

***RUGBY BOROUGH COUNCIL LOCAL PLAN
EXAMINATION IN PUBLIC***

***HEARING STATEMENT
ON BEHALF OF BLOOR HOMES (SOUTH MIDLANDS)***

***MATTER 4 (ISSUE 4A)
(STAGE 2 HEARINGS APRIL 2018)***

***TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), AND
PLANNING AND COMPULSORY PURCHASE ACT 2004.***



1 INTRODUCTION

- 1.1 This Statement has been prepared on behalf of Bloor Homes South Midlands (BHSM). BHSM are one of the largest privately owned housebuilding companies in England and are active in the Rugby Borough Council (RBC) area. BHSM are looking to develop various sites within RBC including land proposed for Green Belt release adjacent to the Long Lawford Main Rural Settlement (MRS) - site DS3.8 in Policy DS3 and LL2 in the Green Belt Review. BHSM have completed two previous phases within Long Lawford MRS both accessed from Back Lane. BHSM are currently building on land to the immediate north of site DS3.8 (known as 'The Brambles' and comprising 112 dwellings). BHSM support RBC's general approach to Green Belt review to realise RBC's housing needs in sustainable locations.

2 **MATTER 4 – NON STRATEGIC HOUSING ALLOCATIONS AT MRS AND COTON HOUSE**

Issue 4(A): Overall Soundness of the MRS Allocations.

Question - Are the proposed residential allocations at the MRS identified in Policy DS3 positively prepared, justified, effective and consistent with national policy? In particular:

1(a) Having regard to the benefits which may arise and the harm which may be caused, do 'exceptional circumstances' exist to justify the alteration of Green Belt boundaries to allow residential development at the MRS?

- 2.1 Yes. BHSM consider that exceptional circumstances do exist to alter Green Belt boundaries (such as LL2) are soundly advanced in the Local Plan and accompanying studies.
- 2.2 **NPPF Paragraph 84** states that when drawing up / reviewing boundaries, LPAs should take account of the need to promote sustainable patterns of development. In order to identify land suitable for development to the west of Rugby, RBC have to consider reviewing Green Belt boundaries as (a) all land to the boundary with Coventry City Council lies within the Green Belt and (b) there is insufficient land available within the MRS boundaries to accommodate growth. By necessity RBC have had to review the boundaries in order to identify locations for sustainable development as RBC cannot look beyond the outer edge of the Green Belt given that lies outside the Borough. **Paragraph 85** states that when defining boundaries LPAs should inter alia (a) ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (b) not include land which it is unnecessary to keep permanently open and (c) define boundaries clearly using readily recognisable physical features that are likely to be permanent.
- 2.3 Development at the MRSs would complement growth to be in Rugby town itself and '*meet the housing needs of the rural population and provide support for rural infrastructure and services*'. The **Spatial Objectives (LP01 p9)** notes developing MRS would objectives looking to bolster the role of MRSs as '*local service areas*'. In reviewing the extent of available land to accommodate growth, RBC established there was insufficient land in the Urban Areas and accordingly a need to consider alternative land sources. In accordance with RBC's **Spatial Vision (LP01 p8)**, MRS are sequentially preferable locations after Urban Areas given their access to services, transport and superior sustainability credentials.

- 2.4 Given all 9 of the RBC MRSs are surrounded by Green Belt a formal review of their boundaries was undertaken. RBC were one of 6 Authorities party to the 2015 Joint Green Belt Review (**LP30**). The Review assessed all Green Belt against the 5 purposes of the Green Belt (**Para. 80 of the Framework**). The Review was complemented by other studies including those relating to landscape, housing capacity, biodiversity and sustainability. The Review found that site DS3.8 '*...is considered to make a less significant contribution to Green Belt purposes*'. This is primarily due to the development that has occurred along Coventry Road to the east and west of the parcel limiting the role that the land within the parcel plays in inhibiting ribbon development and maintain the gap between Rugby and Long Lawford'. (**LP30 Para 4.28**).
- 2.5 The Study supported redefining boundaries thereby achieving alignment with the Spatial Objectives of (a) realising sustainable growth in the most sustainable MRS locations (b) contributing towards bolstering the role of MRS as local centres and (c) contributing towards the land portfolio available to achieve the Plan targets.
- 2.6 The **Rural Sustainability Study (LP28)** found Long Lawford to be a 'top tier' MRS settlement of 34 considered, despite having fewer services than some other MRSs. This anomaly was attributable to '*its location in close proximity to Rugby urban area and excellent public transport services to both Coventry and Rugby, meant it could be considered to be elevated into this top tier*' (**P7**). The Study noted Long Lawford's '*access to public transport*' was particularly good resulting in a greater sustainability score than other MRSs (**P14/15**).
- 2.7 On the basis that Long Lawford is one of the MRS in which RBC's **Spatial Vision & Spatial Objectives** envisage sustainable growth to meet the housing, infrastructure and service needs of the rural population, there being insufficient land within MRS boundaries to accommodate housing growth and that housing delivery in RBC has consistently been below targets, the case to release Green Belt land is made.
- 2.8 RBC considered other Reasonable Options to releasing Green Belt land were considered as set out in **paras38-41** of the **Housing Background Paper (LP11)** – these considerations were furthered by the **Green Belt Review (LP30)**. The nature of 'reasonable alternative' measure utilised are as listed in **Fig.20 P41 of LP11**. These included an assessment of a given sites proximity to existing settlement boundaries and resultant access to services therein, the housing capacity of the site and the findings of any previous assessments under SHLAA and Call for Site exercises. Collectively these reviews and assessments in conjunction with the findings of the **Green Belt Review (LP30)** led RBC to postulate that site DS3.8 had the 2nd lowest ranking score of all sites considered for release from the Green Belt in terms of their contribution towards the purposes of the Green Belt. The research supports RBC's stance that a case of exceptional circumstances does exist to release Green Belt land.
- 2.9 RBC demonstrate exceptional circumstances to support altering Green Belt boundaries when their evidence base is considered and the backdrop of **NPPF para. 47**. RBC have focussed development growth spatially in accordance with their Spatial Vision & Objectives, justified increasing housing delivery outside Rugby, responded to a principal Social Objective to facilitate development in MRSs to bolster their role as local service centres and demonstrated there being insufficient land within current MRS boundaries to accommodate

growth. Collectively exceptional circumstances required to justify altering Green Belt boundaries around MRSs to facilitate residential development is considered made.

3 1 (b) Are the proposed MRS allocations necessary to meet the Borough's housing requirement and what would be their overall contribution to maintaining a deliverable 5 year housing land supply?

3.1 Yes.

3.2 The Housing Background Paper (**LP11**) provides context to RBC's updated need of 12,400 dwellings over the Plan period. This includes 2800 units from Coventry's unmet housing need which RBC will accommodate. The RBC annual requirement is 620 dwellings p.a. (**LP11 para 2.8**)).

3.3 In terms of Land Supply, **LP11** the latest SHLAA notes that 9248 dwellings were 'committed' of which 6532 were envisaged to complete during the Plan period - a shortfall of 2661. Theoretically there is land available to accommodate 18,451 dwellings, the vast majority of these would be in/adjacent to Rugby. 15 would be located within MRS boundaries, 263 in the Countryside and 963 in the Green Belt outside MRS boundaries (**LP11 para 2.25**).

3.4 However **Para 2.45 & 2.46 (LP11)** notes only 2577 units were delivered during 04/11 – 03/17 - a 1143 shortfall. If continued this trend would equate to a 3291 shortfall over the Plan period. As noted in **para 3.66 of LP11**, Rugby town will not be capable of maintaining a five year supply at the point of adoption.... *and therefore land is allocated in the rural areas to ensure the housing target can be achieved particularly in the first 5 years post adoption of the plan.* MRS allocations will assist address this undersupply.

3.5 However by contrast RBC's Housing Trajectory (**LP01 Appendix 2**) demonstrates the significant contribution the proposed allocated sites around the 7 MRS would make to RBC's annual requirement in the first 5 years of the Plan. As noted in 3.7 below, the Trajectory forecasts that 46% of all allocated site units will be delivered on the MRS component of the allocated sites.

3.6 **LP11 Para 3.70** notes Long Lawford stands out amongst MRSs near Rugby given it can 'contribute to the achievement of the housing target more effectively in particular in the early part of the LP adoption'. However, as **paras 3.76 -3.84 of LP11** note, there are no large land options within any MRS boundaries - accordingly Green Belt release must be considered. RBC, via their Sustainability Appraisals, Spatial & Social Objectives, consideration of Reasonable Alternatives, Green Belt Review and Policy promoting the development of 2nd tier hierarchy Settlements, have robustly set out their rationale for realigning Green Belt boundaries.

3.7 The Housing Trajectory (**LP01 appendix 2**) demonstrates MRSs will make a significant contribution to housing delivery - all units are forecast to be delivered within the first 5 years post adoption (as no allocated sites are forecast to deliver in 2017-2018 the first year of the Plan has been taken as 2018-2019). Collectively the 7 MRSs Sites are forecast to contribute 527 units and the 7 Rugby Urban Edge Sites 1520 in the period to 2018-2023. MRSs will

therefore contribute 26% of forecast units in the first 5 years. Against a backdrop of under-delivery in the preceding 5 years, this early MRS delivery is crucial.

- 3.8 However in taking the 1st year as 2017-2018, collectively the 7 MRSs Sites are still forecast to contribute 527 units but the contribution made by the 7 Urban Edge Sites would drop to 1140 units. The MRS will deliver 32% of the forecast units and the Urban Edge sites 68%.

	2018-19	2019-20	2020-21	2021-22	2022-23	Total Contribution from Allocated Sites 2018- 2023 (2017-2022 in brackets)
Rugby Urban Edge Allocations						
Units per annum	60	205	450	425	380	1520 (1140)
Percentage of Allocated Sites	86%	76%	63%	69%	100%	74% (68%)
MRS Allocations						
Units per annum	10	65	265	187	0	527 (527)
Percentage of Allocated Sites	14%	24%	37%	31%	0%	26% (32%)

Table 1 – Rugby Urban Edge / MRS Forecast Deliverability across first 5 years of the Plan.

- 3.9 With reference to the Housing Trajectory (**LP01 Appendix 2**), when considering the contribution all of the allocated sites will make over the Plan period, the MRS allocations will contribute 11% over the whole period but 32% within the first 5 years. This emphasises the important early contribution the MRS allocations will make to meeting the Borough's housing requirements post adoption of the Plan.

- 3.10 Site DS3.8 is contained within the data in Table 1. Site DS3.8 is forecast to be the first MRS site to deliver units in 2018. This is realistic given BHSM's current application (R17/1089) for 153 units. Not until 2020-2021 are all the other MRS allocated sites forecast to start delivering units.

4 1 (c) Are the proposed MRS allocations consistent with the spatial strategy and settlement hierarchy for the Borough as set out in Policy GP2

- 4.1 Yes.

- 4.2 **NPPF paras 14, 17 & 47** encourages LPA Local Plans identify and seek opportunities to meet the development needs of their areas, to ensure Plans meet objectively assessed needs and be sufficiently flexible to adapt to rapid change. **Para.50** requires LPAs identify the size, type, tenure and range of required housing and suitable locations for the same to meet local

demand. **Para 84.** states that when reviewing Green Belt boundaries LPAs should take account of the need to promote sustainable patterns of development and consider the implications of where development is to be channelled.

4.3 Against this background of sourcing developable land to meet identified local needs, **GP2** sets out the Settlement Hierarchy. RBC state the Framework, their Vision & Objectives, technical evidence, housing strategies and public consultation have all led to the Settlement Hierarchy advanced. The Rural Sustainability Study (**LP28**) then sets out the qualifying identification criteria for the hierarchy of the MRS and the selection process behind the allocated MRS sites. **LP01 Para 4.31** states settlement boundary alterations will *'play a supplementary role to Rugby town in helping deliver the strategic growth targets for the Borough'*.

4.4 Collectively the evidence base and **GP2** Settlement Hierarchy supports the MRS allocations.

5 ***1 (d) was the process for the selection of the MRS site allocations robust? Was an appropriate range and selection of sites assessed and were reasonable alternatives considered? Were appropriate criteria taken into account in deciding which sites to select? Was the assessment against those criteria robust?***

5.1 Yes.

5.2 Question 1(d) is considered as 2 components. Firstly the process followed in the identification and selection of MRS sites and secondly, the range of sites considered, alternatives and the criteria used to refine the MRS list.

5.3 **Firstly**, in having identified there is insufficient developable land within the Urban Areas and MRSs boundaries to accommodate the housing growth identified, RBC critiqued and graded the contribution their Green Belt made when assessed against NPPF para.80 criteria via the Joint Green Belt Review (**LP30**). The Review also considered the contribution individual land parcels bordering the 9 MRSs made towards the 5 purposes of the Green Belt – the extent of the parcels having been derived from a 2009 Review (LP30 para 3.10). In accordance with **GP2** Settlement Hierarchy the MRSs were the focus of particular attention given the capacity of Rugby town had been assessed as insufficient.

5.4 The Review informed the Site Allocation Packs (**LP44-LP50 plus addendums**) used for consultation with Parish Councils. Further considerations included deliverability, topography, sustainability, accessibility, relationship to MRSs/Urban Areas and proximity to services. Advice from Statutory Undertakes and consultees was also sought. In this way conclusions upon each potential declassified site was made.

5.5 The Housing Background Paper (**LP11**) reports at paras 3.67-3.98 on the MRS allocation process. Individual sites within/adjacent to the MRS were assessed against the Rural Sustainability Study (**LP28**). Para 3.69 reports the advantages of locating housing in/adjacent to MRSs and para 3.75 notes *'whilst development within these boundaries would be preferable, it will not be sufficient to meet the shortfall of dwellings within the first five years of the Plan'*. Para 3.75 continues *'only options that involve the alteration of boundaries to MRS can be considered realistic for this plan period'*.

- 5.6 This process provided a robust background to consider Green Belt release and the MRS site selection allocation process.
- 5.7 With regard to considering Reasonable Alternatives, **fig.19 p38 and para 3.78 (of LP11)** confirm consideration was given to allocations in various 'Local Needs Settlements' (footnote 19 lists 25 such LNS in the Open Countryside). **Para 3.80** continues that the Rural Sustainability Study (**LP28**) concludes no LNS contains the same levels of services available in MRS. **Paras 3.81-3.84** considered whether extensions to LNS could contribute but found that the quantity of development likely would not *'support the level of additional services required to either mitigate the impact of the expansion of to upgrade the settlement to a MRS'*.
- 5.8 Para 3.84 concludes that no LNSs could be upgraded to a MRS and that all other non-Green Belt locations including on brownfield sites, estate regeneration, under-utilised land, surplus public land and optimisation of housing densities had all been considered ahead of Green Belt locations. The conclusion was that focus on the MRS would be robust and that site selection within/adjacent to MRSs carried out in conjunction with the relevant MRS Parish Council (**para 3.85 LP11**). Each MRS was appraised in detail to support allocation. In this way a wide range of sites was considered, reasonable alternatives investigated - for example LNS in the Open Countryside.
- 5.9 With regard to Long Lawford MRS, 4 sites were assessed as all theoretically capable of accommodating 100 dwellings were identified. An assessment followed factoring in the Green Belt Review (**LP30**), SHLAA and Sustainability Appraisal. Further considerations included landscaped considerations and Statutory Consultee advice (i.e. Highways). Following this review 3 sites were deemed unsuitable. Only site DS3.8 remained albeit further ecological surveys were called for - the **LP46 addendum** notes these confirmed DS3.8 was not suitable to be considered a Local Wildlife Site and it could be considered for allocation. The removal of DS3.8 from the Green Belt and allocation for housing is justified.
- 5.10 The Review supported redefining the Long Lawford boundary thereby aligning with Spatial Objectives of (a) sustainable growth in the most sustainable MRS locations (b) contributing towards the role of MRS as local centres (c) releasing land of particularly low designation and (d) contributing towards the land portfolio to achieve OAN housing targets.
- 5.11 With regard to the **second** component, NPPF Para.83 emphasises that once established boundaries should only be altered under exceptional circumstances through the preparation or review of the Local Plan. RBC are therefore reviewing boundaries at the appropriate time.
- 5.12 As noted in the Green Belt Review all land was assessed against para.80 criteria. These criteria are the most relevant to inform subjective assessment. The approach informed those site specific considerations then set out in the Site Allocation Packs used for consultation. These criteria constitute a sound basis to consider the declassification of Green Belt around MRSs. Whilst inevitably a degree of subjectivity inherent in critiquing matters such as *'does a land parcel have a sense of openness'*, in asking the same questions of each site a balanced

picture is attained informing further assessment. Come the publication of the updated Sustainability Appraisal Report (**LP03**), site DS3.8 had been reassessed and found suitable for development 'subject to release from Green Belt' (**Appendix 7 LP03**). The Review (**LP30**) found the case to declassify DS3.8 supportable.

6 1 (e) is Policy DS3 justified and effective in setting upper limits for the number of dwellings to be accommodated on each site?

6.1 No.

6.2 **NPPF Para 47** requires LPAs use their evidence base to ensure that their Local plans meet the full objectively assessed needs for market/affordable housing in their HMA. This process necessitates LPAs identify deliverable sites sufficient to provide 5 years of housing against forecast need with a surplus to stimulate choice/competition. Furthermore LPAs are also required to identify developable sites for future growth in years 6-10 (and where possible year 11-15). The collation of Housing Trajectory information is expected to assist inform the housing strategy as is the preparation of an implementation strategy setting out how delivery will be maintained against targets. Furthermore NPPF para. 58 requires Local Plans enshrine Policies which aim to ensure developments 'optimise the potential of the site to accommodation development'. As such whilst RBC have identified key sites, there is no justification to set an arbitrary upper limit capacity on those sites listed in Policy DS3.

6.3 **NPPF Para 50** requires LPAs deliver a choice of homes based on current/future demographic & market trends. Size, type, tenure and the range of housing are to reflect local demand. To impose arbitrary capacity limits runs counter to para.50 and will not assist delivery rates.

6.4 **Para 3.85 of LP11** shows the Preferred Options proposed 7 of the 9 MRSs accommodate 100 dwellings. In considering the SHLAA analysis of Sept 2017 (**LP10A Appendix 1**), RBC applied an average density of 33dph (*) produced a site capacity at DS3.8 of 158 units. The **LP46 addendum** modified the capacity to 163 dwellings.

(*) RBC set out on P13/14 of the SHLAA (**LP10**) that they have adopted an average density figure of 33dph for sites under consideration. This is a net figure (post deduction of land uses such as infrastructure) based on housing monitoring data / past consents in the Borough. RBC acknowledge that *'the capacity of a site is a guideline figure only and will be subject to review, especially where more detailed information becomes available'*.

6.5 In the case of DS3.8 (indeed all allocated sites), rather than applying an average figure it would be appropriate DS3 require account be taken of local context and site specific/setting considerations. RBC do acknowledge that the capacity figure is subject to review, but this infers it may simply just change to another arbitrary figure. BHSM believe an average figure must only be used for general capacity calculations and must not be used to set a site specific upper limit as each site will have its own constraints. BHSM consider DS3 should be reworded accordingly.

- 6.6 With reference to R17/1089, 153 units are proposed across an enlarged DS3.8 site (enlarged to accommodate highway) which equates to 37dph net. At 100 units the density would drop considerably and not be in accordance with **NPPF para. 58**. Furthermore reduced numbers would affect project viability, the range of units delivered and the ability to fund infrastructure improvements (e.g. in R17/1089 the realignment of the Back Lane/Coventry Road junction to improve operational safety).
- 6.7 BHSM are constructing the 112 unit scheme to the immediate north of DS3.8 (RBC ref R12/1188) – this will have a density of 32dph across 4.11ha. The 107 unit scheme (also by BHSM) on the north of Back Lane has a density of 40dph. The proposed DS3.8 scheme is on a larger site and at 37dph would sit comfortably with adjacent development.
- 6.8 When estimating capacity **Policy DS3** did not factor in archaeological works undertaken during the site promotion process. These demonstrated the site was not as constrained as first envisaged. Similarly the findings of biodiversity assessments were not accounted for.
- 6.9 Policies **H1 & H2 (LP01)** sets out a recommended housing mix for market and affordable housing respectively informed by the emerging SHMA (**LP06/07/08**). The focus on smaller units – in particular for affordable properties – will by definition increase the overall number of units. In providing more 3 & 4 bed market units within the BHSM scheme at Site DS3.8, residents will have greater flexibility in how they choose to use their properties. This is considered preferable to over-providing smaller bedroom units.
- 6.10 DS3 does not justify setting upper limits on capacity within any allocated site. Analysis of the most comparable adjacent density levels is essential as well as a consideration of site constraints and viability. DS3 requires adaption which will assist all allocated sites, including DS3.8, facilitate their development potential.
- 6.11 The Housing Trajectory forecasts delivery of 10/40/40/10 units across 2018-2022 - this can be justifiably revised to 10/50/50/50 delivering the majority of DS3.8 units within the first 5 years 8. In support of this build rate, attention is drawn to the completion rate on the 107 unit BHSM site referenced in 6.7 above where work started in April 2012 with annual build rate of 51, 50 and 6 in 2014 when the scheme completed. Completion of the 112 BHSM scheme to the immediate north of SW3.8 has realised 16 completions to date from a start in Spring 2017. Accordingly based on actual build rates BHSM contend that an increased build rate of an extra 10 unit p.a. is realistic on site DS3.8 and would align with the rate attributed to the 100 unit MRS allocations at Wolvey and Brinklow.
- 6.12 BHSM consider however that DS3 must reflect the realistic developable capacity of all MRS sites. In the case of DS3.8 the number of dwellings should as a minimum be raised from 100 to 150. A 150 minimum would , as demonstrated by R17/1089, result in a scheme in accordance with local density and Green Belt setting.

7 *(2) Is Policy DS6 justified and will it be effective in ensuring sustainable development at each of the proposed MRS sites?*

7.1 Yes.