

Savills on behalf of Arbury Estate

Respondent ID: 106

Nuneaton & Bedworth Borough Plan Review MIQs

Matter 5 – Strategic and Non-Strategic Site Allocations

Issue 2: Strategic Housing Allocations

• Policy SHA2 Arbury

53. A) Are each of the Strategic Housing Allocations and their policy requirements soundly based? Are they justified, deliverable/developable and supported by the evidence?

We object to the policy wording as proposed. A number of comments raised in this hearing statement have been raised previously at the Regulation 18 and 19 consultation. There are various points through these representations where we consider the Council has taken an overly prescriptive approach to the SHA2 Arbury allocation, often without evidence or a proper assessment of the site constraints and opportunities. An example of this is the location of green space being proposed by the Council. A large green area on the eastern side of the site represents only one way of approaching green space.

Through recent dialogue with policy officers in respect of the emerging proposals, they appear to consider their application of a 100m buffer to Ensor's Pool to be the only way of approaching green space. Many of these examples also feed into the overall site delivery and phasing, and has the potential to lead to the allocation under delivering the allocation dwelling number if such constraints are not dealt with in a pragmatic and holistic way.

Although some points have been taken on board through NBBC's suggested modifications to the Borough Plan Review, a number of outstanding matters remain unresolved.

Below we set out extracts of policy wording within the consultation document, alongside comments and potential modifications we propose to ensure that the proposed policy is sufficiently justified:

Policy Wording	Comments
2. Financial contribution to the NHS Coventry and Warwickshire ICB including extension to GP Surgeries.	<p>We object to this section of the policy as currently worded.</p> <p>Although the cost of such infrastructure is set out in the IDP at Appendix D (under the heading "CCG", which we understand is the former name of the ICB), a contribution to the NHS should be site specific, and would need to comply with the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.</p> <p>If there is a requirement for extensions to existing surgeries, the location of these surgeries, along with the current capacity and waiting list of them should be made available to form adequate justification for the contributions sought.</p>
3. Provision of a local centre, including community facilities.	<p>We object to the undefined reference made to provision of "community facilities". It is not clear what community facilities are being sought in addition to those listed elsewhere in the policy.</p>

	<p>The Arbury Design Code in Section 4.10 sets out the importance of a local centre incorporating community facilities. This also includes primary school and play provision. The Code states: “The centre may include shops, work spaces, restaurants, cafés and community and leisure facilities”.</p> <p>During design evolution, the masterplan will carefully consider the exact composition of land uses and hence the wording should reflect provision of a local centre including community facility as required, and where viable.</p> <p>The addition of wording stating: “as required and where viable” is important to add to ensure the requirement is justified against paragraph 35 of the NPPF.</p>
<p>4. Community Park, Ballcourt MUGA and older and younger children’s equipped play provision (including the proposed strategic play area) to be provided, forming an open space and habitat corridor linking Ensor’s Pool and the local wildlife sites to the south, as well as appropriate management and maintenance arrangements.</p>	<p>We object to the policy based on its current wording. There are requests for a number of contributions related to sports and open space, but no corresponding costs or cross reference to any study on existing provision and where there are shortfalls in provision or what the multiplier for the new population requirements may be.</p> <p>These contributions would need to be justified against the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.</p> <p>There is also no consideration that such improvements may require third party land, and the associated costs and complexities that this may cause. As written the requirements are unclear as to their extent, location or cost.</p> <p>Urban play solutions such as a MUGA may not always be suitable. Engagement should take place with NBBC Parks team during pre-application discussions, and the proposed masterplan will incorporate solutions that are appropriate for the site.</p>
<p>5. Provision of a distributor link road through the site with integrated footway/cycleway provision in accordance with the concept plan. The distributor link road will need to secure a connection that links the site to the A444.</p>	<p>The link road element of the site is within Green Belt. There is a need for this land to be released to allow for development to come forward without having to demonstrate Very Special Circumstances. The Council recognised the need for an access in the 2019 adopted plan, and therefore this land should be allocated as essential infrastructure. At the very least a corridor which would meet the Warwickshire Design Guide (e.g. a 6.7m wide road plus pedestrian and cycle provision) should be identified in the plan proposals map.</p>

	<p>We object to the absence of the link road in the proposals map, when an indicative route is shown on the concept plan included within the policy wording.</p>
<p>7. Provision of footway/cycleway linkages to the existing footway/cycleway network, including linkage to Bermuda Road bus stops and Bermuda Park Station. This is to provide a tarmac fully lit sustainable link route constructed to Highways adoptable standards (cycle provision to LTN1/20 guidance and include visibility plays) and which may be requested to be offered for adoption. The route and its lighting will need to be designed to demonstrate that there is no impact (using measures to prevent light spill) to the adjacent sensitive areas/habitats including Local Wildlife Sites and bat migration/feeding corridors.</p>	<p>We object to the policy as worded, as it requires footpaths and cycleways to be provided on land outside of Arbury Estate's ownership.</p> <p>As the land owner of the allocation is not in control of such land, the delivery of such off site provision is potentially in doubt, undermining delivery and so flexibility in providing contributions to WCC Highways should be considered.</p>
<p>8. Enhancement of Harefield Lane to reach the Bermuda Village area to the east, as well as contributions towards links to the north and east, mapped in the Cycle Network Development Plan.</p>	<p>We object to the policy based on its current wording. The wording makes reference to enhancements being provided off site, in areas which are not within the control of Arbury Estate.</p> <p>As the land owner of the allocation is not in control of such land, the delivery of such off site provision is potentially in doubt, undermining delivery. Ordinarily, we would anticipate a development providing off-site improvements to highways and movement, via a s278 agreement and undertaken by the relevant authority rather than the developer.</p>
<p>10. Financial contributions towards Borough-wide strategic highway infrastructure works identified within the A444 corridor.</p>	<p>We object to the policy based on its current wording. There are a number of A444 improvement schemes set out in the IDP. The majority do not contain reference to specific sites and/or specific contributions that are being requested. It is unclear which schemes are relevant to which allocation and whether the proposed allocation is to mitigate a problem being caused or rectifying an existing problem.</p> <p>Therefore, as written, the wording is not considered to be in accordance with the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.</p>
<p>12. Contribution to local sewage network improvements to increase capacity, improvement to the local network to reduce impact on hydraulic performance and improve biological treatment capacity to accommodate the development.</p>	<p>We object to the policy based on its current wording. Sewage infrastructure is referenced, but paragraph 7.3 of the IDP states that there are no capacity issues.</p> <p>A requirement for a contribution would need to be justified against tests set out in Regulation 122(2)</p>

	of the Community Infrastructure Levy Regulations 2010.
13. Provision of allotment site extension and facilities.	<p>We object to this requirement, as there is not sufficient evidence to justify it. Provision of new or expanded allotments is referenced in the IDP as: "Provision of land for allotments in line with Allotment Strategy".</p> <p>Having reviewed NBBC's Allotment Strategy (2012-2022) we note that it was produced in July 2013, and therefore does not provide up to date data related to access to allotment space in the Borough.</p> <p>We do not consider it provides suitable justification for the requirement for allotment extension (which we assume is to those allotments on Athol Crescent), if up to date data is not forthcoming. We cannot find any evidence that the existing facilities are at capacity or that the 1500 dwellings will give rise to an increase in allotment provision being required.</p> <p>We understand from NBBC that an updated strategy is in production, and due to be published in December 2024. To be suitably justified, NBBC should produce an up to date Allotment Strategy to evidence any requirement for additional allotment plots.</p> <p>The policy requirement should be amended to read: "provision of allotments, if required". This is because current evidence does not justify an extension of an allotment site extension and is due to be updated in respect of provision of allotment requirements more generally.</p>
14. Provision or financial contributions towards sport and physical activity based on the requirements of the Council's Playing Pitch and Outdoor Sports Strategy for pitch sport improvements, including off-site swimming pool provision, cycling facilities at Bedworth Physical Activity Hub, rugby pitch provision at Nicholas Chamberlaine School and community centre, outdoor tennis facilities and athletics facility at Pingles, Nuneaton.	<p>We object to the policy based on its current wording. There are requests for a number of contributions relating to sports and physical activity, but no corresponding apportionment of costs or scale of requirements associated with the geographical location of each allocation.</p> <p>These contributions would need to be justified against the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.</p>
15. An asset management plan for The Arbury Estate which includes measures to be taken and commitments to the repair and maintenance of the Park Farmhouse, Tea House, Bath House and Arbury Mill.	<p>We do not consider that the reference to Bath House and Arbury Mill in this policy wording is justified. This is because it's inclusion in the policy wording appears to be based on the assets inclusion in the "SAVE Britain's Heritage 'Building at Risk' list, rather than any designation from a statutory body such as Historic England.</p>

	Furthermore, we question the rationale for the asset management plan to cover the whole of the Arbury Estate. The Estate covers a wide area which extends outside of the Borough, and cannot be seen as reasonably related to development of SHA-2.
Form of Development	
17. Improvements to the urban edge through, and use of, a woodland planting belt in order to screen the urban edge. New woodland should be buffered on its eastern side by open space, which the existing houses should face.	<p>We object to new woodland being required to buffer on the eastern side close to the open space. We request further clarification of the rationale for a buffer to the eastern side of the site, and how this is justified.</p> <p>We question whether this buffer should in fact be on the western side of the site, closest to Arbury Hall and Registered Park and Garden. There is no overwhelming evidence that points to a buffer being provided in the east and Arbury Estate wish to have the flexibility of whether it can be provided in the west of the allocation. We consider the approach taken by the Council to be overly prescriptive.</p> <p>The policy should require edge conditions should respond to the surrounding landscape context and in particular be considered along the western boundary, where the new development will transition to the wider Arbury Estate, including the Registered Parks and Gardens.</p>
21. Higher density housing should be concentrated toward the current urban edge.	<p>We object, as there is no justification for this, in particular when the precise density required is not known. We question what exactly is meant by: "higher density". This blanket restriction could stifle design innovation and consideration of options which make the best use of available land.</p> <p>Proposed housing densities will vary across the site to create a legible neighbourhood with a variety of built form character. Lowest densities are expected towards the historic landscape of the Arbury Estate whereas highest densities will be found in the new urban core, and along public transport routes (e.g. the spine road).</p> <p>Ultimately the mix and type of open market housing will be market-led and not simply a choice regarding density or housing numbers to meet a target.</p>
22. Use a maximum building height of two storeys, with the aim of screening views of the urban edge entirely behind woodland.	We object to there being reference to a maximum building height of two stories as this is unjustified, and especially where an increased density is to be secured. We consider that there should be scope to allow for taller buildings, such as three

	storey townhouses or 2 ½ storey houses where appropriate. This would enable variety in building height and the profile of the street scene.
25. Ensor's Pool should have a minimum buffer zone of 100m as well as any appropriate mitigation measures in order to ensure that the hydrological pathways to the pool are not compromised.	<p>We object to a 100m buffer being required to Ensor's Pool. The document notes that further ecological work is required. However, it is widely accepted that Ensor's Pool was designated due to the existence of a population of native crayfish, but these are no longer present in the pool. Therefore, until this work has been undertaken it is premature to calculate the most appropriate buffer to Ensor's Pool.</p> <p>As written the wording is entirely prescriptive. Furthermore, when we have raised this matter with NBBC the response we have had has been to point to the previous local plan Inspector having "accepted" the position.</p>
29. Areas of high distinctiveness (values 4 to 6) should be retained.	<p>We object, as this is an arbitrary requirement, which needs to be considered in balance with other factors.</p> <p>There is not enough technical evidence to make this assessment. The whole suite of documents that is available with an outline planning application is required to be considered when determining areas of land that require protection.</p>
31. Enhancements to the footpath along Harefield Lane towards Seeswood Pool.	<p>We object to the policy based on its current wording. Enhancements are on public highway land and therefore cannot be delivered by the Arbory estate directly.</p> <p>These enhancements would need to be justified against the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.</p>
33. Access to any development within the strategic site should avoid approaching the site from the north. No access should be taken from North Drive, and designs should avoid introducing new approaches parallel to North Drive which would detract from its prominence.	We object to the policy as worded, as it would prevent pedestrian and cycle access, if the wording is intended to relate to vehicular access.
35. Development will be required to come forward in accordance with the concept plan above.	<p>We object to the wording of this criteria. Whilst we accept that the Concept Plan is within an adopted SPD, it is a material consideration only.</p> <p>It is acknowledged at para 3.1.1 of the concept plan SPD that: "The concept plan is not a masterplan but rather highlights key principles that will help inform and guide subsequent planning applications". Therefore, we do not</p>

	<p>consider its status should be elevated without justification.</p> <p>This adequately reflect the status of a concept plan which is based on limited high level technical work. It should inform development proposals, rather than be a requirement for them to come forward in accordance with the document.</p> <p>Policy wording at criteria 35 is repeated at 37 and should therefore be deleted.</p>
37. Development proposals should comply with the requirements of the latest adopted Concept Plan SPD and Design Code SPD.	<p>The policy wording is too prescriptive in requiring compliance with two documents which both have SPD status. SPDs are material considerations only.</p> <p>Both the concept Plan SPD at paragraph 3.1.1 and Design Code SPD at paragraph 1.4.2 make reference that these documents are not masterplans. Rather their purpose is to highlight key principles for consideration to inform planning applications.</p> <p>The policy wording should be deleted, as they are already material considerations as adopted SPDs. There is therefore no justification (as required by paragraph 35 of the NPPF) for their inclusion in a development plan document.</p>

55. Does the evidence support the expected delivery trajectory on each site?

Evidence in relation the deliverability of each strategic site is set out in Statements of Common Ground (SoCGs). An SoCG has been signed between NBBC, Arbury Estate and Richborough demonstrating the deliverability of the Site (see CD29). Richborough is Arbury Estate's promoter of the site, and as set out in the statement, initial technical is being progressed, and pre-application meetings have taken place with NBBC.

It is expected that housing on the site will be delivered entirely within the plan period, with delivery of the first dwellings on site expected in 2027/28.

56. Are the requirements for contributions towards Warwickshire Police and Nuneaton Justice Centre justified, in accordance with national policy and supported by evidence?

We object to the policy based on its current wording. Police infrastructure is referenced in the IDP, but there is no breakdown of the specific contribution and how the requirement is linked to each proposed allocation.

Any contribution should be site specific, and would need to comply with the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Until a scheme is developed and an application is submitted, it is unclear on what basis such a requirement can be justified as being a policy requirement. This should be investigated at the application stage to confirm if it meets the CIL requirements.

58. Is key development principle 30 in Strategic Policy SHA2, in respect of a wildlife and wetland habitat, justified?

Development principle 30 in Strategic Policy SHA2 is proposed to be removed in NBBC's suggested additional modifications.

At the regulation 19 consultation, Arbury Estate objected to this requirement, and requested clarification as to what the wildflower and wetland habitat pathway is, and what is involved in delivering it. A pathway to private property and / or a pathway that encourages trespassing into the Arbury Estate Registered Park and Garden should not be encouraged.

Arbury Estate support the proposed removal of this requirement, as its inclusion did not comply with the requirements of paragraph 35 of the NPPF.