



TOWN AND COUNTRY PLANNING ACT 1990

**REPRESENTATION RELATING TO THE NORTH WARWICKSHIRE
BOROUGH COUNCIL LOCAL PLAN EXAMINATION
'DRAFT HEARING MATTERS, ISSUES AND QUESTIONS (INSP5)'**

PREPARED ON BEHALF OF KNG DEVELOPMENTS LLP

FRAMPTONS TOWN PLANNING

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1.0 INTRODUCTION

- 1.1 Framptons Town Planning act for KNG Developments LLP who own the land edged red as shown on the plan at **APPENDIX 1**. This position statement provides response to the questions identified by the Inspector in EIP document INSP5 where the questions are relevant to the KNG Developments LLP land interest.
- 1.2 KNG Developments LLP have participated in previous North Warwickshire Borough Council (NWBC) consultations including the NWBC Core Strategy; the NWBC Site Allocation Preferred Options Consultation and the NWBC SHLAA Call for Sites with a view to promoting land to the west of Tamworth Road, Kingsbury as a site suitable for a residential development.
- 1.3 The historical submissions by KNG Developments LLP advocated the release of land at Tamworth Road Kingsbury from the Green Belt as the site will deliver sustainable patterns of development. It is not intended for these submissions to repeat previous points in full in the interests of brevity, but rather they highlight specific points of direct relevance to any relevant questions posed by the Inspector at INSP5. However, the statement does append updated promotional material which are provided as supporting evidence to demonstrate the site is technically capable of delivery an intention that was stated in the January 2018 and March 2018 submissions made by KNG Developments LLP.
- 1.4 The questions posed by INSP5 this statement will respond to are as detailed below:

6.2 Is the Coventry & Warwickshire Green Belt Study [CD6/9] robust evidence?

(a) Have appropriate parcels of land been suitably and consistently assessed relative to the purposes of Green Belt set out in paragraph 80 of the NPPF 2012?

(b) Has CD6/9 has suitable regard to any other, subsequent, or wider strategic Green Belt studies?13 Are its findings consistent with them?

(c) Noting LP paragraph 7.14, have exceptional circumstances been demonstrated to justify all alterations to the Green Belt?

(d) Have sustainable patterns of development been considered in the approach taken in the LP?

(e) Is safeguarding of land west of Tamworth Road, Kingsbury, for potential future development suitably justified, including being necessary to meet longer-term development needs well beyond 2033?

2. GREEN BELT CONSIDERATIONS (QUESTION 6.2 OF INSP5)

2.1 This section of the statement will offer KNG Development LLP's position on the whole of Question 6.2, focussing in relation to their land interest on parts c, d and e relating to exceptional circumstances, sustainable patterns of development and the suitability of Tamworth Road Kingsbury to meet development needs.

2.2 In a generic sense the Coventry & Warwickshire Green Belt Study [CD6/9] should be considered a sound and robust part of the Local Plan evidence base. Paragraph 158 of the 2012 Framework requires Local Planning Authorities to ensure they use a proportionate evidence base that is based on up to date, adequate, and relevant information. It submitted that the process adopted by NWBC, along with neighbouring authorities, is in accordance with para 158.

2.3 It is submitted that the strategy for Green Belt Review is sound and is a proportionate response by the Local Planning Authority that is consistent with other neighbouring authorities taking in account the requirements of paragraphs 83, 84 and 86 of the Framework.

2.4 Paragraph 83 of the Framework states: -

“Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.”

2.5 Paragraph 84 of the Framework states: -

“local planning authorities should take account of the need to promote sustainable patterns of development.”

2.6 Paragraph 86 states that: -

“When defining boundaries, local planning authorities should:

- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period; and*
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

2.7 It is submitted that the release of land from the Green Belt would not lead to the unrestricted sprawl of a large built up area. (Kingsbury is not a large built up area for the purposes of the West Midlands Green Belt which contains the spread of the conurbation). The development will not adversely impact upon the setting and special character of Kingsbury as a historic town. The release of land at Tamworth Road will not undermine urban regeneration within Kingsbury. Development at Tamworth Road would not cause neighbouring towns to merge into one another. In reality the release of Tamworth Road would not result in actuality, or in perception that Kingsbury had merged into Tamworth or any other settlement. There would remain a clear open tract of land beyond the extended urban edge of Kingsbury.

2.8 The existing urban areas and settlements within the Borough alone do not have sufficient capacity to deliver the full extent of the Borough’s housing and other development needs (including commitments to neighbouring authorities) in a sufficiently flexible manner and therefore identifying safeguarded land is a realistic and clearly justifiable option.

2.9 This need for flexibility and aspiration for a long-term strategy to meet unprecedented needs is implied in the 2016 SHLAA which concludes that:

“Given that the maximum 15-year dwelling requirement for North Warwickshire is 8,374 dwellings, this finding would suggest that the release of Green Belt land is not required in order for the Borough to meet its housing requirements up to 2031. However, our site categorisation does not take account of all the policy considerations that are relevant in selecting sites for allocation, which are likely to include the broad sustainability of the total development pattern, impact on biodiversity and landscape, and strategic transport and other infrastructure capacity issues. We have not undertaken any analysis to consider whether the theoretical supply from the sites we have assessed is in the right place to meet strategic policy objectives. If not then it could well be necessary to release some Green Belt land in order to achieve the targets in full.”
(Executive Summary)

2.10 In looking to redefine boundaries with safeguarded land using Paragraph 85 of the Framework, considerations for review of the green belt boundaries north of Kingsbury have been set out:

“When defining boundaries, local planning authorities should:

- 1) ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- 2) not include land which it is unnecessary to keep permanently open;*
- 3) where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*

- 4) *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposed the development;*
- 5) *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- 6) *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

Ensure consistency with the Local Plan strategy

2.11 The 2012 Framework advises at paragraph 52 of the Framework that the supply of new homes can sometimes be best achieved through extensions to existing villages and towns, which Tamworth Road would achieve being a logical extension of the settlement. Furthermore, paragraph 55 states: -

“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.”

2.12 The site has historically been considered logical for development by the Council. Indeed, the Strategic Land Availability Assessment (SHLAA), published as long ago as February 2010, considered the site favourably for future development stating: -

“...from the information available, part of the site could be considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints. The site could contribute to

the creation of a sustainable, mixed community....The Green Belt status is an issue but sensitive design and limited scale of development could overcome any concerns”

Not include land which it is unnecessary to keep permanently open

- 2.13 According to the North Warwickshire Landscape Character Assessment (“LCA”) which is a broader assessment than the high-level LUC Green Belt Review, the Site is heavily influenced by the M42 corridor. The LCA further identifies the Site as having relatively low landscape sensitivity. On page 189 of the LCA consideration is given to the potential for built development and states: -

“Urban fringe, intensively farmed or unmanaged land, crossed by pylons with peripheral urbanising detractors, this area could be suitable for some residential development in appropriate locations at the residential settlement edge...Any residential development would need to relate well to the existing settlement and be accompanied by robust GI [Green Infrastructure] provision.”

- 2.14 The northern boundary of the site is formed by a line of native tree and shrub that forms the edge of a wider band of scrub and taller trees and shrub that runs up to the M42. A small watercourse runs parallel to the northern boundary and along with the woodland edge, and the M42 corridor forms a defensible boundary to the site. Beyond the M42 to the north lies a proportion of Kingsbury Water Park and arable farmland which rises to localised ridge lines to the northeast. Ground Sewage Works lie adjacent to the north eastern boundary but is partially visually screened from the site by a tree line within the curtilage of its boundary. Beyond the

access road to the sewage works the Kingsbury garden centre lies, parallel with the watercourse and enclosed by vegetation and tall trees.

2.15 The eastern boundary of the site comprises hedgerow and isolated trees and is formed with the A51, Tamworth Road, beyond which, residential development, punctuated by small areas of open space and forming the north eastern extent of the village stretches to the Birmingham to Lichfield railway line in the east. Beyond this, the Kingsbury Oil Storage facility (Kingsbury Terminal) lies parallel to the railway.

2.16 The southern site boundary is formed with boundary fences of rear gardens of residential development on Bracebridge Road and Ralph Crescent which form part of a development that extends south and east to meet the Tamworth Road. To the south of this development lies Kingsbury Primary School, Kingsbury School and associated playing fields. A Public Right of Way runs between the residential development and the school, passing within metres of the site's southern boundary and linking with a wider footpath network that connects the wider village of Kingsbury with Kingsbury Water Park.

2.17 In summary, however, the land to the north of Kingsbury (i.e. the Site) is visually well contained for the most part with topography and vegetation combining to restrict views from longer distances. The Site's 'openness' will be permanently and irreversibly damaged by HS2.

Safeguarded land

2.18 The land at Tamworth Road Kingsbury is well contained by physical features and future development requirements, beyond the plan period, will struggle to be met in the North Warwickshire context sustainably without identifying some development in Kingsbury

considering it is a large settlement and the high extent of Green Belt coverage across the Borough. Safeguarding land for future development seeks to address this problem. Kingsbury has many services and facilities, including Schools, GP Surgery, Dentist, shops and restaurants. In order to sustain these services and facilities there is a need for further housing in the area to provide additional population to assist sustaining the services and facilities. It would be inappropriate for Kingsbury not to benefit from some development given its scale and the range of facilities it presently has which would be contrary to the aims and aspirations of paragraph 84 of the Framework.

Boundaries will not need to be altered at the end of the development plan period

- 2.19 Allocating the Site for development will in part help housing demands to be met and will remove the need to alter the settlement or Green Belt boundary in the future. As previously stated, Kingsbury has many physical constraints to providing development beyond the village boundary in other locations. These include flood plains, substantial infrastructure and regional scale leisure and commercial activities as well as the distance from the services.

Define boundaries clearly, using physical features

- 2.20 The reviewed Green Belt boundary would be the line of the HS2 Phase 2, the River Tame, the Tamworth Road, which are all permanent long term identifiable physical barriers to development.

- 2.21 The site at Tamworth Road Kingsbury is located in the Green Belt and therefore of critical importance are the below two paragraphs of the 2012 Framework which this section of the statement will address.

- Paragraph 83 of the Framework states: -
“Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.”
- Paragraph 84 of the Framework states: -
“local planning authorities should take account of the need to promote sustainable patterns of development.”

2.22 The most relevant post NPPF Case Law relating to Paragraph 83 of the Framework is Gallagher Homes Ltd v Solihull Borough Council [2014] and IM Properties v Lichfield District Council (2014). The Gallagher v Solihull Case was preceded by a considerable amount of case law on the meaning of "exceptional circumstances". Cases include Carpets of Worth Limited v Wyre Forest District Council (1991, Laing Homes Limited v Avon County Council (1993), COPAS v Royal Borough of Windsor and Maidenhead [2001], and R (Hague) v Warwick District Council [2008].

2.23 It is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary. National guidance has always dealt with revisions of the Green Belt in the context of reviews of local plans (e.g. paragraph 2.7 of PPG2: paragraph 83 NPPF), and has always required "exceptional circumstances" to justify a revision. The 2012 NPPF makes no change to this.

2.24 For redefinition of a Green Belt, paragraph 2.7 of PPG2 required exceptional circumstances which "necessitated" a revision of the existing boundary. However, this is a single composite test in terms of NPPF; because, for these purposes, circumstances are not exceptional unless they do necessitate a revision of the boundary (COPAS). Therefore, although the words requiring necessity for a boundary revision have been omitted from paragraph 83 of the NPPF, the test remains the same. The Gallagher Judgement expressly accepts this interpretation.

- 2.25 Whilst each case is fact-sensitive and the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgment, what is capable of amounting to exceptional circumstances is a matter of law. A plan-maker, such as NWBC in this instance, may err in law if they fail to adopt a lawful approach to exceptional circumstances. Once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration.
- 2.26 The demonstration of exceptional circumstances is a well debated topic in planning law terms with no all-encompassing definition as outlined by the list of relevant cases mentioned previously by paragraph 2.22. Rather in simplistic terms it is a combination of factors which apply to a site and set of circumstances which when weighed up cumulatively need to be something out of the ordinary and effectively show a series of interconnected factors which justify a review or alteration of the Green Belt.
- 2.27 Planning Policy seeks the delivery of sustainable development from the Framework taken as a whole. Green Belt Policy should be considered as a part of the Framework and whether exceptional circumstances exist for alteration to the Green Belt is a matter of planning judgement. This was ultimately the crux of the IM Properties v Lichfield case.
- 2.28 This case resulted in Patterson J accepting the submissions of the Defendant (Lichfield DC) and Interested Parties (Persimmon Homes and Taylor Wimpey) that the true test enunciated in Copas is whether a necessity has been established as a result of exceptional circumstances and she adopted the approach recently taken by Hickinbottom J in Gallagher Homes v Solihull MBC [2014] EWHC 1283.
- 2.29 Accordingly, Patterson J rejected the Claimant's (IM Properties) submission that Green Belt could only be used to meet needs "*as a last resort*", holding rather that it is a matter of planning judgment as to whether exceptional circumstances necessitating revision have been demonstrated. She held that Taylor Wimpey had been right to emphasise in submissions the importance of s.39 PACPA and paragraph 84 of the Framework, which require decisions in

relation to development plans to be made “*with the objective of contributing to the achievement of sustainable development*”. Viewed in the context of that statutory duty and guidance, the Council had legitimately had regard to travel patterns and urban focus when deciding to release Green Belt land in preference to other land which it considered to perform less well in these respects.

2.30 Lichfield District Council’s reports and background papers had been adequate and must be considered in the light of the members’ long involvement with these crucial questions during the Plan’s evolution. They were entitled to have regard to the Inspector’s findings in relation to their strategy overall and the need for more allocations to make the Plan sound.

2.31 It is submitted that the strategy adopted by NWBC Officers and Members has followed the same process as the Local Plan for Lichfield District Council and derived at a Local Plan strategy which delivers sustainable patterns of development, considering the Framework as a whole, and the local North Warwickshire context as will be further considered.

Exceptional Circumstances for NWBC safeguarding sites in the Green Belt

2.32 In North Warwickshire a combination of factors exists, which when collated equates to exceptional circumstances being demonstrated sufficiently to justify a release of land from the Green Belt for safeguarding, which can be summed up as follows: A high housing need; a large extent of Green Belt (two thirds of the administrative area); Neighbouring Authorities with high housing needs (Tamworth; Birmingham & Coventry); formal agreement over the need for North Warwickshire to accommodate neighbouring growth (signed and committed MoU); lack of sustainable brownfield or previously developed sites (SHLAA conclusion); SHLAA evidence that the Green Belt will be likely to be needed; lack of suitable non-Green Belt sites in locations geographically suited to meet the needs of neighbouring authorities; available sites which do not score highly on Green Belt function but do score well in sustainability terms; and available sites that are deliverable in a technical sense.

2.33 Housing need – Table 1 (page 32) and Table 2 (page 33) of the Submission Local Plan identifies a high housing need for NWBC. The Draft Plan identifies the following at para 7.42:

“Due to the low past delivery rates and the rural nature of the Borough the delivery of all of the housing will however be dependent on the provision of infrastructure. The Local Plan therefore seeks to deliver a minimum of 5280 homes over the plan period from 2011-31. This equates to an annual housing requirement of 264 new homes per annum. The provision of the additional housing within the Plan period up to 9070 will be challenging and be a major change for the Borough”. (Emphasis added)

2.34 High housing need for North Warwickshire (and neighbouring authorities) is a fact and the Borough Council acknowledges this at multiple points in the Submission Version Local Plan that it has to find a sustainable series of solutions to accommodate the needs including safeguarding land at Tamworth Road Kingsbury. This is reflected in the SHLAA and Memorandum of Understandings (MoU) with Tamworth and Birmingham. It is part of the overall planning picture impacting on the Borough’s Administrative Area and therefore those preparing the Local Plan Strategy have to apply planning judgement to whether or not the situation is sufficiently exceptional to justify reviewing the Green Belt.

2.35 Beyond simply the scale of housing need the Borough has to accommodate over the Plan period the limiting factors are a combination of available sites; the extent of Green Belt coverage and the need to deliver sustainable patterns of development (required by paragraph 84 of the Framework).

2.36 The Submission Local Plan confirms that two thirds of the Borough's administrative area is subject to Green Belt designation (paragraph 7.12 page 26), this along with the apparent development pressure on the Borough from within and outside (para 7.13) justified participation in the Review of the Green Belt. The Review concludes some areas of Green Belt are performing poorly (para 7.14). Land at Tamworth Road Kingsbury is one of the sites which has been identified as a result of the review and application of planning judgement by Officers to be safeguarded.

2.37 Another factor in the proposals to safeguard the land are the recommendations of the 2016 SHLAA which has reviewed all the available sites and has concluded that some in the Green Belt justify immediate allocation and some justify safeguarding.

2.38 The Council has a duty to ensure the Local Plan delivers sustainable development. This was reiterated in case law by the IM Properties Development Ltd v Lichfield DC [2014] judgment in which Mrs Justice Patterson confirmed in relation to para 84

“is clear advice to decision makers to take into account the consequences for sustainable development of any review of green belt boundaries. As part of that patterns of development and additional travel are clearly relevant”.

2.39 Kingsbury is a highly logical location to identify for accommodating a site for the following reasons: It is a sustainable settlement (Kingsbury being a Category 3 Settlement defined by Submission Policy LP2); the village has sustainable links to higher order settlements especially via public transport such as bus as summarised in the appendices accompanying this statement; the settlement is well connected to Tamworth and could serve Tamworth's needs; the settlement is well connected to and within relatively close distance to Birmingham and the

wider West Midlands Conurbation. It would be a suitable location to house those people unable to secure housing in Birmingham but who retain social, economic, employment and educational linkages to the conurbation; the settlement is largely self-contained with services and facilities the majority of which would benefit from additional population to help sustain (as detailed in the Matthew Taylor Report (referenced at para 7.4 of the Local Plan)); the scale of proposal KNG are proposing (circa 200 dwellings) would be sufficiently large to assist with infrastructure provision such as education where a certain quantum of housing is needed to enable viable expansion.

2.40 The Council strategy in the Submission Local Plan identifies one suitable site; in a suitable settlement which will deliver sustainable patterns of development which accords with National Planning Policy in the event that the formally allocated sites fail to deliver the required housing. This is a clear attempt to provide a pragmatic long terms strategy (albeit presently with insufficient flexibility to move with potentially changing circumstances). Such an approach accords with the aims and objectives of paragraphs 182 of the Framework specifically bullet one 'plan positively'; bullet two 'justified', bullet three 'effective' ad fourth bullet 'consistent with national policy'. However, by better defining the circumstances that would trigger the release of safeguarded sites and enabling a partial review the necessary flexibility can be achieved which will make the policy deliverable in a timely, viable and transparent manner.

3. POLICY LP4

3.1 It should be noted that undertaking a review of the Local Plan where Green Belt constraint applies, and subsequently Green Belt Review is a fundamental part of the process, is a time-consuming and expensive process. This is particularly relevant to the land controlled by KNG at Kingsbury as the main policy constraint applicable to land at Tamworth Road Kingsbury is the Green Belt policy designation.

3.2 The Safeguarded Land Policy in the Submission Local remains Policy LP4 (Page 30) and remains of direct relevance to the land being prompted by KNG Developments LLP at Tamworth Road Kingsbury. Land at Tamworth Road Kingsbury is presently in the Green Belt, but which is identified by Submission Policy LP4 to be removed from the Green Belt and designated as 'Safeguarded Land for Potential Future Development'.

3.3 KNG Developments LLP are supportive of this emerging policy status although seek via these representations to make a number of comments about the precise wording of the policy and request changes to the wording to make the policy increasingly sound in relation to paragraphs 153 and 182 of the 2012 Framework.

3.4 KNG Developments LLP acknowledges that the Council requires a positive long-term strategy to accommodate growth, which was seen as essential in a Borough that has two thirds (60%) Green Belt coverage yet still has to enable sufficient flexibility to respond to changing circumstances and deliver commitments made through recent Memorandum of Understandings (MoU) with its neighbouring authorities. It submitted that the existing wording is not flexible enough considering paragraph 153 of the Framework.

3.5 For ease of reference Policy LP4 states:

LP4 Safeguarded Land for Potential Future Development

Land to the west of Tamworth Road, Kingsbury, as identified on the Proposals Map, will be removed from the Green Belt and safeguarded for potential future development needs.

The identified area will be protected from development other than that which is necessary in relation to the operation of existing uses, change of use to alternative open land uses or temporary uses. All proposals must not prejudice the possibility of long term development on the safeguarded land.

The status of the safeguarded site will only change through a review of the local plan.

3.6 KNG Developments as stated previously is supportive of the Submission safeguarded status, but feels the final paragraph of the policy fails to take the opportunity to plan positively. This is because the policy requirement can only release the land through a full review of the plan. This is a costly, resource and time intensive process which will defy the objectives of safeguarded land as it will prevent the site presently identified for safeguarding from coming forward quickly to respond to changes in circumstances.

3.7 It is submitted that the policy could be made increasingly sound by making the review mechanism more flexible. Specifically, it is recommended that the policy advocate partial review (consistent with para 153 of the 2012 Framework) in certain circumstances to enable the safeguarded land to be released and respond to changes in circumstances. These could be a five-year land supply shortfall; cross border housing need from Coventry; cross border housing need from Tamworth; or cross border housing need from the Birmingham conurbation all of which are possible scenarios for this context that would justify a faster partial review of the plan to respond to the housing

need. The needs if they are proven will in all probability require a rapid response and by leaving the wording as presently drafted the land can only be reviewed via a full review of the Local Plan which will not be flexible or rapid.

3.8 In these circumstances it is respectfully submitted that to make the policy align more fully with Central Government Guidance the wording should be changed to ensure the policy remains in accordance with Paragraph 153 specifically *'Each LPA should produce a Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances'* and 154 specifically *'only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan'*. It is submitted in relation to INSP Question 6.2 (e) that the LP4 Policy should be amended as below with the recommended new text in red for ease of reference to make the policy more robust and useful as a spatial tool for North Warwickshire:

LP4 Safeguarded Land for Potential Future Development

Land to the west of Tamworth Road, Kingsbury, as identified on the Proposals Map, will be removed from the Green Belt and safeguarded for potential future development needs.

The identified area will be protected from development other than that which is necessary in relation to the operation of existing uses, change of use to alternative open land uses or temporary uses. All proposals must not prejudice the possibility of long term development on the safeguarded land.

The status of the safeguarded site will only change through a review of the local plan **or a Partial**

Review of the Plan should one or more of the following instances be applicable:

- a) A proven drop off in the 5-Year Land Supply;**
- b) Cross border housing need from Greater Birmingham HMA;**
- c) Cross border housing need from Tamworth Borough Council;**
- d) Cross border housing need from the Coventry HMA;**
- e) Significant sub-regional scale employment development being permitted in the vicinity generating an additional local housing need; and**
- f) Significant under delivery of Affordable Housing**

4.0 THE SITE AND KINGSBURY CONTEXT

4.1 This section of the position statement introduces and explains the technical supporting information prepared by KNG Development LLP. This collectively demonstrates the site at **APPENDIX 1** is capable of delivering development thus is justified for inclusion in the Plan subject to the appropriate circumstances justifying its release being demonstrated.

4.2 The Settlement of Kingsbury is located approximately 8.5km east of Sutton Coldfield and 7km south of Tamworth along the A51 (Tamworth Road), in the North Warwickshire Borough in Warwickshire. It has a population of around 4,000 making it a relatively large settlement in the North Warwickshire context. **APPENDIX 2** shows the settlement of Kingsbury in its sub regional context.

4.3 The settlement lies within close commuting distance of Birmingham, approximately 16.5 km to the southwest. Local mainline railway stations are available at Tamworth; Birmingham International and Coleshill all of which are realistic options for residents to access the railway network. The driving times from Kingsbury for a 15 minute and 30-minute drive are shown at **APPENDIX 3**.

4.4 The village has grown up along the A51 and Tamworth Road, which represents the main route through the village and which links the village with the wider road network. The village itself lies adjacent to and above the River Tame, which runs north west, parallel to the village, and within a wide river valley which includes a number of man-made and natural lakes and waterbodies. The M42 corridor bounds the village to the north, travelling north east, south west. The eastern edge of the village is constrained by the Birmingham to Lichfield railway line.

4.5 The village lies adjacent to Kingsbury Water Park, which is situated to the east next to Bodymoor Heath, and is a series of 15 lakes in 243 hectares of land. The water park sits on the valley floor with the village of Kingsbury gently rising up from the eastern banks of the River Tame. Local landscape includes leisure uses such as fishing, sailing and camping in the water park, as well as woodland and arable farmland, navigated by a network of pedestrian footpaths.

4.6 The KNG Developments LLP site is situated immediately adjacent to the existing built up edge of the village partly alongside to Tamworth Road and River Tame and is bordered to the north by the M42. The wider village of Kingsbury extends to the east and south.

4.7 The site measures approximately 14.5 hectares and comprises predominantly arable agricultural land bordered by hedgerows and tree planting. To the north west corner, a proportion of scrub vegetation occupies low lying land within the floodplain. To the south west of the site a high-level parcel of grassland field margin sits between neighbouring residential development and the vegetated river bank which falls steeply to the River Tame.

4.8 To the south of this development lies Kingsbury School and associated playing fields. A Public Right of Way runs between the residential development and the school, passing within metres of the site's southern boundary and linking with a wider footpath network that connects the wider village of Kingsbury with Kingsbury Water Park. The site is bounded to the west by a heavily vegetated river bank running down to meet the River Tame, forming a defensible boundary to the site.

4.9 The site is located approximately 700m away from the village centre, making walking and cycling sustainable options. Both the site and the wider village are well served by local bus connections, with the nearest bus stop 150m from the eastern boundary of the site on Tamworth Road.

APPENDIX 4 contains a summary of the regular bus services and travel times to neighbouring

higher order settlements. Also included as part of Appendix 4 are the existing bus services/timetables serving Kingsbury which demonstrates the settlement is well placed to provide access to public transport as alternatives to private motor vehicle.

4.10 Kingsbury village centre has a number of village shops and two pubs and includes a post office and a doctor's surgery as summarised at **APPENDIX 5**. The nearest primary school is approximately 400m from the site and the nearest secondary school, which includes a public swimming pool, is approximately 500m from the site. The nearest hospitals are approximately 7 km away in Tamworth and 9km away in Sutton Coldfield.

4.11 The closest employment facilities to the site are those which are provided for by the number of shops and services located in the centre of Kingsbury. Further to this, employment opportunities exist at the Kingsbury oil storage facility (Kingsbury Terminal) to the east of the village and to the north east at TNT Express and Planters Garden Centre. Other employment opportunities exist in the locality, such as Coleshill Industrial Estate, Birch Coppice and Hams Hall, as well as a multitude of opportunities at nearby Birmingham and Tamworth.

4.12 Small pockets of public open space and formal rights of way are available for use throughout the village and its surrounding area which are well used by residents and dog walkers. The Illustrative Master Plan (Produced by LDA) at **APPENDIX 6** shows how the site being promoted by KNG Developments LLP could be developed to connect with these networks of green space. The end development would increase public access to the green infrastructure network and provide high quality access to the riverside walk along the River Tame which links to the centre of the village in an attractive and user-friendly way.

4.13 The vision document at **APPENDIX 7** (again, produced by LDA) outlines how the site could be developed and provides an overview of how the development would address constraints and deliver a high quality, attractive and sustainable housing development which would sit comfortably in this location as an enhancement of Kingsbury.

4.14 In a technical delivery sense there are no constraints that would prevent development coming forward subject to a suitable policy justification being achieved. Previous submissions by KNG Developments LLP to the North Warwickshire Local Plan, and other formal consultations, have been accompanied by a number of technical evidence documentation that the site at Tamworth Road Kingsbury is technically deliverable. These submissions addressing highways; drainage; ground conditions; ecological; air quality; noise; and landscape considerations have all been updated for the Local Plan EiP and accompany this position statement as follows:

Technical appendices -

- Transportation Technical Note (WSP) **APPENDIX 8**;
- Flood Risk Assessment (RSK) **APPENDIX 9**;
- Noise and Vibration Report (Innovate Acoustics) **APPENDIX 10**;
- Air Quality and Odour Report (RSK) **APPENDIX 11**;
- Affordable Housing Note (Bridgehouse Property Consultants) **APPENDIX 12**;
- Ground Investigation (RSK) **APPENDIX 13**;
- Ecological Assessments (BSG) **APPENDIX 14 (a and b)**

4.15 The appendices collectively demonstrate, proportionate to a Local Plan promotion, that there are no fundamental technical issues with the site that could not be address through an application should the site come forward.

Framptons

August 2018