



### **Cabinet Member for Housing and Communities**

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**Time and Date**

2.00 pm on Tuesday, 21st September, 2021

**Place**

Diamond Rooms 1 and 2 - Council House

Please note that in line with current COVID regulations, there will be limited public access to the meeting to ensure social distancing. If you wish to attend in person, please contact the Governance Services Officers indicated at the end of the agenda

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**Public Business**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 8)
  - a) To agree the minutes of the meeting held on 9 July, 2021
  - b) Matters arising
4. **Response to Petition Regarding Building on Areas Identified as Green Belt and Urban Green Space** (Pages 9 - 14)

Report of the Director of Street Scene and Regulatory Services

To consider the above petition, bearing 117 signatures, which has been submitted by Councillor K Maton, a Henley Ward Councillor, who has been invited to the meeting for consideration of this item, together with the petition organiser
5. **Outstanding Issues**

There are no outstanding issues
6. **Any other item of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved**

**Private Business**

Nil

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Julie Newman, Director of Law and Governance, Council House Coventry

Monday, 13 September 2021

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Governance Services Officer

Membership: Councillor D Welsh (Cabinet Member)

By invitation: Councillors R Bailey and M Lapsa (Shadow Cabinet Members) and Councillor L Bigham, Chair of Communities and Neighbourhoods Scrutiny Board (4)

**Public Access**

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<https://www.coventry.gov.uk/publicAttendanceMeetings>

**Usha Patel**

**Governance Services Officer**

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**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Housing and Communities held at**  
**10.30 am on Friday, 9 July 2021**

Present:

Members: Councillor D Welsh (Chair)

Shadow Cabinet  
Members: Councillor R Bailey  
Councillor M Lapsa

Other Members: Councillor N Akhtar (Chair of Scrutiny Co-ordination  
Committee)  
Councillor L Bigham (Chair of Communities and  
Neighbourhoods Scrutiny Board (4))

Employees Present:

R Back, Planning and Regulation  
M Bajway, Law and Governance  
U Patel, Law and Governance  
A West, Law and Governance

## **Public Business**

### **6. Declarations of Interest**

There were no declarations of interest.

### **7. Minutes**

The minutes of the meeting held on 11 June 2021 were agreed as a true record. There were no matters arising.

### **8. Community Infrastructure Levy (CIL)**

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which reviewed the findings of the Community Infrastructure Levy (CIL) Viability Reports and concluded that there was insufficient viability to take forward a CIL Scheme in Coventry; and therefore proposed that no further work be undertaken on bringing forward a Scheme at this time.

CIL is a charge that can be made on development in addition to Section 106 developer contributions. All development would be potentially liable, with some limited exemptions, and the levy is calculated on a m2 basis, meaning all applicable developments contribute. Once collected the Levy could be spent on infrastructure projects anywhere in the city, and a portion would be given to a Parish Council if the development fell within their boundary.

In order to establish a Levy, Councils must first be able to demonstrate that there was sufficient value in development to the extent that the addition of a levy on top of all other costs would not render typical schemes unviable. Should the evidence demonstrate this, then a Charging Schedule could be drafted and be publicly

consulted upon, changes made and eventually culminating in an independent Examination in Public.

When considering the implementation of CIL, councils must also consider the consequences of the introduction of a new charge. Developments previously allocated or expected may not come forward as they were now less attractive to developers, and development patterns may change to avoid higher cost areas.

Once adopted, CIL would be a non-negotiable Levy that had to be paid upon commencement of a development, with prescribed phasing for larger payments. This inflexibility would mean that there was greater certainty of how much Levy each application would contribute. However, this also meant that should a scheme be experiencing viability issues then any appropriate renegotiation would focus on Section 106 provisions, such as education, highways or affordable housing contributions.

As part of the 2017 Local Development Scheme, extensive work was undertaken and Dixon Searl Partnership (DSP) were commissioned to produce a viability report. The 2017 Viability Report modelled viability in a range of scenarios, looking at costs and value in a variety of locations and with differing development typologies. The Report concluded that there was a viability difference between wards in the West and South compared to the North and East, and that development in the West and South had a greater scope for a Levy being applied. Based on the evidence gathered in 2017 a draft Charging Schedule was proposed.

The Report also concluded that the two Sustainable Urban Extensions (SUEs) brought forward by the Local Plan were unable to provide a Levy due to the on-site infrastructure burden required to bring forward the sites. They were therefore excluded from the draft Charging Schedule. It should be noted that this was quite common for SUEs to be excluded from Charging Schedules for this reason.

However, changes to the National Planning Policy Framework regarding the provision of affordable housing, as well as further work on the average values of Section 106 requests, necessitated an Addendum to the Viability Report to be commissioned from DSP. This was delivered to the Council in 2019. The Addendum reviewed the viability of residential development only and did not consider any other types of development that had been identified in the original report.

The 2019 Addendum found that changes since the 2017 Viability Report had rendered residential schemes less viable and that, where the median level of Section 106 was applied, there was now only one development type in the West/South that had sufficient scope for a Levy to be applied, and none in the East/North area. When modelled with the highest level of Section 106 being applied, this remaining typology was also rendered unviable for a Levy.

The 2017 Viability Report also considered other development types and concluded that there was sufficient value in large format retail and Purpose Built Student Accommodation (PBSA) for a charge to be applied to them in a draft Schedule. Given the current retail climate, officers no longer considered it prudent to apply a Levy to retail developments based on 2017 evidence.

The development of PBSA has continued at pace in the city centre, and current Covid-related occupation issues aside, the developments remained attractive to developers and occupiers alike. The 2019 Addendum did not reconsider the viability of such developments as the principle changes to the NPPF related to Affordable Housing, which PBSAs were not obliged to provide under government guidelines.

Whilst it could be assumed that there remained some residual viability in PBSA developments, probably reduced from 2017 levels due to increasing build costs, we must also consider the possible consequences of such a charge. Every student residing in purpose built accommodation was one less student in a House in Multiple Occupancy (HMO), thereby easing the pressure on the conversion of existing housing stock to HMOs or even allowing for the conversion of HMOs back to family housing. By adding a levy to PBSA we would increase the likelihood of such development not coming forward, and those wider benefits not being felt by residents across the city.

Based on the evidence, it was not considered practical to pursue the introduction of a Levy on residential development in the City due to the lack of sufficient viability to bring forward a comprehensive regime. This had been rendered even more critical given the current pandemic and material shortages, which have slowed development across the country.

Where value had been identified in the 2017 Viability Report for other development types, only PBSA remained a potentially viable opportunity. However, as outlined above, officers did not believe the potential benefits outweighed the potential risks.

It was therefore concluded that the evidence showed that there was insufficient scope to bring forward a draft Charging Schedule and that the investigation into CIL should draw to a close.

Finally, it should be noted that it is the government's current intention to abolish CIL, and Section 106, and replace them with a new mechanism, as yet undefined. This intention was outlined in the "Planning for the Future" White Paper consulted upon at the end of 2020 and was confirmed as part of a Planning Bill in the Queen's Speech at the state opening of Parliament in May 2021.

Some members present at the meeting expressed their disappointment at the missed opportunities for not having implemented CIL and the associated income potential. However, it had to be noted that the CIL brought its own challenges and implications as other local authorities who had implemented it were now experiencing.

Currently work was underway to ensure policies and strategies were robust to secure and utilise Section 106 money to mitigate the impact of a development.

In accordance with the Constitution, Councillor N Akhtar, Chair of the Scrutiny Coordination Committee attended the meeting for the consideration of this item to agree the need for urgency so that call-in arrangements would not apply. The reason for urgency was that a formal decision on this was needed prior to the Local Development Scheme report due to be considered by Cabinet on 13 July

2021. However, the Cabinet Member having considered the detailed report, and having noted the discussions at the meeting, considered that there was insufficient justification to stop the call-in process run its course, therefore, the decision would be open to the call-in process as normal.

**RESOVED that the Cabinet Member for Housing and Communities:**

- 1. Notes the work of the Community Infrastructure Levy (CIL) working Group and the findings of the CIL Viability Reports.**
- 2. Concludes the work on investigating implementing CIL in Coventry as there is insufficient scope to introduce a charging scheme.**

**9. Response to Nuneaton and Bedworth Borough Council (NBBC) Public Consultation**

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which proposed a response to the Issues and Options consultation currently being undertaken by Nuneaton and Bedworth Borough Council.

Nuneaton and Bedworth Borough Council (NBBC) adopted their current Local Plan in June 2019 and had recently triggered a Local Plan review. The first stage of the Review is an Issues and Options public consultation, which was launched on 11 June 2021 and would close 6 August 2021. The consultation document was attached as Appendix 1 to the report.

Coventry and Nuneaton & Bedworth are part of the same Housing Market Area (HMA) along with Stratford Rugby, Warwick and North Warwickshire, and as such both authorities had a Duty to Cooperate. Evidence of cooperative working was a key part of the Local Plan process and therefore it would be appropriate for Coventry City Council to respond to this consultation.

As part of the Duty to Cooperate, a Memorandum of Understanding (MoU) was agreed between all authorities in the Housing Market Area to apportion the un-met Housing Need of Coventry, and this was taken into account in the drafting and examination of all Local Plans in the housing Market Area, including the current NBBC Local Plan.

Paragraph 7.8 of the NBBC Issues and Options consultation, stated that NBBC would be *“withdrawing from the current memorandum of understanding (and will seek to negotiate an appropriate arrangement with sub-regional partners”*.

Given that the MoU was an integral part of meeting the sub-region’s Housing Need, it was important that the Council responded to this intention formally through the consultation process. A draft response was attached as Appendix II to the report. It was noted that there was a typo in the draft response and that the word “proscribes” would be amended to “prescribes” before the consultation response is finalised and submitted.

Members noted that, although disappointed with NBBC's decision to withdraw from the MoU, Coventry City Council would remain committed to working closely, proactively and constructively with all neighbouring authorities.

Members discussed the impact that major developments taking place in NBBC had on the infrastructure within Coventry, especially those close to the neighbouring borders to the north of the City and particularly in terms of highways and air quality. Although such matters were not covered within the NBBC consultation, Members requested that this be included within the response to ensure that NBBC continue to work closely and collaboratively with Coventry to achieve the best outcome for both authorities and their residents.

**RESOLVED that, the Cabinet Member for Housing and Communities approves the submission of the proposed response as attached at Appendix II of the report subject to the addition of the request made by Members to ensure that Nuneaton and Bedworth Borough Council continue to work closely and engage with Coventry Council in relation to any major development proposals close to neighbouring borders to ensure that appropriate consideration has been given to the impact on services and infrastructure within Coventry boundaries.**

10. **Outstanding Issues**

There were no outstanding issues.

11. **Any other item of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved**

There were no other items of public business.

(Meeting closed at 11.25 am)

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Cabinet Member for Housing and Communities

21 September 2021

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor D Welsh

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory Services

**Ward(s) affected:**

All

**Title:**

Response to petition regarding building on areas identified as green belt and urban green space

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**Is this a key decision?**

No.

Although the matters within the report affect all wards in the city, it is not anticipated that the impact will be significant

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**Executive Summary:**

This report provides a formal response to a petition submitted on 28 May 2021 sponsored by Councillor K. Maton, bearing 117 combined signatures.

This report has considered the petition and recommends that the Cabinet Member reiterates the position as set out in the Local Plan.

**Recommendations:**

The Cabinet Member is requested to consider the petition and reiterate the position set out in Local Plan Policy GB1.

**List of Appendices included:**

None.

**Background papers:**

None.

**Other useful documents:**

None.

**Has it been or will it be considered by Scrutiny?**

No.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.

**Report title: Petition regarding building on areas identified as green belt and urban green space**

**1. Context (or background)**

1.1 This report provides a formal response to a petition submitted on 28 May 2021 and sponsored by Councillor K. Maton, bearing 117 signatures. The petition reads:

We the undersigned petition the Council to reiterate its policy that no housing should be allowed on identified green belt or urban green space areas. Further, that the council increases efforts to ensure that new housing areas contain high levels of quality accessible landscaped space and developers are encouraged to provide such landscaped areas and gardens as part of their housing developments

1.2 The petition provides a justification as follows:

The council has both a policy of “brownfield first” and a policy of the protection of green belt and urban green spaces. In the recent planning application by the council for Elm Fields Farm it includes houses on land that was identifies as urban green space in the Coventry Local Plan and the previously approved planning application. We are alarmed that the council could be setting a dangerous precedent for future planning applications by this application.

1.3 It is taken that the urban green space referenced in the petition and the land designation Local Green Space are synonymous. The Council’s position on development in green belt and Local Green Space are expressed in Policy GB1 of the Local Plan, specifically;

2A: Inappropriate development will not be permitted in the Coventry Green Belt unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the relevant national planning policy.

and

2B: Within areas designated as Local Green Space, the erection of small buildings and structures which are ancillary to the primary use of the land may be acceptable. Other development will not be permitted unless very special circumstances are demonstrated.

1.4 The Council remains committed to the above policy, which also conforms with national policy.

1.5 The Council also remains committed to delivering high quality residential environments through the use of Plan policies and constructive negotiation with developers. To further aid this the Council will soon be publicly consulting on a Green Space Supplementary Planning Document (SPD) that will further articulate developer requirement and help deliver on-site provision of a variety of open space typologies.

1.6 It would not be appropriate to comment on specific planning applications, however, it should be noted that green belt and Local Green Space are specific land designations. These are easily viewed via the interactive Policies map on the City Council website, and compared with planning applications.

1.7 Finally, it is important to note that each planning application must be determined on its own individual merits. Therefore, any decision on a specific application should not be considered to be a precedent.

## **2. Options considered and recommended proposal**

2.1 The Cabinet Member could choose to agree with the petition in its entirety. However, there is a difference between the position set out in the petition and that set out in the Local Plan (and in the National Planning Policy Framework). This option is not recommended as it would be inappropriate to try to vary the Local Plan via any other process than that set out in statute and would be unenforceable.

2.2 The Cabinet Member is recommended to reiterate the position set out in Local Plan Policy GB1. This Policy makes clear that inappropriate development in both green belt and Local Green Space areas will be resisted unless very special circumstances can be demonstrated.

## **3 Results of consultation undertaken**

3.1 No consultation has been undertaken as part of this report.

## **4 Timetable for implementing this decision**

4.1 There is no timetable for implementing this decision as no actions are recommended beyond noting the report.

## **5 Comments from the Director of Finance and the Director of Law and Governance**

### **5.1 Financial implications**

There are no financial implications associated with this report.

### **5.2 Legal implications**

There are no legal implications associated with this report.

## **6 Other implications**

### **6.1 How will this contribute to achievement of the Council's Plan?**

This report itself does not respond to any of the council key priorities or objectives within the One Coventry Corporate Plan.

### **6.2 How is risk being managed?**

There are no risks associated with this report

### **6.3 What is the impact on the organisation?**

No direct impact.

#### 6.4 Equalities / EIA

A full Equality and Impact Assessment (ECA) was undertaken as part of developing the Local Plan. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010).

#### 6.5 Implications for (or impact on) climate change and the environment

There are no implications identified.

#### 6.6 Implications for partner organisations?

There are no implications identified.

#### Report author:

##### Name and job title:

David Butler

Head of Planning Policy & Environment

#### Service

Streetscene and Regulatory Services

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Enquiries should be directed to the above person.

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Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
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Andrew Walster	Director of Street Scene and Regulatory Services	-	01/09/21	03/09/21
Councillor D Welsh	Cabinet Member for Housing and Communities	-	06/09/21	08/09/21