

## Albrighton, Lisa

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**From:** cromdugra <[REDACTED]>  
**Sent:** 02 September 2016 10:05  
**To:** Programme Officer  
**Cc:** Clive Birch  
**Subject:** Timetable Sessions 8,9,10,13,14,15  
**Attachments:** SOGC Comments (002).docx

Lisa,

you will be aware that Clive Birch and Paul McDonald attended session 1, had an input into session 2 and made our major contribution into session 6. We would like to confirm that we would also like to speak at session 8 Green Belt, perhaps at session 9 if it relates to our site, session 10 Transport matters and one of the session 13,14,15 whichever relates to our area. Dependant on progress made in these meetings, we could consider session 18, the overrun.

We believe that our existing Comments on the 2016 local plan are still relevant and should be considered for these later meetings.

### SoCG

You will be aware that the SoCG was only put on the web site very late and we only chanced upon this 24 page document the evening before it was used as the agenda for session 6. We had previously received the Local plan 2016 - Examination Statement Hearing Session 6, which would have debated sites H 2.7 - H2.25. We fully accepted the Inspectors decision on the morning, to split the meeting into two and to only discuss H2.8 in the morning and to obviously use the SoCG headings and detail content as the new agenda. We would also accept the concept of "Statements of CG being welcome, where these would be helpful in identifying *points not in dispute*, thereby assisting the hearings to concentrate on the key issues that still need public discussion".

The only problem with this concept, is that there were a very large number of items that were most definitely NOT common ground with the residents group, and it was difficult to resist moving from an "inquisitorial to an adversarial" debate.

With a high number of persons present having a polarised view on so many topics, it was unreasonable to expect, that 24 contentious pages of the SoCG could have been debated in detail, within the time constraints of the morning session; albeit the decision to only debate H2.8 rather than All sites, did extend the debate beyond that of the original agenda.

Having now had time to study the SoCG in more detail and without the time constraints, we believe that it would be helpful to comment further on some of the more contentious items, and these comments may serve to shorten any debate on the Green Belt -session 8.

To prevent repetition, we would associate ourselves with the comments of the attached word document sent in by one of our fellow residents on the 17/18 Aug. and would add and expand on some of these paragraphs in light of the additional experience of attending session 6.

Could you please forward this email and the following additional information to the Inspector for her consideration and as comments on Green Belt- session 8.

Clive Birch (Chairman)  
Paul McDonald (Secretary)  
CROMDUGRA  
[REDACTED]

**Comments on the Statement of Common Ground**

3.2 It is a preposterous statement to say that 240 dwellings on H2:8 are 'critical' to ensuring that the City can meet it's development needs. Since when is less than 1% deemed to be 'critical'?

3.3 The delivery of this site cannot possibly be seen as being 'important' in planning terms. It is only seen as important by the land owner, the developers who have submitted the outline planning application, and the developers who control the access.

3.4 The fact that this site is in the Green Belt should preclude it from being considered for development until all brown-field and other non-Green Belt use land options have been exhausted.

I believe there are possibly ownership constraints as the developers who are the signatories to this agreement do not own the land required for one of the accesses, and there are technical constraints because there is an oil pipe-line, and underground power cables.

3.8 It cannot possibly be 'agreed' that H2:8 represents a highly sustainable location for housing, as there is no primary school within acceptable walking distance, and the local roads are completely unsuitable for cycling during peak hours, especially for school children.

There is no footpath on the proposed site side of Cromwell Lane, and the volume of traffic means that crossing the road on foot is difficult and dangerous.

3.9 The most important measure to protect the setting of historic assets is to leave them in the Green Belt, and not to allow development in their vicinity.

3.11 The Inspector of the 2010 Core Strategy said that no development should take place at this Green Belt site.

3.12 Whether the proposed 240 dwellings represents a reduction in numbers previously considered in 2010 is completely irrelevant.

The open space provision is only being proposed owing to the need for oil pipe-line easements and on-site drainage purposes, not for the altruistic reasons implied. The visual impact of the site from the west would not be an issue as there is nobody to the west to worry about it.

The developers and the planning department know quite well that the proposed woodland buffer is neither a defensible or permanent boundary, and does not prevent the risk of development extending westwards in future.

No development at all would mean that the setting of listed buildings would remain as it should be...in the Green Belt.

The proposed development is an encroachment to the west of the urban edge of Coventry south of the railway line. The application masterplan quite clearly shows this.

3.13 Whilst accepting that 35 per hectare is less dense than a lot of new housing development, it cannot possibly be said that it is appropriate to the surrounding area. The only area of dense housing nearby is the Bellway development on a brown-field site. The vast majority of local housing is ribbon development on wide plots, with a lot of bungalows, and mostly detached properties.

3.15 The proposed boundaries do not represent suitable, appropriate, or robust boundaries to the Green Belt, and as made clear in the previous inspector's report, this is not an acceptable amendment of the Green Belt boundaries. The proposals will not create a defensible Green Belt edge.

3.16 Site H2:8 does not benefit from an optimal level of accessibility to public transport services, other than Tile Hill Station.

3.17 Pedestrians need to cross Cromwell Lane to get to the bus services within 5 minutes' walk, and it would take that amount of time to cross the road. The only bus stops near to the site have very limited services.

The table of bus services is incorrect. The 233 only goes mid-morning on a Thursday, and the 360 service has been discontinued. Future residents, just as current residents, would be dependent on car-based travel, except for journeys by rail.

3.18 It is incomprehensible that either Cromwell Lane or Duggins Lane could be considered advisory cycle routes. The traffic counts undertaken in April 2016 show that these roads carry an enormous volume of traffic, and are narrow roads with a footpath on only one side.

3.19 The site is indeed accessible on foot to local shops and limited employment opportunities, but pedestrians would either have to cross Cromwell Lane with circa 12,000 vehicle journeys per day, or use the proposed new 'long way round' route using Alan Higgs Way. The latter route is not suitable for anybody who cannot walk up and down a steep hill. There is not a primary school within a reasonable walking time of the development. Whilst there is a primary school 1.2km away, the route is dangerous (crossing Cromwell Lane) and/or difficult (going up and down the steep railway bridge).

3.24 There is no evidence that H2:8 would integrate with the surrounding area. There would be a stream of cars coming out in the morning, and going in in the evenings.

3.25 The reality is that whether there is connectivity of pedestrian and cycle routes or not within the site, most people would travel by car, and there is only one route proposed in and out of the site, which would serve 180 dwellings. Cromwell Lane residents' comments clearly show that leaving individual properties is currently extremely difficult. There would be queues of cars trying to leave the site in the mornings, and people trying to turn right into the site would cause queues on Cromwell Lane.

3.29 The site is quite clearly an unacceptable intrusion into the Green Belt. The only people who think otherwise are the developers, and while government policy clearly states that the need for housing numbers is not a good enough reason for using Green Belt land for housing, the Coventry planning department should not be agreeing that it is acceptable.

3.30 There is an oil pipe-line and underground power cables. Whilst these do not prevent development, they add time and cost.

3.31 H2:8 is not immediately available for development, it is within the Green Belt. It is currently the subject of the Local Plan Inquiry, and therefore any grant of planning permission would be a departure from policy. Potential development of any Green Belt site can be referred to the Secretary of State. One of the proposed access points (number 90 Cromwell Lane) is not owned by

the developers who are the signatories to this statement. The oil pipe-line and the power cables will impact on the financial viability, as the council would find out if s106 negotiations were to take place.

3.32 As noted above, this site only provides a potential 240 dwellings and does not therefore make a significant contribution to the city's housing land supply. It cannot therefore be said that it is 'required'.

3.34 The parties are well aware that there are other matters that are relevant, in particular the issues with traffic and access. The junctions with Charter Avenue and Westwood Heath Road are already over capacity and incapable of accommodating any additional development.

4.1 It is incredulous that Coventry City Council can be in agreement with a large number of the statements made in this document, and in particular with the conclusion that H2:8 is critical to ensuring that the city's housing needs are met.

## Albrighton, Lisa

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**From:** Clive Birch <[REDACTED]>  
**Sent:** 04 September 2016 18:51  
**To:** Programme Officer  
**Cc:** Paul McDonald; Lapsa, Marcus (Cllr); Skinner, David (Cllr); [REDACTED]  
**Subject:** Fw: Matters & Issues for examination -Session 8 -Green Belt, relating to Land to the west of Cromwell lane and the infill site

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We are aware that session 8 is likely to be wide ranging, and constrained by time and would therefore like to make some initial responses to the Questions as follows :-

### SITE DIFFERENTIATION

We have previously noted that the original agenda (not the SoCG agenda) at session 6 :Site allocation for housing (3) site ref- page 4 Includes the 3 infill sites totalling 10 houses, in with the 240 house Heyford's "land to the West of Cromwell lane" site as being covered by H2.8. Both sites **are totally different in character** and we will differentiate between the two as "Infill sites" and "land to the West of Cromwell lane."

### 2016 LOCAL PLAN

If we refer to the local plan under Item 7 -Green Belt and Green Environment, and on page 93 Policy GB1 Green belt item 3 ,It refers to **"the following areas will be removed from the Green Belt.** On P 94 , it then lists items a) - p) and is very specific with descriptions such as, Land part of ..., Land at..., Land south of..., land off..., land East of..., land west of...,land to the east of....

Item f ) refers to **..Land at Cromwell lane.** It does NOT as in other designations refer to it as **"Land to the west of Cromwell lane"**. The obvious inference is that this item )f, refers to the Infill site comprising of 3 small sites totalling 10 houses, which **are** allowed under the NPPF guidelines on exceptions.

### 1. Green Belt

#### item a) Is the proposed development on Green Belt justified?

If we apply the literal meaning to **"land at Cromwell lane"** as above, then **the infill site (10 houses)** as a proposal is justified , as it is specifically allowed under Para 89 item 5. **..Limited infill in villages..** This will also be justified under **"NPPF requires changes to the Green Belt to be made through the Local plan process"** . and was indeed recommended by Nigel Payne under Para 3.302 **"..it is important that a firm and defensible new boundary is established on the western edge of the city ..defined by the rear of the line of domestic properties along the western edge of Cromwell lane"**. This was part of the recommendations to make the 2008 plan **"sound"** and would therefore have been included in the local plan as defined above. This realignment of the Green Belt boundary would have moved the 3 small infill sites to the correct side of the boundary and out of the Green belt.

If we continue with this reference to the NPPF it states **"plans should identify the most sustainable locations, unless outweighed by adverse effect on the overall integrity of the Green Belt according to an assessment of the whole of the Green Belt based upon the five purposes."**

This last statement clearly and absolutely **does NOT justify the consideration of "land to the west of Cromwell lane"** as it absolutely infringes the five purposes and the overriding fundamental aim of Green Belt policy **"of the importance of openness and permanence of the Green Belt"**.

**Item c**

We do NOT believe that adequate attention has been applied to the need to promote sustainable patterns of development. If they had, then the site to the West of Cromwell lane would NOT have been promoted, as it infringes the NPPF guide lines and the Transport overload could not have been entertained.

**Item d)**

This is covered in the information above in item a) It supports the release of the infill sites. It absolutely precludes the 240 site of "Land to the West of Cromwell lane".

**Item e**

The West of Cromwell lane site has an unacceptable effect on the Meriden Gap and has been criticised in the past by Nigel Payne under paragraphs 3.300 and 3.303 of his report. Concerns have also been raised by neighbouring Parish Councils (Burton Green, Balsall and Berkswell) on the "Domino effect" and precedence set by this proposal, on neighbouring towns merging together contrary to item 2 of the five purposes of Green Belt.

**Item j)**

Policy GB1 should indeed clarify the extent of land to be removed from the Green Belt. There is confusion at Cromwell lane as noted under Site Differentiation above and we need to separate the ***infill sites*** from the ***land to the west of Cromwell lane***.

**Item k)**

It would seem that Criterion 7 of Policy GB1 is correctly applied to the area around Cromwell lane. Items referring to buildings for agriculture and forestry do not apply.... Outdoor sports and cemeteries do not apply.... The extension or alteration of buildings has been applied in the past to barn conversions of Westwood farm within the footprint of the farm building. ...replacement of buildings so not apply. ...limited infilling of villages is currently being applied to the 3 sites 46 - 50 Cromwell lane, 50 - 80 Cromwell lane and the site opposite Copt Oak Close. .. The redevelopment of PDL has been applied to the Bellway site on the site of the old disabled sports centre.

It should be noted that Land to the west of Cromwell lane would be specifically excluded from any of these exceptional circumstances and also by virtue of paragraph 034 of the Planning Practice Guidelines on unmet housing need ref ID: 3-034-20141006. Also expanded in original submission.

I am sure that the Inspector will be familiar with the exchange of 3 letters in 2014 between Nick Boles and Sir Michael Pitt referring to ***"maintain key protection for the countryside and in particular for the green belt .. and reiterates the importance and permanence of the Green Belt"*** which resulted from previous inappropriate release of Green belt. For reference [www.gov.uk/government/publications/inspectors-reports-on-local-plans-2](http://www.gov.uk/government/publications/inspectors-reports-on-local-plans-2)

**Item l**

It would seem that the NPPF exceptional circumstances are consistent and work to protect the Green Belt against inappropriate development. We cannot see why Coventry should wish to apply a different definition of "very special circumstances"

**Other Matters**

**Achieving Sustainable Development**

At the heart of the NPPF is "***the presumption in favour of Sustainable Development***" P 4 item 14. However as with many of these guidelines there are caveats.

For **plan making** there is a list of directives with a cautionary "unless"

For **Decision taking**, again a list of directives and again a cautionary "unless"

In both cases the "unless" is the same and states -- "***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole***" and

--"***specific policies in this framework indicate development should be restricted***" 9

The note No.9 is very important, as it states "for example those policies relating to sites protected under the Birds and Habitat ..SSSI's ...land designated as **Green Belt**, Local Green Space..an area of outstanding natural beauty.. National parks or heritage coast.

***The presumption in favour of Sustainable Development is therefore constrained where Green Belt is involved.***

#### **LP16- Regulation 22 Statement -Local Plan - Appendix 2 responses to Local Plan**

In response to concerns on loss of Green Belt, the Coventry Council response was :- ***The council has to meet the development needs of the city and whilst some Green Belt land would be lost, it only represents 10% of the entire Green Belt across the city***".

The NPPF guidelines are very specific on the permanence of the green belt and para 034 of the guidelines, specifically states that "unmet housing need is not an exceptional circumstance", whether it is 10% or 1%. There is provision for realigning Green belt boundaries within the confines of the Guidelines, but we would contend that wiping out an entire band of Green Belt at Land to the west of Cromwell lane, is absolutely NOT permitted. This is supported by Nigel Payne in his 2010 judgement.

The 10% figure is also misleading, as the overflow of housing capacity to other neighbouring authorities results in 7,000 houses at Kings Hill and 1000 houses along Westwood Heath Road in Green Belt immediately adjacent to the Coventry border. These are NOT Warwickshire houses. They are Coventry overspill which ramps up the 10% estimate for loss of Green Belt.

Clive Birch [REDACTED]

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## Albrighton, Lisa

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**From:** Clive Birch <[REDACTED]>  
**Sent:** 04 September 2016 18:26  
**To:** Programme Officer  
**Cc:** Paul McDonald; [REDACTED] Lapsa, Marcus (Cllr); Skinner, David (Cllr)  
**Subject:** Fw: Follow on comments from the Statement of Common Ground (SoCG) -Land to the West of Common Lane

Lisa, Could you substitute this email for the identical one sent earlier as I forgot to add a general introduction  
Clive Birch

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**From:** Clive Birch <[REDACTED]>  
**Sent:** 04 September 2016 14:39  
**To:** programmeofficer@coventry.gov.uk  
**Cc:** Paul McDonald; [REDACTED] marcus.lapsa@coventry.gov.uk; Skinner, David (Cllr); [REDACTED]  
**Subject:** Fw: Follow on comments from the Statement of Common Ground (SoCG) -Land to the West of Common Lane

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Lisa, Following on from our email of the 02/09/2016 with the title **Timing sessions**, we would add comments to the paragraph numbers listed in the SoCG for consideration by the Inspector, and these supplement the word document attached to that email as follows:-

### General introduction

The proposed development (Land to the west of Cromwell lane) cannot be said to be so significant or critical to the housing supply, for Coventry to meet the criteria for eroding and redefining the Green Belt boundary. This calls the SoCG into question, which in many respects is without foundation, incorrect and misleading.

1.2 This item refers to H2.8 Land to the West of Cromwell lane, yet on the Local Plan agenda - Examination Statement Hearing Session 6: Site Allocation for Housing (3) page 4, Land to the West of Cromwell lane includes the **"3 additional plots totalling 0.5 Ha to the front of Cromwell lane"** The inclusion of all four sites in a common discussion document is misleading and gives rise to confusion. It is important that we differentiate between the 240 houses of the Heyford's development and the 3 plots totalling 10 houses put forward by Johnson Bros. Builders, which are part of an infill application. The latter is acceptable under the **exceptional circumstances** rule of para 89 of the NPPF as **limited infilling in villages**.

The Heyfords site of 240 houses wipes out the Coventry Green belt in its entirety at the narrowest and most sensitive part of the Western edge of the city and redefines the boundary. As such it infringes every guideline of the NPPF item 9 -Protecting the Green Belt and as such **is NOT legally compliant**.

2. Table 4.2 It is absurd to state that ***the creation of a woodland-screen*** which restricts the views over the Ancient Arden Countryside and the infilling of the entire Green Belt with 240 houses surrounding Westwood Farm, can be said ***to enhance the settings of Westwood farm and other listed buildings.***

3.4 The statement that ***"other than having regard to the existing green belt policy designation"*** with no further comment to explain this statement, cynically repudiates the purpose and permanence of Green belt and the NPPF guidelines. What is the purpose of this comment?

To further state that ***"it is therefore immediately available for development"*** is again a statement without purpose, substance or foundation.

3.11 - 3.12 To state that ***"in response to the previous Inspectors concern on the Meriden Gap"*** is initially inaccurate, as the previous Inspector reviewed and rejected the 2012 CCS and it is assumed that this comment refers to Nigel Payne's directive to delete this site (then site 32) from the 2008 plan. The statement continues ***"it is agreed that ..."*** and to then introduce irrelevant topics that the Inspector never considered, is an effort to attach some authority from Mr. Payne's report. This is deceitful and impugns the decision making process and logic that he applied. Mr. Payne's report summarised in paragraphs 3.299 - 3.304 was accurate and solely based on the concept of the permanence of the Green belt and the application of the five purposes of Green Belt to

.check the unrestricted sprawl of large urban areas.

.to assist in safeguarding the countryside from encroachment and

.to prevent neighbouring towns from merging into one another.

The statement that there would be ***"no encroachment further West than the existing urban edge of Coventry"*** and that ***"the role of the Meriden gap will be maintained"*** is an outrageous claim, and patently untrue. This development proposes to redefine the boundary of the Green Belt and ***absolutely*** encroaches into the Meriden Gap, as evidenced by Mr. Payne's comment in para.3.300 ***"Development of this land would clearly amount to urban sprawl, encroachment of the open countryside and reduction of the Meriden Gap"***.

Para 3.11 - 3.12 of the SoCG can hardly be credited with ***"responding to his (Mr. Payne's) concerns"*** when they do not address the key material planning issues and in so doing call into question the decision making process.

3.14 The comment that ***"agreement that the site does not contribute to the separation distance between Balsall Common and Burton Green at their narrowest gap (1.6 KM)"*** misses the point entirely, as the concern is the merging of the south west corner of the land to the west of Cromwell lanes site with Balsall Common as noted by Mr. Payne para 3.299, and particularly the 0.5 mile separation to the ribbon development from Balsall Common to the cross roads at Waste Lane and Hodgetts lane. This has recently become more severe with the proposal by Solihull to develop Balsall Common Eastwards towards this crossroads.

3.32 To state that the site conforms to para 47 of the NPPF is again a total reversal of the evidence and has no factual foundation. This relates to item 6 page 12 of the NPPF to ***"boost significantly the supply of housing"***.

Firstly, less than 1% of the SHMA is ***insignificant***, not significant.

Secondly, there is a caveat that states ***"as far as it is consistent with the policy set out in this framework"***. This site infringes or disregards every guidance note of this framework with regard to the base concept of ***"permanence of the Green Belt and the five purposes of Green Belt"*** and as such IS NOT LEGALLY COMPLIANT.

3.33 The statement that ***there are no constraints to the sites delivery*** is outrageous. What about breaking every NPPF guideline?

4.1 Conclusions - We again have the statement ***"that other than the current Green Belt policy designation there are no impediments to its immediate delivery"***

This totally and cynically disregards the whole purpose of NPPF item 9 - Protecting the Green Belt ..and preserving the permanence of the Green Belt and as such this makes the application **NOT LEGALLY COMPLIANT**.

OTHER MATTERS.

#### **2012 core strategy**

The 2012 CCS defined land to the west of Cromwell Lane as "***..the site comprises an essential buffer between Coventry, Birmingham and Solihull. It is not considered a suitable site for residential development.***"

Nigel Payne's 2010 report on the 2008 CCS also confirmed that this site must not be developed.

***We contend that nothing has changed and the site should be taken out of the 2016 plan.***

The 2012 plan was the John Mutton "No Green Belt , No Green fields Plan" and was strongly opposed by developers. It was deemed that the plan had ***"failed to properly consult with its Neighbours"*** in accordance with the then new 2012 NPPF guidelines, and as such was declared NOT LEGALLY COMPLIANT, and the contents were never discussed.

This must set a precedence that failure to follow the NPPF guidelines will result in an Application also being declared as Not Legally compliant .

**THE APPLICATION TO DEVELOP LAND TO THE WEST OF CROMWELL LANE FAILS TO FOLLOW THE NPPF GUIDLINES AND MUST THEREFORE BE DECLARED AS NOT LEGALLY COMPLIANT AND DELETED FROM THE 2016 LOCAL PLAN**

Clive Birch

Paul McDonald

Cromwell Lane and Duggins Lane residents association

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