop the northern edge of Stapleford within clear defensible parameters and sustainably deliver new homes, alongside adjacent land allocations, without encroachment into more open countryside areas.

- 4.33 Furthermore, the Site Selection Document Main Report, produced by Broxtowe Borough Council in support of the Part 2 Local Plan, identifies land to the west of Coventry Lane as 'one of the most sustainable sites to be allocated when compared to reasonable alternatives' and notes the sites excellent performance in in the Sustainability Assessment exercise.
- 4.34 Land to the west of Coventry Lane has therefore been robustly assessed against the Green Belt criteria, including national policy. The Green Belt boundary amendment would comply wholly with relevant policy. Certainly, it is difficult to conceive of a more physically and visually appropriate defensible Green Belt boundary. It is clear then that the site represents a sustainable pattern of development, works within the parameters of clear defensible boundaries, would not result in coalescence of settlements and is underpinned by evidenced, exceptional circumstances that do not prejudice the purposes of the Green Belt.

Planning and Design Group (UK) Limited
Pure Offices

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