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20th January 2014

Dear Sir/Madam

Warwick Local Plan Village Housing Options and Settlement Boundaries Consultation: Formal Representation in respect of Land at Station Lane, Kingswood

We act on behalf of the Trustees of the F S Johnson 78NEL Settlement in respect of land at Station Lane, Kingswood. Representations have previously been submitted to the Revised Development Strategy, July 2013, to the Preferred Options consult, July 2012, and the site was advanced for consideration in the Strategic Land Availability Assessment (SHLAA). The site is identified in the SHLAA, as reference R111.

Part of the site advanced on behalf of our clients, adjacent to Station Lane, is identified in the 'Warwick Local Plan Village Housing Options and Settlement Boundaries' Kingswood settlement plan as Discounted Option site 9.

We welcome the opportunity to make representations on behalf of our client to the Warwick Local Plan Village Housing Options and Settlement Boundaries DPD consultation and set out our formal representations below accompanied by a completed Representations form, Landscape and Visual Assessment prepared by Barry Chinn Associates Ltd, January 2014, and Highway Statement prepared by Savoy Consulting, January 2014.



We understand that feedback from this consultation will be used to establish a finalised list of proposals for the villages to potentially be integrated into the final version of the Local Plan, the Submission Draft Local Plan or for in a supporting DPD.

We raise **OBJECTION** to the 'Warwick Local Plan Village Housing Options and Settlement Boundaries' DPD on the grounds that it is not 'sound' and it fails to meet the requirements of the National Planning Policy Framework (Framework) or fully meet the legal Duty to Cooperate.

It is apparent that the approach taken to housing land allocations preferred options within the document is not wholly consistent with the Framework which, amongst other matters, seeks to: provide certainty by planning for the long term; locate development in the most sustainable locations; protect the future viability of settlements; ensure a variety of housing is provided to meet identified needs; ensure a 5 year housing land supply is maintained; alter Green Belt boundaries in exceptional circumstances (such as required to meet housing need) to ensure they are capable of enduring beyond the Plan period; and ensure the legal Duty to Cooperate has been satisfied.

In summary, the DPD is not sound because it fails to -

- provide certainty over the long term;
- identify sufficient land within or adjacent to the Villages to meet the housing requirement over the plan period;
- include sufficient deliverable sites to respond to a 20% buffer in the 5 year housing land supply;
- fails to fully consider the implications on Warwick District of the potential housing land shortfall in the Housing Market Area as required under the Duty to Cooperate;
- offer developers sufficient deliverable housing land choices to ensure a rolling 5 year housing land supply is maintained;
- alter Green Belt boundaries to meet the identified growth requirement in line with the findings of the Settlement Hierarchy and the Local Plan Revised Development Strategy proposed policies;
- ensure that Green Belt boundaries are capable of enduring beyond the plan period through the identification of 'areas of development restraint' or 'safeguarded land' including in/adjacent to the most sustainable Villages;
- identify a quantum of housing land allocations appropriate to the scale and sustainability of settlements as evidenced by the Council's own research;
- provide sound, accurate evidence to justify discounting the site for housing development; and

- remove part of our client's sustainable and deliverable land from the Green Belt, include it within the Settlement Boundary and allocate it for residential development.

A more detailed assessment of issues of soundness and legal compliance raised above is set out below:

National Planning Policy Framework (Framework)

1. The Framework, published on 27th March 2012, sets out the government's planning policies for England and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is therefore vital that the policies and proposals contained within emerging Development Plans are consistent with the objectives and requirements of the Framework.
2. Paragraph 14 states that at the heart of the Framework is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.' Paragraph 15 requires policies in Local Plans 'to follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay'.
3. In Paragraph 7, the Framework recognises three dimensions to sustainable development; economic, social and environmental. In respect of the social role, the Framework sees the planning system as needing to perform the role of, 'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'. Part of the environmental role of planning is by 'contributing to protecting and enhancing our natural, built and historic environment...'
4. Paragraph 17, sets out 12 core planning principles, including that planning should ensure that, '...Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth...' and '...actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable...' as well as '...take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...'
5. Paragraph 30 goes on to state that 'in preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.'

6. Paragraph 47, Delivering a Wide Choice of High Quality Homes, requires local planning authorities to identify ‘...key sites which are critical to the delivery of the housing strategy over the plan period...’ and identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against the identified housing requirement with an additional buffer of 5% to provide a realistic prospect of achieving the planned supply and ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20%. It also requires that local planning authorities should identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and where possible, for years 11-15.
7. According to the footnotes in the Framework, to be considered deliverable, ‘sites should be available now, offer a sustainable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable...To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.’
8. Paragraph 48 states that local planning authorities may only make an allowance for windfall sites in the rolling 5 year housing land supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any windfall allowance ‘should not include residential gardens’ in the calculation.
9. Paragraph 50 requires local planning authorities to, amongst other things, deliver a wide choice of high quality homes, plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community such as older people, ensure that local demand is reflected in the tenure and range of housing, widen opportunities for home ownership and create sustainable, inclusive mixed communities.
10. Paragraph 49 states that, ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’
11. Paragraph 83 notes that ‘Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.’ Paragraphs 84 and 85 require, when reviewing Green Belt boundaries, that local planning authorities take account of the need to promote sustainable patterns of development. Where necessary, they should identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet the longer-term development needs stretching beyond the plan period. They should ‘satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period’
12. Section 7 of the Framework is entitled ‘Requiring Good design’ and it emphasises the great importance of the design of the built environment. It states, ‘Good design is a key aspect of sustainable development.. and should

contribute positively to making places better for people.’ Paragraph 58 requires policies to ensure development establishes, amongst other matters, a strong sense of place, optimises the potential of sites, responds to local character and history, and results in visually attractive architecture and appropriate landscaping.

13. Paragraph 182, Examining Local Plans, requires Local Plans to be ‘sound’ meaning that they must be: positively prepared; justified such that the ‘plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence’; effective; and consistent with national policy to enable the delivery of sustainable development.

Warwick District Housing Land Requirement

14. The Warwick Revised Development Strategy, June 2013, Policy RDS1 states that the Council is adopting an Interim Level of Growth of 12,300 homes between 2011 and 2029 pending the outcome of a Joint Strategic Housing Market Assessment (Joint SHMA) commissioned by Coventry City Council, Warwick District, Rugby Borough and Nuneaton and Bedworth Borough Councils and carried out by GL Hearn. This would equate to an average annual housing requirement of 683 net dwellings. The Joint SHMA report was published in November 2013 and the findings of the report are currently being considered by Warwick District.
15. The Joint SHMA is the most up-to-date evidence document on housing need. The Framework requires planning policies to be based upon recent objectively assessed need. The report concludes that for Warwick District the overall housing need per annum between 2011 to 2031 is a minimum provision of 660 units with the assessed need, using demographic and economic evidence, being 720 units.
16. If the SHMA annual figures are multiplied by 18 to cover the emerging Local Plan time frame, the housing need would be a minimum of 11880 and an assessed need of 12960 ie. there is a ‘need’ for 660 more houses than projected as the Interim Level of Growth figure. Whilst the Joint SHMA does not set housing targets, it demonstrates need and it is up to the local planning authorities to test their ability to meet the levels of housing need taking account of factors such as, the availability of land, development constraints and the capabilities of infrastructure. Where an authority is unable to meet its own housing need in full, it should work with other authorities to consider how these needs can be met under the legal Duty to Cooperate.
17. Negotiations are on-going and it is not yet known whether part of Warwick District’s housing need will be met in adjoining local authority areas or indeed whether they may be required to accommodate all their need plus a proportion of housing need arising from adjoining areas which cannot be accommodated in full within their boundaries. However, at this stage, it seems most likely that the figure of 12,300 new homes will rise by approximately 660 units to 12,960; there is certainly no case to be made for a reduction in numbers below the Interim figure.

Housing Allocations proposed in the 'Warwick Local Plan Village Housing Options and Settlement Boundaries' DPD

An Overview

18. The Revised Development Strategy Policy RDS4 sets out the broad locations proposed for development to meet the Interim Level of Growth. Of these broad locations, 1000 dwellings are proposed as village development (15.1% of the total housing requirement).
19. The Warwick District villages have been ranked in the Plan according to their sustainability and size with a hierarchy based on the 'Draft Settlement Hierarchy Report', May 2013. It is entirely appropriate and in accordance with national planning policy that the Revised Development Strategy directs the largest proportion of development to the larger, most sustainable settlements. Kingswood (Lapworth) settlement is classified as one of five Primary Villages where the largest numbers of housing growth in the villages would be appropriate.
20. RDS5 sets out specific sites which the Council propose as housing allocations as well as identifying the level of development necessary in the:

Primary Service Villages:- 100 to 150 dwellings in the five villages totalling approximately 600 net new dwellings; and

Secondary Service Villages: 70-90 dwellings in the five villages totalling approximately 400 net new dwellings.

In addition, the Revised Development Strategy makes policy provision for the creation of new village envelopes around small feeder villages and very small villages and hamlets to accommodate infill or small groups of dwellings which do not compromise the open character of the Green Belt.

21. Whilst in the 'Warwick Local Plan Village Housing Options and Settlement Boundaries' DPD Secondary Service Village preferred option sites are anticipated to accommodate approximately 360 dwellings, only 40 short of the level proposed in the Revised Development Strategy; the preferred options sites proposed in the larger, more sustainable Primary Service Villages, of which Kingswood (Lapworth) is one, are anticipated to deliver only 487 dwellings, 113 or almost 20% less than the figure required in the Revised Development Strategy.
22. In an effort to overcome this shortfall, the 'Warwick Local Plan Village Housing Options and Settlement Boundaries' DPD proposes identification of development sites in three of the smaller villages to accommodate 25 dwellings in Hatton Station, 20 dwellings in Shrewley Common and 5 dwellings in Hill Wooton. Finally the DPD proposes 20 dwellings on the more isolated previously developed site beyond the settlement boundary at the former Aylesbury House Hotel near Hockley Heath and 20 dwellings at Oak Lea, Finham, adjacent to the Finham suburb of Coventry.

23. The preferred site allocations in this current consultation document are therefore not fully in line with national policy, which requires development to be directed towards the most sustainable settlements, or the Revised Development Strategy, which sets out the proportion of growth anticipated in each village. The proposed allocation of development sites for 25 dwellings and 20 dwellings in the smallest villages of Hatton Station and Shrewley Common is contrary to the Framework and Revised Development Strategy.
24. The grand total which it is anticipated could be achieved in the 'Village Housing Options and Settlement Boundaries Consultation' including land adjacent to the Warwick District villages, plus the two sites adjacent to villages in Solihull MB area and Coventry City area is, 937 dwellings; 63 dwellings short of the 1000 dwellings proposed in the villages and required to meet the Interim Level of Growth figure.
25. As explained above, the Interim Level of Growth figure is expected to rise by up to 660 units over the plan period, if the same proportion of the total shortfall were to be provided in the villages (15.1%), sites for an additional 100 dwellings would need to be found in the villages ie. sites for a total of 163 dwellings including the Joint SHMA 'need' calculation.

Kingswood (Lapworth)

26. Kingswood (Lapworth) is identified as a Primary Service Village with a score in the 'Settlement Hierarchy Report', of 53, only 4 points short of the most sustainable village of Hampton Magna. This settlement score is derived from an assessment of a number of factors including: the size of the settlement in terms of usual resident population; the availability of services and facilities within the settlements; and the accessibility of services, facilities and employment opportunities including frequency and availability of public transport.
27. Given the evidenced sustainability of Kingswood (Lapworth) with its railway station, school, shops and local employment, we object strongly to the identification of preferred sites to accommodate only 62 rather than 100 to 150 units proposed in the Revised Development Strategy document. It is unsound for Kingswood (Lapworth) to have fewer proposed new dwellings than not only all the other Primary Service Villages, but also fewer than all except one of the Secondary Service Villages. The Framework requires development to be directed in the first instance, towards the most sustainable locations. It is unsound for the DPD not to allocate more land in Kingswood (Lapworth) when there are suitable sustainable options available; which we contend there are, such as part of our clients land at Station Lane where development would effectively be infill housing.
28. Our clients support the direction of development towards the most sustainable 'Primary Service Villages'. They believe that the scale of new development sites and growth should broadly reflect the relative sustainability of each settlement such that those which score highest in terms of sustainability should accommodate the largest amount of growth. They therefore object to the local planning authority limiting the identification of development sites in these larger villages.

29. We believe it is contrary to national planning advice and the Revised Development Strategy for housing sites to be allocated for 20 dwellings at Shrewley Common with a sustainability score of 26, at Hatton Station with a sustainability score of only 14 and for 5 dwellings to be allocated at Hill Wootton which has the lowest sustainability ranking of any of the thirty four settlements considered in the 'Settlement Hierarchy Report'. The sites at Hatton Station and Hill Wootton would also require an adjustment to the Green Belt boundary.
30. The outstanding housing need is an 'exceptional circumstance' to justify a review of Green Belt boundary at Kingswood (Lapworth) to facilitate release of deliverable housing sites. In addition, to accord with the requirements of the Framework, the local planning authority should, "where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period." The DPD does not make sufficient provision of proposed housing land allocations to meet: the Interim Level of Growth; the Joint SHMA additional need; any cross-boundary requirement under the Duty to Cooperate; or the requirement to identify 'safeguarded land' to meet longer-term development requirements.
31. The lack of sufficient land to satisfy the housing requirement, in the next five years and over the plan period, imposes an artificial constraint on growth and is contrary to the Government's growth initiative and their objective of stimulating the housing market to provide sufficient houses of the right type in the right places to meet need.

Five Year housing Land Supply

32. Under the terms of Framework paragraph 49, where a deliverable 5 year housing land supply cannot be demonstrated none of the housing supply policies are considered up-to-date, even where a Plan has been recently adopted. In these circumstances each housing planning application should be considered in terms of the Framework and the presumption in favour of sustainable development. In order to avoid 'planning by appeal' and protect planning policies and strategies over the plan period it is important for local planning authorities to ensure that a 5 year housing land supply is maintained at all times.
33. The 5 year housing land calculation must provide a 'buffer' under the terms of the Framework of, '...specific deliverable sites sufficient to provide five years worth of housing against the identified housing requirement with an additional buffer of 5% to provide a realistic prospect of achieving the planned supply and ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20%...' There is no definition of 'persistent under delivery' and this has largely been left for determination by the Inspectorate.
34. It is important to note that the Revised Development Strategy makes no reference to the need for a 'buffer' to be included in the five year supply

calculation. It is therefore reasonable to assume that, contrary to national guidance, the Council have not included a 'buffer' in their rolling annualised five year housing requirement figures.

35. Warwick Council have clearly based the current 'Village Housing Options and Settlement Boundaries Consultation' policies on the assumption that they do not have a record of persistent under delivery of housing. However, this is an assumption which evidence of their past housing delivery performance together with a recent interim decision by the Inspector for Staffordshire Moorlands would challenge.
36. The 'Five Year Housing Land Assessment 2013-2018' paper, published July 2013, concludes that the Council has a good track record in meeting the Warwickshire Structure Plan (1996-2011) and West Midlands Regional Spatial Strategy (2001-2021) housing requirement, early delivery of which resulted in introduction of a housing moratorium 2005 to 2009. Yet, according to the paper, during the post-moratorium years 2009 to 2012 only 422 dwelling were completed.
37. With build rates of 188, 97 and 137 net new dwellings built per annum since 2009, the Council have clearly fallen far short of both the historical annual housing targets and the more onerous and most up-to-date annual housing targets, as set out below, all of which exclude any 'buffer':
 - the Regional Spatial Strategy (2001-2021) annualised target of 395 dwellings;
 - the annual housing requirements proposed in the Regional Spatial Strategy Panel Phase 2 Revision report, published September 2009, of 11,000 net new dwellings over the period 2006 to 2026 which equates to an annualised target of 550 per annum. (Although RSSs have now been revoked, the Panel Report housing requirement calculations have frequently been accepted by Planning Inspectors at appeals across the country as the most up to date publically examined housing requirement evidence, in the absence of locally derived and tested figures);
 - the Revised Development Strategy Interim Growth annualised target over the period 2011 to 2029 of 683 dwellings; or
 - the Joint SHMA assessed need, using demographic and economic evidence, over the period 2011 to 2031, of 720 dwellings.
38. Warwick District therefore had a significant annual housing shortfall in delivery, following cessation of the housing moratorium at the end of 2009. This we believe is a 'persistent' annual under delivery when measured against the annual housing requirement. Once a 'persistent under delivery' has been proven, which we contend it has, the 5 year housing land requirement would rise by a 20% buffer rather than a 5% buffer.

39. In support of our contention is recent advice from a Development Plan Inspector. On 4th October 2013, the Inspector carrying out an Independent Examination of the Staffordshire Moorlands Core Strategy published 'Comments and Suggested Amendments to the Main Modifications' in which he made recommendations required to address issues of soundness. His rewording has been accepted by the Council in a letter dated 11th October 2013. In respect of the requirement for a housing buffer, he has recommended the following wording be introduced into the Core Strategy,

'... as a result of the significant underperformance in dwelling completions in years 2011 – 2012, the Council will ensure a supply of deliverable land for 1,320 dwellings to provide a 20% buffer supply, added to the 5 year requirement to 2016.'

40. It would therefore be reasonable to suggest that 'persistent' means at least two accounting years before the current one and 'under delivery' would be where fewer than the projected annual housing unit requirement are completed. Warwick have under delivered on their housing requirement for over two years and therefore we firmly believe that the emerging Local Plan is unsound without a 20% buffer in addition to the annual housing requirement for a rolling five year period, until such time as the housing target can be met for a minimum of two consecutive years. This increased housing need should have been considered in the 'Village Housing Options and Development Boundaries Consultation' document to ensure that sufficient land is allocated to meet the need and ensure sufficient choice for developers.

41. As previously stated, the 'Five Year Housing Land Assessment 2013-2018' paper concludes that there is only a requirement for a buffer of 5% applied to the housing requirement. Even on this basis, using the Interim Level of Growth housing requirement figure, less stated completions of 447 units over the two years 2011 to 2013, there would be a five year annual requirement of 910 dwellings per annum, extremely onerous given that, according to Appendix 1, only 137 dwellings were built in 2011/12.

42. If a 20% buffer were added, as we contend is necessary, the five year target increases to 5201 which equates to 1040 dwellings per annum. Taking the Joint SHMA assessed need figure, the five year target would be 5512 dwellings which equates to 1102 net new dwellings required per annum over the next five years.

43. In terms of the five year land supply, the 'Five Year Housing Land Assessment 2013-2018' paper states that sites considered as having a 'realistic prospect of being developed within the next five years' include: sites with planning permission and under construction; sites in the Strategic Housing Land availability Assessment (SHLAA); and windfall sites.

44. In order to be included in the five year housing land supply calculation, the Framework requires sites to be deliverable and developable. They must be available now, offer a sustainable location for development, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. To be considered developable, sites should be in a suitable location for housing

development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

45. We contend that there must be a question mark over the deliverability of the SHLAA capacity figure of 514 units. Without the benefit of a planning application or permission, there can be no certainty that the SHLAA sites will come forward and deliver the total potential housing estimated, within a five year period.
46. Notwithstanding the question mark over the deliverability of sites included in the five year supply calculation, the 'Five Year Housing Land Assessment' paper concludes that the authority have only 2.8 years supply. Given that the 5% buffer should, we contend be increased to 20% and the housing growth requirement increased in line with the findings of the Joint SHMA, the five year housing land supply would be 2.4 years based on the Interim Growth figure and 2.3 years using the Joint SHMA assessed need figure. This number of years supply is an optimistic assessment given the vulnerability to change of the SHLAA and windfall site totals included in the supply.
47. The 'Village Housing Options and Settlement Boundaries Consultation' DPD is therefore unsound because it does not identify sufficient preferred housing sites to contribute towards meeting the need for a five year annual housing target of between 1040 and 1102 units, which includes a 20% buffer. It fails to address the need to ensure sufficient deliverable sites are identified and available to be developed in the 5 year timeframe. Without additional sustainable sites being identified in the most sustainable villages, there is a risk that the emerging housing policies will not be considered up-to-date.

The Case for Identifying Part of SHLAA site R111, Land at Station Lane, Kingswood

48. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a 'golden thread' running through both plan-making and decision-taking. Local Plan policies are required to follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. The need to identify Green Belt land has been accepted in principle by Warwick Borough Council to meet the housing requirement for the Plan period. Therefore, it is entirely appropriate for the most sustainable sites to be allocated without delay as part of the current plan making process. To proceed without identifying sufficient land to meet the identified housing requirement in the most sustainable locations is unsound.
49. Identification of sites must be made on the basis of evidence which has been positively prepared; and the strategy must be justified to show that it is the most appropriate when considered against reasonable alternatives, based on proportionate evidence. The Preferred Options should be the most effective site selections which are consistent with national policy to enable the delivery of sustainable development. We present evidence below to demonstrate that this requirement has not been satisfactorily met in respect of our client's land.

50. We would strongly recommend allocation of part of our client's land as a housing site in the current Local Plan. The site proposed as a housing allocation in this submission is the field parcel fronting Station Lane extending east to approximately the line of the current Settlement Boundary to the south of the site. The site area would include Discounted Option 9 together with land to the east up to the existing field boundary, a defensible physical boundary, boundary shown in Appendix A, figure 1 of the 'Landscape and Visual Assessment' which forms part of this submission.
51. The site is bounded to the north by the side elevation and garden of 160 Station Lane as well as farmland; to the east by farmland; to the south by the garden of 128, Station Lane; and to the west by Station Lane. Land on the opposite side of Station Lane is occupied by residential properties. The site has an existing access at the southern end of the site, close to the garden of 128, Station Lane. There are a number of agricultural structures, equipment and animal storage areas in the vicinity of the gated access.
52. The site is in an extremely sustainable location being approximately 2 minutes walk to Lapworth railway station and bus stops, 6 minutes walk to the local primary school, less than 10 minutes walk to the shops in Lapworth and just over ten minutes walk to Lapworth surgery.
53. Our Client contends that the assessment of their site was distorted by the Council's decision, in the evidence, to ignore the existing access opposite number 145, Station Lane and assume that access would be provided towards the northern end of the road boundary, opposite 155 Station Lane. In order to secure visibility sight lines, this would necessitate the removal of existing Tree Preservation Order (TPO) oak trees and an extensive length of road frontage hedging, one of the primary reasons for discounting the site.
54. Our Clients also contend that the Council failed to assess in detail the landscape impact if development were confined to the field fronting Station Lane and appropriate mitigation measures taken. Instead their assessments are primarily concerned with the potential adverse impact residential development might have on the landscape if all, or a much larger section of the site promoted in the SHLAA were to be developed. For these reasons we contend that the evidence base is unsound and does not satisfy the requirements of the Framework.

Highway Statement

55. The 'Highway Statement' carried out by Savoy Consulting, provides evidence to dispute the County Council highway authority's conclusions. It clearly demonstrates that, contrary to the County Highway authority's findings, there is an existing agricultural vehicular access into our Client's site opposite number 145 Station Lane, which would provide the optimum location for access into a housing development. The 'Proposed Access and Visibility Spay' plan number DWG-01 (Appendix A), which accompanies the Statement, demonstrates that with a minor adjustment northwards of the centre of the site access, visibility splays could be achieved which meet safety requirements for speeds of 38 mph.

56. Access into the site would not require the removal of any trees and it would only require removal of a short stretch of hedging which is not dense. It would of course be possible to replant a hedge to the rear of the new visibility sight lines. Therefore a safe vehicular access into the site could be achieved in a similar location to the existing access with minimal loss of hedging and no tree loss.
57. It is important to note that the 'Highway Statement' also considers highway access arrangements to all the Preferred Option sites in Kingswood (Lapworth) and this new evidence clearly calls into question many of the County Highway conclusions. For example in the opinion of Savoy Consulting: Preferred Option site 3, with an estimated capacity for 6 dwellings; Preferred Option site 4 with an estimated capacity for 11 dwellings; and Preferred Option site 7 with an estimated capacity for 5 dwellings, '...should not be allocated on road safety grounds.'
58. The Council have therefore based decisions on which sites to promote as Preferred Options and which to Discount on unsound evidence. The Highway Statement raises serious doubts about the deliverability of several of the Preferred Option sites from both a highway safety perspective and from the perspective of land ownership.
59. Clearly the Savoy consulting Highway Statement has been confined to consideration of access arrangements into our Client's site and the feasibility of achieving vehicular access into the Preferred Options sites. Given that this report has called into question the reliability of County Highway evidence in Kingswood (Lapworth), it is reasonable to assume that there will be similar discrepancies in the County Highway evidence for Preferred Option sites within many of the other Settlements. Therefore, not only are the Preferred Option sites in Kingswood (Lapworth) unlikely to achieve the scale of development proposed in the consultation document, but the scale of development proposed in the 'Village Housing Options and Settlement Boundaries' DPD as a whole must be questionable.

Landscape and Visual Assessment

60. The 'Landscape and Visual Assessment' carried out by Barry Chinn Associates Ltd, assesses both the field adjacent to Station Lane proposed in this submission as a housing allocation, and the entirety of the site within our client's ownership. The larger site, which extends east as far as the canal and includes a 'finger' of land which projects south alongside the Grand Union Canal up to the rear gardens of Yew Tree Close, has been assessed by the local planning authority in the SHLAA, site reference R111. It also falls within a larger area of a more general assessment undertaken by the Council and detailed in the consultant's report, such as the Draft Green Belt Assessment.
61. Much of the evidence prepared to inform the 'Village Housing Options and Settlement Boundaries' DPD used to discount our client's site, refers to the landscape and ecological value of the canal and river corridor. In respect of the Green Belt in this area, it is recognised that the area has been eroded by residential development. There is some evidence in the Council's analysis of the Draft Green Belt Assessment, that the area could accommodate very

limited extension to the village without significantly impacting on the purposes of the Green Belt, and it would be important to protect natural assets such as mature trees, hedges, and the wildlife corridor of the canal.

62. Significantly, the SHLAA R111 site assessment summary for our Client's site concludes that 'site access will require the removal of a number of mature trees' and goes on to say 'there will be significant impact on landscape character.' The site is therefore discounted 'due to the impact on tree frontage and significant landscape impact.'

63. The detailed site specific Landscape and Visual Assessment carried out by Barry Chinn Associates Ltd provides a detailed assessment of the R111 site as a whole as well as a specific assessment of the development site area proposed in this submission ie. the field adjacent to Station Lane. Some of the key messages which emerge from the recent professional assessment of the proposed development site are summarised as follows:

- Due to the presence of existing vegetation and landform, the site is generally not particularly prominent in the landscape;
- The towpath vegetation and existing hedgerows across the site screen the site from the fields and canal further to the east;
- The principle contribution the site makes to the visual character of this part of Kingswood Village is due to the presence of the existing hedgerow and mature trees, the wider landscape is only glimpsed;
- Development would be seen in the context of existing residential properties;
- Although the upper part of the site (adjacent to Station Lane) is visible from public footpaths, to the east, it is seen in the context of the existing village and these are comparatively distant views. From these locations it is considered that the development of the first field would be seen as a natural extension to the village and not an unacceptable encroachment into the rural landscape;
- The site is not visible from any more distant locations that might be considered sensitive such as the grounds of Packwood House;
- All three boundary TPO trees could be retained as could the majority of the hedging which could be strengthened;
- The highway visibility splay would require the removal of only a short section of the least species rich hedging, as shown on the Plan in Appendix B - Drawing 1413/13/SK01; and

- A Landscape Strategy Plan demonstrates how development could be seen as a natural extension to the village with, for example, properties set back from Station Lane by at least 15 metres to avoid conflict with the Root Protection areas and re-inforced hedgerows plus additional boundary planting.

64. The report concludes at paragraph 6.6 'Overall the landscape and visual impacts for the development are considered to be predominantly localised and contained within a reasonably small area. The most notable landscape effects are due to loss of a piece of rural land close to the centre of the existing village. The implementation of the landscape strategy will ensure that the identified opportunities for mitigation are fully realised so that they achieve the aim of assimilating the development into the landscape.'

Summary

65. It is clear from the evidence set out above that the site performs well in terms of its suitability for development when judged against the Council's sieving criteria once the more accurate and site specific evidence supplied by expert consultants, which accompanies this representation, is taken fully into consideration.
66. The site is in an extremely sustainable location with excellent links to local retail outlets, school, GP surgery, bus stops and the train station. Access can be satisfactorily achieved into the site from a similar point to the existing access with minimal loss of vegetation which could readily be replaced by hedge planting to the rear of the visibility sightlines. The landscape and visual impact of development on the site would be moderate provided mitigation measures, such as protecting the tree roots of TPO trees, additional planting to strengthen the existing hedges within the development site and further planting on land within our Client's ownership are implemented. All mitigation measures could easily be secured by planning condition.
67. The principle of the need to realign the Green Belt boundary at Kingswood (Lapworth) to accommodate residential development has been accepted in the Revised Development Strategy given the requirement to meet the housing need. Therefore, it would be contrary to emerging local policy and the Framework to reject the site on the basis that, as with any greenfield site in the Green Belt, there will inevitably be some impact on the landscape and on the character of the area. The aim should be to identify those sites which are in the most sustainable locations and for which the impact of development can be minimised and mitigated.
68. Although our Client's site is currently undeveloped, it is sandwiched between existing residential development and opposite residential development. Allocation of this site for housing would effectively be 'infilling' in character with the existing form of village development along Station Lane. In line with the requirements of the Framework we envisage that the site would be developed with well designed dwellings which would make a positive contribution to the street scene, enhancing the current eclectic housing styles along Station Lane.

69. Our client's site is 'deliverable' under the terms of the Framework. It is available now, achievable, has a realistic prospect that housing will be delivered on the site within five years and that development of the site is viable.
70. It is our firm opinion that after balancing all the material planning considerations relevant to the consideration of our client's site as a potential development site, the case for allocating this deliverable site for housing is overwhelming. The housing land shortage represents an exceptional circumstance where removal of the land from the Green Belt is in the public interest.

Conclusions

71. It is apparent from the case put forward in this letter of representation that the 'Village Housing Options and Settlement Boundaries' DPD is not sound and does not satisfactorily meet the tests of soundness in paragraph 182 of the Framework in that it is not consistent with national policy.
72. In this letter of representation we have highlighted that there is a strong case to demonstrate that the emerging Local Plan, of which the 'Village Housing Options and Settlement Boundaries' DPD forms part, is not sound because it fails to:
- provide guidance and certainty over the long term;
 - identify sufficient developable land to meet the housing requirement over the plan period;
 - include a 20% buffer in the 5 year housing land supply;
 - provide sound evidence to satisfy the requirements of the Framework in plan making;
 - ensure all land included in the housing land supply calculation is deliverable;
 - offer developers housing land allocation choices to ensure a rolling 5 year housing land supply is maintained;
 - alter Green Belt boundaries to meet the latest identified growth requirement;
 - ensure that Green Belt boundaries are capable of enduring beyond the plan period through the identification of 'safeguarded land';
 - identify a quantum of housing land allocations appropriate to the scale and sustainability of settlements; and
 - remove our client's land, and other similarly 'deliverable' sites, from the Green Belt and allocate them for residential development.
73. Identification of part of our client's land, the field adjacent to Station Lane, would contribute towards meeting the proven outstanding need for Green Belt land to be allocated for housing development. The shortfall in housing land is an exceptional circumstance which justifies alteration to the Green Belt in this location. Our client's site is deliverable and it is in a sustainable location adjacent to the settlement boundary lying between exiting residential development within easy reach of services and facilities.

74. Development on our Client's site would be a natural extension of the settlement and provide an opportunity to create a strong defensible boundary for the realigned Green Belt boundary. Contrary to the findings of the Council, evidence submitted with this representation clearly demonstrates that there are no overriding highway or landscape and visual impacts which would justify discounting this site for development.

75. We formally request that the Green Belt boundary be realigned at Kingswood to exclude the field in our client's ownership, east of Station Lane, from the Green Belt designation and included within the revised Settlement Boundary,. We formally request that our Client's land be allocated for residential development.

We should be grateful if you would confirm receipt of this letter of representation.

Kind regards,

Yours sincerely,

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