

Appendix 1: Examiners Report

Willenhall Neighbourhood Plan 2016-2031

**A report to Coventry City Council on the Willenhall
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Coventry City Council in September 2017 to carry out the independent examination of the Willenhall Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 18 September 2017.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on promoting new housing development and safeguarding open spaces. At its heart is a policy that supports the development of a Willenhall Community Hub. It is a very well-designed Plan that focuses on issues that have the ability to contribute significantly to urban regeneration and sustainable development.
- 4 The Plan has been underpinned by community support and engagement. The community has been actively engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Willenhall Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
8 January 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Willenhall Neighbourhood Development Plan 2016-2031 (the Plan).
- 1.2 The Plan has been submitted to Coventry City Council (CCC) by the Willenhall Neighbourhood Planning Group in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CCC, with the consent of the Neighbourhood Planning Group, to conduct the examination of the Plan and to prepare this report. I am independent of both the CCC and the Planning Group. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations CCC carried out a screening assessment. The conclusion of the draft screening report was that there were no significant environmental effects as a result of the production of the

Plan. This conclusion was drawn on the basis that the submitted Plan is unlikely to have any significant effects outside the defined neighbourhood area and that the Plan does not have any further environmental effects beyond those already assessed as part of the Local Plan process.

- 2.7 The required consultation was carried out with the three prescribed bodies. The consultation letters received from Historic England and Natural England are included in the screening report.
- 2.8 CCC has also prepared a Habitats Regulations Assessment (HRA) screening report on the Plan. It concluded that the Plan was not likely to have any significant effect on a European site.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various Regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the CCC Screening report
- the representations made to the Plan.
- the Coventry Development Plan
- the emerging Coventry Local Plan 2011-2031
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).

3.2 I carried out an unaccompanied visit to the Plan area on 18 September 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CCC of this decision early in the examination process.

4 Consultation

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Planning Group has prepared a Consultation Statement. The Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from November 2016 to January 2017 (its Appendix 7).
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the Plan area.

Consultation Processes

- 4.4 Section 3 and 4 of the Statement are particularly informative. They set out key events and engagement processes that contributed to the development of the Plan. They highlight the following key matters:
- the Appreciative Inquiry event (2015)
 - the circulation of a working draft of the Plan to key groups and local bodies
 - the distribution of information about the pre-consultation draft plan in *Willenhall Focus*
 - the summary of the Plan in a leaflet form and its distribution in the plan area
 - the use of posters and displays
 - the arrangement of stalls at other community events.
- 4.5 The appendices to the Statement are commendably thorough. They helpfully reproduce the various documents and consultation methods addressed in the Statement itself. This gives depth and context to the Statement.
- 4.6 The thoroughness of the consultation process has resulted in a Plan that has attracted a limited number of representations at the submission phase (see 4.8 below). The Plan has received general support from the various statutory bodies.
- 4.7 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. CCC has carried out its own assessment of this matter and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the City Council for a six-week period that ended on 18 September 2017. This exercise generated comments from the following persons and organisations:

- Kentucky Fried Chicken (Great Britain) Limited
- The Coal Authority
- West Midlands Police
- Historic England
- National Grid
- Severn Trent Water
- Natural England

4.9 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation in this report.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area is located in the south-eastern part of Coventry around two miles from the City Centre. In 2011 it had a population of 7910 with an average household size of 2.2 persons. It was designated as a neighbourhood area on 17 October 2013.
- 5.2 The Plan area is bounded by London Road (B4110) to the south-west, by Allard Way (A4082) to the north-west, by the railway line to the north, and by the Coventry Eastern bypass to the south-east. As the Plan comments Willenhall was originally a small village that was absorbed into Coventry as the City expanded. It became a substantial housing estate shortly after 1945 with the construction of over 1000 local authority rented houses. Willenhall pioneered the Radburn style layout of houses in Coventry. This resulted in the Willenhall Wood estate winning several awards at that time.
- 5.3 The majority of built development in the Plan area is residential in nature. This reflects the significant post 1945 expansion of Willenhall. There are however substantial green spaces on the periphery of the estate (Sowe Valley to the west and Willenhall Wood to the east). The Plan area is deprived with high levels of poverty, unemployment and poor health. Nevertheless, there is a very strong community spirit that is supported by a network of voluntary and public-sector organisations. This is reflected in the way in which the Plan has been produced and the inclusion of its flagship proposal for a new community hub.

Development Plan Context

- 5.4 The Coventry Development Plan was adopted in December 2001. It sets out the basis for future development in Coventry up to 2011. Its policies were saved in 2007 and 2009.
- 5.5 The Basic Conditions Statement has helpfully set out the most important policies in the Development Plan in terms of their relationship to the Willenhall neighbourhood area. Particularly significant policies include Policy OS 3 and Policy S5. The former identifies Willenhall as one of a series of identified Priority Areas within which Local Area Regeneration Initiatives will be implemented. The various initiatives are expected to address the economic, cultural and recreational needs of the local community. The latter identifies Willenhall as a Local Centre in the retail hierarchy. These local centres are expected to meet the day-to-day convenience shopping needs of the local community. It is also anticipated that they will be the focus for social, community and leisure uses.
- 5.6 Policy AM 7 promotes the development of new rail services. Willenhall is specifically identified in the policy.
- 5.7 The emerging local plan (the Coventry Local Plan 2011-31) is now well-advanced. It addresses a connected series of issues including the strategic delivery of housing and

the release of Green Belt land. It was submitted for examination in April 2016 and hearing sessions took place between July 2016 and January 2017. The City Council then proposed Main Modifications and the consultation period on this stage of the Plan ended in April 2017.

- 5.8 It is clear that the submitted Plan has been prepared within the context of this strong and robust local planning policy. In doing so it has relied on up-to-date information and research that has underpinned the emerging Local Plan. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 18 September 2017.
- 5.10 I drove into the Plan area from the A45 and the London Road. In doing so I was able to see how it sits within the wider City. I also experienced its impressive connections to the strategic highway network.
- 5.11 I looked at the Hagard Centre which is the site of the proposed community hub. I saw its central location within the Plan area and its relationship to the Local Centre.
- 5.12 I then looked at the Local Centre and saw the various shops and other commercial and community facilities. It is clearly the very heart of the community.
- 5.13 I then took the opportunity to look at the proposed local green space (known as the Village Green). It was clearly well-used as a focal point and an area in which to sit. I saw that its formal paths had been supplemented by a series of other more informal routes.
- 5.14 I walked down Robin Hood Road into Chace Avenue. I saw the Willenhall Education Employment and Training Centre, the St Anne's Primary School and the Police Station. I also saw the range of potential housing windfall sites as shown on Proposals Map 2.
- 5.15 I took the opportunity to drive more generally around Willenhall so that I could see the open spaces in the north west and south east of the Plan area.
- 5.16 I finished my visit by driving to Tarquin Close to see the relationship of the railway line to the Plan area. I found the network of footpaths under the railway line to Langbank Avenue to the north.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Willenhall Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Coventry Development Plan.
 - promoting the vitality of our main urban areas.
 - Proactively driving and supporting sustainable economic development.
 - Always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.
 - Reusing land that has been previously developed provided that it is not of high environmental value.
 - Taking account of and supporting local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the

plan area within the context of its character and location. At its heart are a suite of policies that aim to bring about sustainable growth and regeneration. In particular it includes a policy to support the development of a Community Hub. Other policies in the Plan set out to safeguard important parcels of open space within its otherwise built up environment. Table 1 of the Basic Conditions Statement is particularly effective in terms of mapping the Plan policies with the appropriate paragraphs and the core planning principles in the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension, the Plan includes policies for the development of new housing development and for infill residential development (Policy 1). It also includes an ambitious policy to open a new railway station on the Rugby to Coventry railway line (Policy 9). In the social role, it includes policies on the local centre (Policy 4), and to promote a community hub (Policy 5). In the environmental dimension, the Plan positively seeks to designate an area of local green space (Policy 10) and to safeguard other green areas (Policy 11).

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider CCC area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the Coventry Development Plan. Table 3 of the Basic Conditions Statement helpfully relate the Plan's policies to policies in this saved Plan. Table 4 does likewise in relation to the emerging Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Planning Group have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. In certain areas where this objective has not been secured I recommend appropriate modifications.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-6)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.
- 7.9 The Introduction provides a very concise context to the neighbourhood planning process. It also provides helpful commentary on Willenhall and the Community Forum. It then sets out the background to the preparation of the Plan. It appropriately identifies the Plan area in Diagram 1 and the Plan period (2016-2031).
- 7.10 Section 2 sets out the planning policy context to the Plan area. It helpfully sets out both national and local planning policies.
- 7.11 Section 3 provides a profile of Willenhall. It is very skilfully done. It provides sufficient detail to give a context to the various policies in the Plan. It is helpfully illustrated by several interesting and relevant photographs. The old postcard image of Remembrance Road is particularly evocative.

- 7.12 Section 4 describes the community engagement that has been associated with the Plan. It overlaps with the Consultation Statement. Its authenticity was very clear on my visit to the Plan area as I saw that the banner shown outside the entrance to the Training Centre in the photograph on page 21 of the Plan was still in place.
- 7.13 Section 5 sets out key issues for consideration in the Plan. Section 6 then provides a Vision for the Plan together with seven objectives. The objectives are then delivered through the policies and proposals outlined in Section 7 of the Plan.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 – Scale and Distribution of Housing Development

- 7.15 This policy addresses the first of the Plan's objectives which is to provide a mix of house types and tenures to meet local housing need. It helpfully describes the housing requirements for Coventry set out in its emerging Local Plan. Within this context there is no specified housing requirement for the neighbourhood area
- 7.16 The submitted Plan takes account of the site allocated for residential development in Willenhall in the emerging Local Plan (London Road/Allard Way). Table 2 sets out how this site together with existing commitments would deliver the majority of new residential development in the Plan period.
- 7.17 The Planning Group had commissioned AECOM to undertake a Housing Needs Assessment for the Plan area. This study has advised on key trends in local housing demand. Paragraphs 7.9 to 7.13 of the Plan provide information on unconstrained housing need and the range of proposals which already have planning permission.
- 7.17 I sought clarification from the Planning Group about its calculations in Table 2 and the way in which it was proposing to take account of the availability of three brownfield sites once the proposed community hub was constructed and available for use. This matter is addressed more fully in relation to Policy 5 in this report (paragraphs 7.27 to 7.30). The information provided feeds into the recommended modifications below.
- 7.18 In particular I recommend that references in the Plan to the appropriateness of the Extended Learning Centre (site A), the Willenhall Education, Employment and Training Centre (site B) and the Children and Social Care Offices (site C) should be captured in this policy rather than in Policy 5 as in the submitted Plan. Their effect would be to deliver new houses in the event that the sites became vacant following the transfer of their existing uses into the Community Hub. Plainly their delivery for housing purposes would both boost significantly the supply of housing in the Plan area and contribute towards meeting the strategic housing target for the wider Coventry City area.

Introduce a third part of the policy to read:

The residential development of the following sites as shown on Proposals Map 2 will be supported:

- The former Chase Extended Learning Centre in Robin Hood Road
- The Willenhall Education, Employment and Training Centre in Robin Hood Road; and
- The Children and Social Care offices in Stretton Avenue

In each case the development concerned should be designed in a way which would not cause unacceptable harm to the amenities of adjacent residential properties. In addition, in each case the sites will only be released for residential purposes once their existing uses have been transferred into the new Community Hub as proposed in Policy 5 of this Plan.

In Table 2 insert after WEETC site:

'Estimated redevelopment of the Children and Social Care Offices, Stretton Avenue 10'

Modify 626 to 636 and 674 to 664.

In Proposals Map 2 modify the information to read:

A: Former Chase Extended Learning Centre, Robin Hood Road (53 dwellings)

B: at the end add 'Robin Hood Road (25 dwellings)

C: at the end add 'Stretton Avenue (10 dwellings)

In paragraph 7.18 insert 'and the Children and Social Care office in Stretton Avenue' after the reference to the WEETC in Robin Hood Road.

Policy 2 – Mix of Housing

- 7.19 This policy provides detail on the types and sizes of houses that should be included within the residential developments that will come forward in the context of Policy 1. It addresses the split between market and social housing and between the different size of houses.
- 7.20 The policy is underpinned by a Housing Needs Assessment undertaken by AECOM. It provides a local dimension to policy H4 of the emerging Local Plan. It meets the basic conditions.

Policy 3 – Design of New Development

- 7.21 This policy sets out design standards for new development in the Plan area. Its supporting text at 7.30 to 7.46 is exemplary in the way that it describes the very distinctive features and issues in Willenhall which the policy intends to address. In summary they include the importance of connecting places and new developments, car parking, designing out crime and environmental measures. These matters translate directly into the policy.
- 7.22 One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has

regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60). As such the policy meets the basic conditions.

Policy 4 – Willenhall Local Centre

- 7.23 This policy addresses the Willenhall Local Centre. As I mentioned in Section 5 of this report the Local Centre is at the very heart of the local community.
- 7.24 The policy has three component parts. The first seeks to resist the change of use of shops to other uses. The second offers support for the establishment of new shops or extensions to existing shops. The third part of the policy offers support for other development that would support the vitality and viability of the Local Centre.
- 7.25 The overall approach in the Plan to sustaining and enhancing the Local Centre is entirely consistent with national and local planning policies. In this case the policy recognises that the Local Centre is an important social and economic asset.
- 7.26 Within this supportive context I recommend two modifications to the policy. The first would apply both to its first and second parts. It reflects the recent changes that have been made to national permitted development rights that affect retail and other facilities normally found in town and local centre. The effect of these changes is that some of the developments anticipated in the policy may not need planning permission. The second is the deletion of the second criterion of the first part of the policy. Its approach that any non-retail use should have a ‘tangible community benefit’ is understandable. However, it would be incapable of being applied on a consistent basis by CCC throughout the Plan period. On this basis it would not have the clarity required by the NPPF.

At the start of both the first and second parts of the policy insert ‘Insofar as planning permission is required’

In the first part of the policy delete the second criterion (b) and make the necessary changes to the remainder of the policy so that ‘the unit... secured’ flows immediately on from ‘demonstrated that...’

Policy 5 – Willenhall Community Hub

- 7.27 This policy is the cornerstone of the submitted Plan. It supports the development of a community hub on the site of the existing Hagard Community Space in Remembrance Road. Its ambition is to deliver a new building that would incorporate a range of integrated community services delivered both by statutory bodies and the voluntary sector. The context is comprehensively set out in paragraphs 7.57 to 7.67 of the Plan. The proposal will also deliver the aims of CCC’s Connecting Communities Programme.

- 7.28 The emerging proposal is an exciting and ambitious project. It will consolidate and improve the delivery of local services to local residents. It will also introduce a modern building to replace the existing building which is now beginning to look rather tired.
- 7.29 The policy has two related parts. The first is in relation to the community hub itself. The second part proposes the redevelopment of three sites that would become surplus to requirements once the new community hub was opened. I raised this matter with the Planning Group in my Clarification Note. All parties agree that the potential redevelopment of these three sites should be addressed in earlier policies in the Plan rather than within this policy. The sites are addressed in further detail in paragraphs 7.17 to 7.18 of this report. On this basis I recommend the deletion of the second part of the policy.
- 7.30 I also recommend a modification to the main part of the policy. As submitted it is a statement of fact rather than a policy in commenting that ‘a community hub will be built’. I recommend that it takes on a policy-based approach. I also recommend that the supporting text at 7.62 is modified so that it takes account of the Chief Constable’s positive approach for the West Midlands Constabulary to have a presence in the proposed Community Hub.

Replace the first part of the policy to read:

A proposal for a community hub on the site of the Hagar Community Space in Remembrance Road will be supported subject to the following criteria:

- **it incorporates a range of integrated community services delivered by statutory bodies and the voluntary sector; and**
- **it is of an appropriate design to its setting and location.**

Delete the second part of the policy

At the end of paragraph 7.62 add:

‘The Community Hub also offers the opportunity for the West Midlands Constabulary to have a presence with other statutory and voluntary agencies providing co-ordinated services to the local community.’

Policy 6 – Education

- 7.31 This policy reflects the community’s concerns about the local primary school having no additional capacity and the associated pressure for places. The policy comments that residential development will be supported if it creates additional primary school provision or it secures the improvement of existing facilities.
- 7.32 I sought clarification from the Planning Group and CCC on the potential operation of this policy in general, and how it accords with CCC standards on this important matter. CCC helpfully provided me a link to its standards. On this basis I recommend that the policy is recast so that it refers to these standards. I also recommend associated modifications to the supporting text. In combination they will provide the clarity required by the NPPF.

Replace the policy with the following:

Proposals for new residential development will be supported where they make appropriate contributions towards the creation of new primary school provision or towards the improvement of existing primary school facilities in the neighbourhood area in accordance with the standards operated by Coventry City Council at the time of the determination of the relevant planning application.

Add the following to the end of paragraph 7.79:

Policy 6 requires that applications for new residential development in the Plan area make appropriate contributions to primary school places or associated improvements to City Council published standards.

Policy 7- Health and Well-being

- 7.33 This policy addresses health and well-being matters. It reflects specific issues in the Plan area. These matters were also raised as part of the consultation process. The policy also takes account of broader initiatives – Coventry is one of seven cities in the UK to become a Marmot City by working to improve the health of all residents and to reduce health inequalities.
- 7.34 The policy is well-structured and addresses a series of issues which proposals for development should have regard. I recommend that criterion e (that relates to limiting the number of takeaways) should be deleted. In the first instance the Plan does not offer any evidence that takeaways are inherently unhealthy and would conflict with the wider ambitions of the policy. In the second instance it offers no guidance on the number of takeaways that would be acceptable in the Plan area.

Delete criterion e

Policy 8 – Transport

- 7.35 This policy addresses transportation issues in the Plan area. It offers support for improvements to the highway network where they would provide for a series of improvements to a series of initiatives
- 7.36 I am satisfied that the elements of the policy which relate to improved links for walking, cycling and bus provision (b) and safer routes to school (d) are land use based. The other two elements are traffic management issues rather than land use issues. National policy anticipates that proposals of this nature may arise as part of the preparation of a neighbourhood plan. However, it comments that such policies should be located in a discrete part of the Plan and which would not form part of the development plan. Plainly these circumstances apply here and I recommend accordingly.
- 7.37 I also recommend a modification to the opening part of the policy so that it deletes any reference to traffic management and that it refers only to the Plan area.

Replace the opening part of the policy with the following:

Proposals that would result in the development of the following facilities, including associated improvements to the highways network in the neighbourhood area, will be supported:

Delete criteria a) and c)

Reposition them into a policy into a separate non-land use part of the Plan

Policy 9 – Rail Station

- 7.38 This policy sets out support for the development of a local rail station on the line between Rugby and Coventry. It relates to wider transport initiatives and is grounded in the Development Plan. The policy has the ability to make a very positive contribution to the achievement of the economic and the social dimensions of sustainable development in the Plan area.
- 7.39 The policy identifies a series of criteria that any proposals would need to meet. They are entirely appropriate and locally-distinctive. The policy balances the desirability of having a station with the proximity of many residential properties to the railway line.
- 7.40 The policy meets the basic conditions.

Policy 10 – Willenhall Village Green

- 7.41 This policy designates the Willenhall Village Green as a Local Green Space (LGS). It reflects its position at the heart of the Local Centre.
- 7.42 LGSs are an important part of national policy. They are specifically referenced in paragraphs 76-78 of the NPPF. Paragraph 77 identifies three criteria which open spaces must satisfy to be designated as LGS. This assessment has been carried out in paragraph 7.111 of the submitted Plan. I am satisfied that the Village Green comfortably meets these three criteria. As I have described earlier in this report it is an attractive area in a busy urban setting. As paragraph 7.111 comments ‘it offers some tranquillity in an otherwise built-up area and provides for social interaction at the heart of the neighbourhood’.
- 7.43 The policy appropriately sets out the implications of LGS designation as set out in paragraphs 76 and 78 of the NPPF. I recommend a detailed modification to the wording of the policy so that it has the clarity required by the NPPF.

In part 2 of the policy replace ‘should not be permitted’ with ‘will not be supported’

Policy 11 – Important Open Spaces

- 7.44 This policy follows on from policy 10. It addresses other open spaces that do not meet the exacting standards to be designated as local green spaces but which nevertheless

are an essential part of the fabric of the neighbourhood area. The policy identifies five such areas. Their locations and contexts are thoroughly described in paragraphs 7.114 to 7.122 of the Plan.

- 7.45 The policy provides a basis against which any proposals for development on the identified Important Open Spaces would be assessed. They are entirely acceptable and helpfully dovetail into the emerging Local Plan. I recommend a modification to the second part of the policy so that its detailed wording has the clarity required by the NPPF.

In the second part of the policy replace ‘will be resisted’ with ‘will not be supported’

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Willenhall Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some technical modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Coventry City Council that subject to the incorporation of the modifications set out in this report that the Willenhall Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the City Council on 17 October 2013.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
8 January 2018