

'DRAFT SUBMISSION PLAN REGULATION 19' RESPONSE

SOLIHULL COUNCIL LOCAL PLAN REVIEW

ARDEN TRIANGLE SITE

ON BEHALF OF GROVE ROAD RESIDENTS

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

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CONTENTS:

Page No:

1.	SUMMARY	2
2.	INTRODUCTION	4
3.	BACKGROUND	5
4.	LANDSCAPE APPRAISAL AND CHARACTER	7
5.	ARDEN TRIANGLE CONCEPT PLAN AND SITE ASSESSMENT	13
6.	TRANSPORT CONSIDERATIONS	18
7.	POLICIES	19
8.	CONCLUSIONS	24

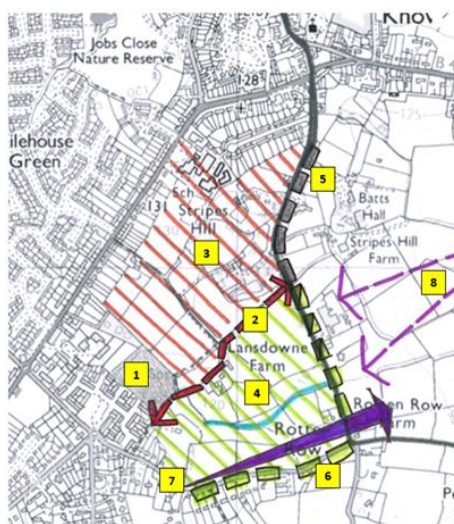
APPENDICES:

APPENDIX A: LANDSCAPE AND VISUAL STATEMENT WITH GREEN BELT REVIEW

APPENDIX B: TRANSPORT CONSIDERATIONS

1. SUMMARY

- 1.1 These representations demonstrate that the extent of allocation KN2 South of Knowle (Arden Triangle) as included in the Draft Submission Plan is inappropriate and has not been adequately justified.
- 1.2 The southern portion of the site is sensitive in Green Belt, ecology, heritage and landscape character terms. In addition, access arrangements from the South are also particularly difficult and if pursued will inevitably have even greater impact on the sensitive landscape character of this part of the site and impact on the setting of designated heritage assets. Furthermore, there is no evidence to show how the site will be deliverable as a whole, as it has fragmented ownership and complex issues to overcome.
- 1.3 In view of these significant considerations the Concept Masterplan for the site must be re-drawn and Policy KN2 re-drafted. There are two reasonable alternatives which must be considered by the Council for the site.
- 1.4 The first reasonable alternative is to leave the extent of any built development to the South to extend no further than the existing public footpath linking Warwick Road with Grove Road. This is illustrated on the plan below, which has been extracted from the Landscape & Visual Appraisal at **Appendix A**.



- 1.5 This section, hatched green, should remain as Green Belt, and this retained area should be enhanced for open space, ecology and heritage setting purposes to provide compensation for loss of Green Belt in relation to other parts of the allocation.

- 1.6 The second reasonable alternative is to utilise the line of the Cuttle Brook which is intended to be de-culverted and integrated into the drainage and environmental strategy for the site. This will be a strong physical feature, which will clearly demarcate the sensitive southern part of the site as can be seen from the extract from the concept plan below: the watercourse runs along the northern boundary of the designated Local Wildlife Site (the LWS is shaded dark red).



- 1.7 For all options there should also be a clear plan for the achievement of delivery.
- 1.8 Without due consideration of reasonable alternatives and subsequent amendments the allocation of site KN2 is considered to be unsound.

2. INTRODUCTION

2.1 Pegasus Group have been instructed by Grove Road residents to appraise and respond to the Draft Submission Local Plan (LP) relative to the Arden Triangle site allocation (Policy KN2). The allocation is an amalgamation of several sites.

2.2 The representations are framed in the context of the requirements of Local Plans to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF), paragraph 35. For a development plan to be sound it must be:

- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

2.3 These representations also give consideration to the legal and procedural requirements associated with the plan-making process.

3. BACKGROUND

- 3.1 The Arden Triangle proposed allocation, policy reference KN2, currently lies within the Green Belt.
- 3.2 Policy KN2 proposes to allocate the Arden Triangle for 600 dwellings with a redeveloped secondary school (the Arden Academy) and in accordance with the Concept Masterplan, which was published in October 2020.
- 3.3 Grove Road Residents made representations regarding the proposed allocation through the Local Plan Review Supplementary Consultation (January to March 2019), when the area proposed was known as 'Site 9'.
- 3.4 The representations at that time raised concerns with the methodology that had been utilised for the site selection process and the definition of its boundaries. Pegasus Group used the same methodology to undertake its own appraisal of the site (the Landscape and Visual Statement and Green Belt Review Paper included as **Appendix A**).
- 3.5 It was demonstrated that the approach of the Council in scoring the Arden Triangle site and in particular its failure to distinguish between particular parts of the site which are evidently different from each other from a Green Belt perspective and in terms of landscape character and sensitivity resulted in a flawed allocation. This is detailed further in Chapter 4.
- 3.6 The Knowle, Dorridge and Bentley Heath Neighbourhood Forum had also commissioned a landscape study to assess the Arden Triangle site. In this regard Crestwood Environmental had produced a site-specific landscape and visual appraisal of the Arden Road triangle site. This was issued in January 2019.
- 3.7 In addition, BWB Consulting were asked by our client to consider the transport implications of the proposed development at the Arden Triangle site. Their response was included with the previous representations and is attached again at **Appendix B**.
- 3.8 Since then, the Council has also published further evidence, notably Heritage Impact Assessments and the Knowle Transport Study. As previously, these representations to the Draft Submission Plan draw together the conclusions of the various technical studies as well as calling on planning input from Pegasus Group.

- 3.9 This information is used to substantiate our objections on behalf of our client and underpin our proposals for Modifications to the Draft Submission Plan which are necessary to make it sound.

4. LANDSCAPE APPRAISAL AND CHARACTER

4.1 Our representations demonstrate that site KN2 (previously Site 9) should not be included as an allocated site in its current form. In particular the land south of the existing public footpath which runs east-west from Warwick Road to Grove Road should be the southern extent of the Arden Triangle allocation. This takes into account the landscape, heritage and visual sensitivity of the current southern portion of the allocation. There are clear and convincing reasons why the southern portion of the site should be removed from the allocation and the retained as open land. The masterplan should be amended to reflect this clear conclusion.

4.2 The Pegasus landscape and visual appraisal notes the following with regard to the context of the Triangle site:

- The Arden Triangle site is located in an area where there is an evident 'transition' between urban and rural land use and character;
- The eastern 'flanks' of the existing settlements of Knowle and Dorridge are generally well visually contained in the wider landscape by virtue of the prevalent vegetation patterns;
- Away from the settlement edges, the transition of land use and character is in part characterised by the presence of large private dwellings and/or commercial enterprises e.g. Wyndley Garden Centre;
- The Warwick Road corridor is a key receptor in the urban/rural transition, running from the south where the experience is more rural, to the north into the settlement of Knowle where the urban influence is far more prevalent;
- The more 'rural character' of Warwick Road as it extends southwards is generated not just by absence of built form but also the sparser nature of roadside vegetation offering views across agricultural fields either side of it;
- Tree planting both on and adjacent to the Site and along the Warwick Road corridor is memorable for its age, character and the profile it creates when seen from greater distance to the east;

- Grove Road retains a strong rural character by virtue of the very low density development on it with large front gardens, together with its enclosure by a hedgerow and the presence of open agricultural fields directly north of it;
- There are extensive views eastwards and north-eastwards from Grove Road just south of the Site, which serves to strengthen its rural character; and
- Visibility of the site is generally well contained in the wider landscape, with inter-visibility increasing between the southern parts of the Site and the landscape to the east across the Grand Union Canal corridor.

4.3 The above assessment identifies the key characteristics of the context of the site which should be considered in both considering the removal of the site from the Green Belt and identifying the extent of built development.

4.4 In terms of site specific analysis, the following is notable:

- There are a number of different 'localised' areas of landscape character across the site;
- Generally, the northern, western and central parts of the Site are more enclosed and physically and visually contained in comparison to the southern parts of the site;
- The northern and western parts of the site are particularly influenced by the presence of the Arden Academy and its playing fields, and the emerging residential development, and as such have a greater relationship with the settlement than the wider countryside to the east;
- The land surrounding Stripes Hall and Lansdowne has a reduced urban influence, however with a strong 'parkland' character, but again, limited influence with the wider countryside to the east by virtue of the mature vegetation patterns that surround them;
- In the vicinity of Lansdowne Farm and areas to its south and east, the Site is more visually open generally, and bears a much stronger relationship with the wider open countryside to the east;

- This is particularly evident in terms of the visual connectivity from the public footpath adjacent to Lansdowne farm, looking east, and from Grove Road at the south-western corner of the site, looking east and north-east along Grove Road and across the southern part of the site;
- The Cuttle Brook corridor contrasts with this being lower lying, but its strong vegetation pattern strengthens its rural character and serves to 'divorce' the land south of it from the remainder of the site;
- The fact that existing vegetation along Warwick Road is sparser as the route extends south of Wyndley Garden Centre, opening up views across the highway corridor, serves to emphasise the more 'rural' and 'open' character of the southern part of the site; and
- All these 'experiences' are very evident out in the field when walking the public footpath/bridleway network across the site.

4.5 In addition Pegasus Group have undertaken their own analysis of the scoring of the site which had previously been undertaken by the Council. This reveals that the Council's approach has significantly underscored the site's significance in Green Belt terms. This principally relates to the Council neglecting to assess individual elements of the site as the approach of SMBC focussed on the whole allocation area in general terms. The Pegasus assessment reveals that those parts of the site along its western flank, and across its centre to the east and then further north are the more enclosed parts of the site, and as such, are likely to be able to 'contain' development more successfully. In contrast, those parts further south, from the vicinity of Lansdowne Farm to Grove Road, are more visually and physical open, both across the site itself and in terms of inter-visibility with off-site areas.

4.6 In addition, the 'ribbon' development descriptor of Grove Road needs more considered examination – as the analysis in the Appraisal notes, its character, notwithstanding the detached dwellings along part of it, is distinctly rural. Consequently, the south-central and southern parts of the site, when considered separately, are likely to score higher in terms of this purpose of the Green Belt. It is also noted, that in generally applying the Council's criteria, the presence of ribbon development would appear in the Council's scorings to significantly reduce the significance of landscape quality and character. This 'blanket' approach to

ribbon development is flawed. It is clear from assessing the ribbon development on Grove Road, that it does not follow that the existence of ribbon development in this form must result in an urban type character. The character on Grove Road remains distinctly rural.

- 4.7 With regard to the purpose of Green Belt relating to protecting countryside from encroachment, the southern parts of the site have a much more visually open character both across the site itself, and with the wider countryside to the east, including views from the Grand Union Canal towpath, a long- distance public footpath (see View 10 in the analysis), and a visual receptor of very high sensitivity in terms of visual impact assessment. Residential development across these parts of the site is likely to be visible from this location, mainly in winter, resulting in clear encroachment and a precedent in a visual composition where the current settlement edges do not appear, and where development on the northern and western parts of the site is also not likely to appear.
- 4.8 In addition, the appraisal has revealed there are also long-distance views from Grove Road across the southern part of the site towards the open countryside to the east, connecting the site very firmly with the extended countryside. Development across this part of the site would curtail those views, and in doing so both illustrate clear encroachment.
- 4.9 Consequently, again the south-central and southern parts of the site, when considered separately, are likely to score higher in terms of this purpose of the Green Belt. The Local Authority should reconsider the scoring of this part of the site.
- 4.10 The Council's Heritage Impact Assessment 2020 also states that landscape change will negatively impact the setting of the Grade 2 listed buildings to the south west and south east of the allocation.
- 4.11 In terms of Rotton Row Farmhouse (to the south east on Warwick Road) the HIA states in paragraph 1.6.5:

The open land of the site opposite offers significant continuity in the rural setting of the house. Whilst the house has always stood alongside this important road between Warwick and Birmingham, the post war widening, hard surfacing, signage and lighting have progressively increased adverse impacts upon its setting. The noise and sight of traffic have further

harmed the setting. However, this prominent position also ensures that the heritage asset is experienced by a very substantial number of road users, pedestrians and others each day. All road users have a view of the DHA with fields, hedgerows and a rural setting as its backdrop and foreground, with the gardens as part of this in many views.

4.12 The HIA concludes (paragraph 1.6.10):

...that the development of that part of the site closest to Rotton Row Farmhouse would fail to preserve the setting of the DHA as required by Section 66 of the Act, and would cause harm to it. Such harm should be exceptional. This could be avoided by not developing the south western portion for a distance of two fields from Warwick Road and across to the Cuttle Brook from Grove Road. This should be addressed by any masterplan for the site. This distance is determined by the impact that development would be likely to have across that distance and upward slope, and is not defined solely by field boundaries as an arbitrary line.

4.13 In terms of The Barn north east side of Grove Road (to the south west of the allocation) the HIA states (paragraph 1.6.12):

Its rural setting and relationship to other Has including landscape elements remains partially intact, with the site and fields to the rear (south). The positive value of the relationship of the building to the rural landscape behind it is amplified by the contrast with the built-up area of Knowle to its west. The surviving setting is more valuable due to that contrast. The open land gives continuity as the earlier rural setting now occupied elsewhere by nearby dwellings.

4.14 The HIA concludes (paragraph 1.6.18):

The development of the site would therefore be likely to fail to preserve the setting of Barn north east side of Grove Road as required by Section 66 of the Act and would cause harm to it. Such harm should be exceptional. This could be moderated or mitigated by the careful treatment of its surroundings and this should be addressed by any masterplan for the site. Avoiding development in the nearest part of the site and retaining the openness of that area would assist.

4.15 It is clear, therefore, that the rural landscape to the southern section of the allocation plays a key role in the setting of the Grade 2 Listed Buildings.

5. ARDEN TRIANGLE CONCEPT PLAN AND SITE ASSESSMENT

5.1 The 49ha site is currently within the Green Belt. If the site is allocated for development, Warwick Road and Grove Road will form the new Green Belt boundaries.

5.2 Current land uses include the Arden Academy buildings and playing fields, a garden on the western boundary used by the charity MIND, and several large residential properties (Stripes Hill House, Lansdowne House, Lansdowne Farm house and paddocks). There are marshy grasslands around Cuttle Brook: some of this area is designated as a Local Wildlife Site and there are several arable fields in the southern and south eastern parts of the site. The listed Rotten Row Farm and Grove Farm east barn lie adjacent to the site to the south east and south western edges respectively therefore the site forms part of their setting. The concept plan states:

Development should avoid encroaching upon their setting, and if it does so, exceptional design and quality together with full regard for context would be necessary and expected.

5.3 The illustrative concept masterplan shows development parcels for medium density residential development to the southern edge of the allocation, along Grove Road, which are separated from the rest of the proposed development to the north by a series of geographical features which include notable habitats (including a Local Wildlife Site), significant trees and historic hedgerows, and the Cuttle Brook water course.

5.4 The commentary indicates a capacity to deliver 600 homes at densities ranging from 30-40+ dph.

5.5 However, this capacity is dependent upon developing the southern section of the site which is in a sensitive location in ecological terms, as set out in the Ecological Assessment undertaken by the Warwickshire Wildlife Trust February 2020.

5.6 This area is also sensitive in heritage terms. The Heritage Impact Assessment (October 2020) concludes a 'Medium' impact on the Grade 2 listed Rotton Row Farmhouse to the south east highlighting in paragraph 1.6.11 that the principal view of the DHA is from Warwick and Grove Roads, and from Norton Lane and that:

development of the site in these appreciations of the asset would harm the setting

5.7 Furthermore the same paragraph states:

fields, hedgerows and trees that contribute significantly to local character and appearance, and that have a historical connection to the heritage asset as divisions of functional land.....therefore contribute to its setting to some extent

5.8 Similarly, a 'Medium' impact is concluded for the Grade 2 listed Barn, to the south west of the site. Paragraph 1.16.13 states:

The positive value of the relationship of Barn north east side of Grove Road to the surrounding rural landscape is amplified by the contrast with the adjacent built-up suburban area. The surviving setting is arguably more valuable due to that contrast.

5.9 This section of the proposed allocation is clearly of importance to the heritage setting and should therefore not be developed.

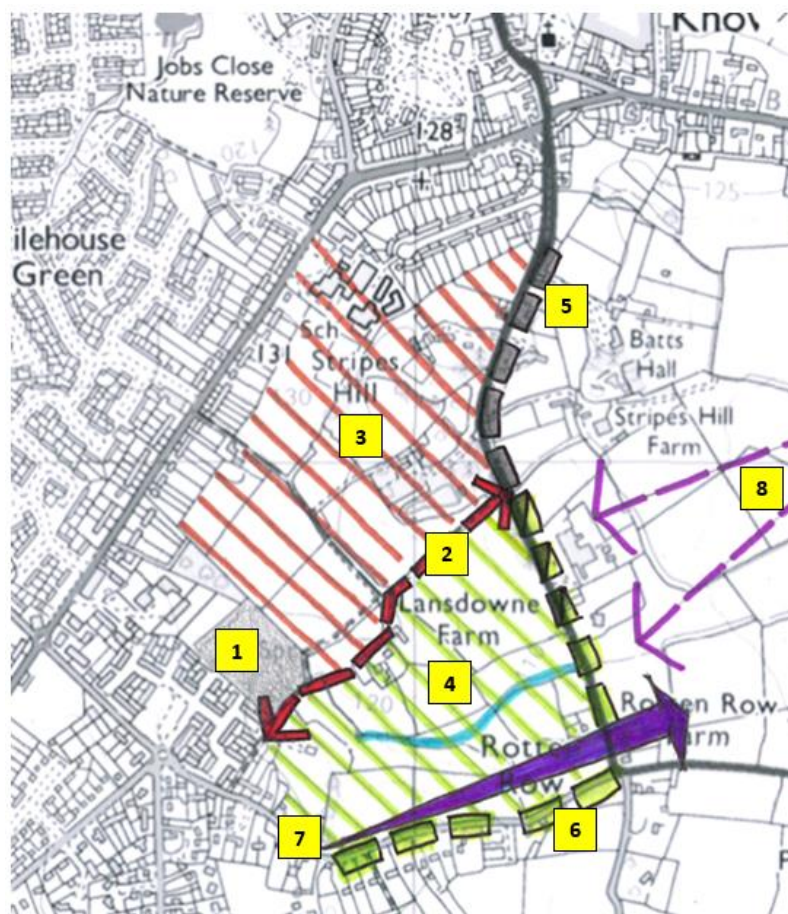
5.10 Furthermore, the Site Assessment document published in October 2020 considers the southern section of the site (Reference 149 'Lansdowne Farm Part D'). However, in its conclusions it only references the Arden Triangle 'as a whole'. It states:

The Arden Triangle site as a whole includes a number of constraints including a Local Wildlife Site, protected trees and other valued landscape features. These would need consideration in the design of any future scheme. The SA identifies 5 negative and 7 positive effects.

5.11 This is a deeply flawed approach. The sensitive features lie within the southern section, and to have the relevant impacts watered down by including them within a much wider set of conclusions which rate the overall Arden Triangle site as 'green' is misleading.

5.12 It is also emphasised once more that in landscape & visual, and Green Belt terms, this extent of development is not acceptable.

5.13 Based on the more detailed landscape and visual analysis and Green Belt considerations set out in **Appendix A**, a more appropriate and robust extent of development has been defined. The acceptable extent of development is illustrated below.



5.14 Based on this analysis an acceptable form of development would see a 'division' between built form (in accordance with site constraints, preferred options re. The Arden Academy etc.) to the north and retained open space to the south set along the alignment of the existing public footpath that runs across the central/southern part of the site. It would deviate south of the footpath only at a point directly north of Lansdowne Farm.

5.15 This would effectively:

- Ensure development takes advantage of the more enclosed, visually discrete parts of the site;

- Retain those areas to the south that contribute more to the purposes and openness of this part of the Green Belt;
- Respect the rural character of Grove Road directly south of the site;
- Respect the rural character of that part of Warwick Road the south of Wyndley Garden Centre;
- Respect the long-distance views across the southern 'flank' of the site towards the wider open countryside to the east;
- Avoid any adverse impact on views from the Grand Union Canal corridor; and
- Ensure the integrity of the Cuttle Brook Local Wildlife Site is retained.
- Provide a clear and defensible boundary to the Green Belt utilising natural and obvious features on the ground consistent with NPPF policy at paragraph 139.

5.16 A second, reasonable alternative to the above which should also be explored by the Council is to utilise the Cuttle Brook itself as the new Green Belt boundary. Policy KN2 makes clear in part 2 (iii) that:

Deculverting the watercourse passing through the site will be required to provide flood alleviation and environmental benefits

5.17 This is a key opportunity which would, like the first option suggested above, also be able to create a new and defensible boundary which, as required by NPPF paragraph 139 (f) uses:

physical features that are readily recognisable and likely to be permanent

5.18 The SMBC Illustrative Concept Masterplan is helpful in that it can clearly be seen where the line of the Cuttle Brook lies, as the blue line running from east to west in the southern section of the site directly to the northern edge of the Local Wildlife Site shaded dark red. An extract is provided below.



- 5.19 Clearly, further detail would be required as to the exact line of the de-culverted watercourse, but it demarcates a very clear section of the most sensitive part of the site. A potential route of the Green Belt edge, from this extract, could follow the line of the LWS, or the watercourse depending on further detail which should be explored by the Council.
- 5.20 In view of the above the Local Plan Policy KN2, the Arden Triangle allocation and concept plan should be amended as described, further to detailed assessment work to explore these reasonable alternatives to the proposals currently being put forward. Failure to do so would result in an unsound plan as a result of the harm to landscape character of the area and the unjustified deletion of an important element of Green Belt.

6. TRANSPORT CONSIDERATIONS

- 6.1 The transport note provided by BWB Consulting (**Appendix B**) was produced for the previous consultation, taking into account the proposed the allocation site at Arden Triangle along with the development of the Blue Lake Road site, which was proposed for allocation at the time, but which is now an omission site.
- 6.2 Notwithstanding that the Blue Lake Road site (with capacity for around 80 dwellings) has now been discounted it is still considered that the level of traffic increase in the location of the Arden Triangle will require mitigation as evidenced through the Knowle Transport Study October 2020, produced for Solihull MBC by Mott McDonald, summarised in Table 9.2.
- 6.3 This mitigation inevitably will result in an impact on other considerations including landscape character as a consequence of widening of roads, providing visibility splays and allowing for public transport penetration. All the mitigation required will have a significant impact on the character of the area which is already been identified as being sensitive and which merits retention in the green belt. In view of these circumstances, particularly the sensitive nature of the Southern portion of the Arden Triangle site, development should be restricted to that area of that site concentrated towards the North in the vicinity of the existing secondary school. The transport considerations give further support for the reconsideration of the Arden Triangle site and its reduction in scale.
- 6.4 In terms of the concept plan, consideration must be given to the BWB transport note which identifies that the vehicular accesses should be avoided from roads to the East which includes Station Road, Grove Road and Knowle Wood Road. These roads should be used to provide traffic free pedestrian and cycle routes.
- 6.5 In order to provide adequate provision for transport, significant improvements will be required to the road network which will inevitably have adverse consequences on other factors such as landscape character. These must be fully assessed before any allocation is fixed for the Arden Triangle site, bearing in mind the particularly sensitive nature of its Southern component. As a result it is recommended that the Council re-visit both the extent of the Arden triangle site and its concept plan in the context of these factors.

7. POLICIES

Policy KN2 (Arden Triangle)

Deliverability

7.1 The trajectory for Policy KN2 states that the 600 homes would be delivered across two phases, 0-5 years and 5-10 years. Yet it is difficult to see how this can be achieved.

7.2 The Glossary at Annex 2 to the NPPF states:

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

7.3 The site, however, is in fragmented ownership. The concept masterplan shows a complex area, with several different issues to overcome. These need to be addressed as a whole, to ensure a properly co-ordinated approach which can be delivered in accordance with the requirements of Policy KN2 (but noting our proposed amendments to this as set out later in this section). There appears to be little evidence to show a) how each SHELAA site is deliverable within the period indicated and b) how the process will be co-ordinated in fulfilment of the stated trajectory and in line with NPPF paragraph 72 which sets out expectations for the delivery of large developments.

7.4 Without this evidence policy KN2 is not justified, not robust and therefore unsound.

Exceptional Circumstances

7.5 Paragraph 137 of the NPPF requires that:

Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.

7.6 Paragraph 137 a) states that it is important that the strategy makes as much use as possible of suitable brownfield sites and underutilised land.

- 7.7 It is not clear how this issue has been explored in relation to the Dorridge and Knowle area. The assumed contribution of windfall sites to housing land supply in KDBH area certainly seems low and additional suitable capacity could be found elsewhere in the settlement, in line with Paragraph 137 a), to accommodate the limited amount of development that would be displaced from the proposed allocation in order to retain the southern section of the site within the Green Belt.
- 7.8 Notwithstanding this, however, the revision to the concept plan to reflect revised Green Belt boundaries which retain the southern section of the site within the Green Belt should not be dependent upon brownfield capacity elsewhere. These representations clearly show that the southern section of the site is not suitable for development in any case.
- 7.9 Furthermore, as set out elsewhere in these representations, reasonable alternatives have not been explored which consider retaining parts of the allocation within the Green Belt. This exercise should be undertaken, as it will ensure that a sound allocation can be made by ensuring that the site delivers compensatory improvements in fulfilment of NPPF Paragraph 138. This is explained in the following paragraphs.

Compensatory Improvements

- 7.10 Policy KN2 makes clear that the allocation of this site should deliver a series of Green Belt enhancements which include woodland planting, improved landscaping, on-site green and blue infrastructure that is multifunctional and accessible, public open space, access improvements to the wider Green Belt beyond the site boundary, biodiversity enhancements and any other compensatory improvements that are considered acceptable.
- 7.11 Policy KN2 also requires the Concept Masterplans to be read alongside the policy.
- 7.12 It is difficult to see how such enhancements could be achieved given the amount of built development being proposed for this allocation. The appears to be no off-site mitigation proposed and indeed that would be difficult to secure and is unnecessary given that such matters should be dealt with strategically at the plan-making stage. We elaborate further on this in our response to Policy P17A: Green Belt Compensation.

Defining Green Belt Boundaries

7.13 Paragraph 139 of the NPPF states that the plan should:

define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

7.14 As stated in Section 5, based on the analysis contained in Appendix A, an acceptable form of development would see a 'division' between built form to the north, and retained open space to the south set along the alignment of the existing public footpath that runs across the central/southern part of the site. It would deviate south of the footpath only at a point directly north of Lansdowne Farm. This would provide a clear and defensible boundary to the Green Belt utilising natural and obvious features on the ground consistent with NPPF policy at paragraph 139. Alternatively, as also set out elsewhere in these representations, the line of the Cuttle Brook, which is to be de-culverted would also ensure a strong, defensible and enduring Green Belt boundary.

Policy KN2: Recommendations

The policy and supporting Concept Plan should be amended to retain the southern section of the site within the Green Belt, as explained in section 5.

Policy P17A: Green Belt Compensation

7.15 Policy 17a, Green Belt Compensation states:

- 1. In accordance with paragraph 138 of the NPPF, planning permission will not be granted for development of sites removed from the Green Belt unless and until appropriate compensatory improvements to environmental quality and accessibility of remaining Green Belt is incorporated into a Section 106 agreement. Such compensatory improvements shall be proportionate to the extent of land being removed from the Green Belt and will be in accordance with the following hierarchy:*
- 2. Where compensatory improvements have been identified as part of the concept masterplans included as part of the Local Plan, that such improvements are included in the development proposals.*

3. *Where compensatory improvements have not been identified as part of the concept masterplans included as part of the Local Plan that the compensatory improvements are provided in accordance with the following hierarchy:*
 - i. *Compensatory improvements to remaining Green Belt land adjacent to, or in close proximity to the development site;*
 - ii. *Compensatory improvements to remaining Green Belt land adjacent to, or in close proximity to the settlement or area accommodating the development;*
 - iii. *Compensatory improvements to remaining Green Belt land in an area identified for environmental improvements as part of the Council's Green Infrastructure Opportunity Mapping.*
4. *In the event that it is robustly demonstrated that none of the above options can be satisfied (eg as land is not available) then the Council will accept a commuted sum that it will use to undertake compensatory improvements.*

7.16 Despite the claim that the policy accords with the NPPF, it does not. Paragraph 138 of the NPPF states:

When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

- 7.17 It is clear from paragraph 138 that addressing 'compensatory improvements' should be addressed at the plan-making stage, not left to the planning application process. The concept masterplan makes no mention of Green Belt compensation. Furthermore, the masterplan states:

There is [sic] marshy grasslands around Cuttle Brook some of which is designated as a Local Wildlife Site and several arable fields in the southern and south eastern parts of the site. The listed Rotten Row Farm and Grove Farm east barn lie adjacent to the site therefore the site forms part of their setting. Development should avoid encroaching upon their setting, and if it does so, exceptional design and quality together with full regard for context would be necessary and expected. (page 83)

Officers have raised concerns about the level of provision of public open space and the need to retain hedgerows and trees across the site. (page 86)

- 7.18 These comments are concerning. Firstly, the statement: '*Development should avoid encroaching upon their setting, and if it does so, exceptional design and quality together with full regard for context would be necessary and expected*' is vague and open to interpretation. It should simply be stating that the area is sensitive, and encroachment upon the setting must be avoided. Secondly, there are concerns about the levels of provision of open space. This appears to contradict the requirement to compensate for loss of Green Belt in line with NPPF paragraph 138.
- 7.19 There is a key opportunity, however, for the Local Plan to include a revised concept masterplan, which deletes development to the sensitive, southern end of the site, retaining it within the Green Belt and enhancing the open space, biodiversity and heritage setting 'offer' to compensate for the release of the rest of the allocation from the Green Belt. This would ensure compliance with the NPPF, by addressing the matter at the Local Plan stage.
- 7.20 In line with the above, Policy KN2 should be amended, along with the concept masterplan, to retain the Green Belt designation to the southern end of the allocation, to be protected and enhanced for open space, biodiversity and heritage setting purposes as compensation for the loss of Green Belt elsewhere in the allocation, in compliance with NPPF paragraph 138.

8. CONCLUSIONS

- 8.1 In view of the above, it is demonstrated that the extent of allocation KN2 South of Knowle (Arden Triangle) as included in the Draft Submission Plan is inappropriate and has not been adequately justified.
- 8.2 The southern portion of the site is sensitive in Green Belt, ecology, heritage and landscape character terms. In addition, access arrangements from the South are also particularly difficult and if pursued will inevitably have even greater impact on the sensitive landscape character of this part of the site and impact on the setting of designated heritage assets. Furthermore, there is no evidence to show how the site will be deliverable as a whole, as it has fragmented ownership and complex issues to overcome.
- 8.3 In view of these significant considerations, two reasonable alternatives for developing the site need to be considered.
- 8.4 In terms of the first reasonable alternative the Concept Masterplan for the site must be re-drawn to leave the extent of any built development to the South to extend no further than the existing public footpath linking Warwick Road with Grove Road. This section should remain as Green Belt, and this retained area should be enhanced for open space, ecology and heritage setting purposes to provide compensation for loss of Green Belt in relation to other parts of the allocation.
- 8.5 In terms of the second reasonable alternative, the Concept Masterplan should be redrawn to retain the area the area to the south of the site as Green Belt, with the boundary being the line of the de-culverted Cuttle Brook.
- 8.6 There should also be a clear plan for the achievement of delivery.
- 8.7 Without these amendments, the allocation of site KN2 is considered to be unsound.

APPENDIX A

LANDSCAPE AND VISUAL STATEMENT WITH GREEN BELT REVIEW

APPENDIX B

TRANSPORT CONSIDERATIONS