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28 April 2014

Development Services
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5QH

FOR THE ATTENTION OF DEVELOPMENT POLICY MANAGER

Dear Sirs

RESPONSE TO GYPSY AND TRAVELLER PREFERRED OPTIONS CONSULTATION ON BEHALF OF THE KING HENRY VIII ENDOWED TRUST

Please find below representations on behalf of the King Henry VIII Endowed Trust (hereafter referred to as the Trust) in relation to **Site GT11: Land at Budbrooke Lodge, Racecourse and Hampton Road.**

The Trust objects to the classification of site GT11 as an amber site. The site should be re-classified as a red site that is not suitable for development as a gypsy and traveller site. The reasons why the site is not considered to be suitable for such development are set out under the relevant headings below.

OVERALL APPROACH TO SITE SELECTION AND GENERAL COMMENTS

The site assessment document sets out those sites that 'can be removed without further consideration'. It is unclear why some of these sites were included in the Issues and Options consultation if now the District Council has identified key reasons why they are not suitable for the location of a gypsy and traveller site. Furthermore, we consider that there is also inconsistency in how sites perform against certain criterion, e.g. noise impact. For example, Land at Budbrooke Lodge lies adjacent to the A46 and therefore noise impact is a key factor which we consider cannot be adequately mitigated and, notwithstanding performance against other criterion, should have ruled the site out at the Issues and Options stage as unsuitable as a gypsy and traveller site. The issue is explored in more detail below.

The consultation document should clarify the difference between the capacity (potential number of pitches) and recommended maximum number of pitches for each site. It is our understanding that this relates to government advice that new gypsy and traveller sites should be between 5-15 pitches with a preference for the number of pitches being at the lower end of this range. This point should be clarified by the District Council, otherwise it could be viewed that the potential number of pitches for a site corresponds with WDC's longer term aim for the number of pitches which can be accommodated on a site.

Development Policy Manager, Development Services**NOISE IMPACT**

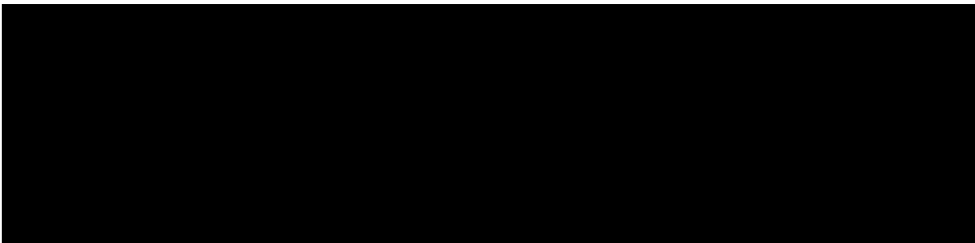
The site is located adjacent to the A46 dual carriageway. There is potential health issues (e.g. noise) associated with locating a gypsy site so close to a busy dual carriageway. In particular, regard has to be had to the nature of gypsy and traveller accommodation. Double and triple glazing mitigation measures that could be appropriate to traditional houses will not be appropriate to caravans/mobile homes. Furthermore the very nature of materials used in the construction of caravans/ mobile homes, visa-vis traditional housing, means that the noise insulation properties are poor with no cost effective opportunities for improvement.

The National Planning Policy for traveller sites (CLG, March 2012) provides guidance to local planning authorities (LPAs) on the content of policies relating to the location of gypsy and traveller sites. At paragraph 11e, it states that policies should: *"provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there..."*. Whilst 'Designing Gypsy and Traveller Sites' Good Practice Guide, CLG, 2008 was published prior to the National Traveller Policy on Traveller sites, key elements of it are still relevant. Paragraph 3.18 of this guidance states that when considering sites adjacent to main roads, flyovers and railway lines, careful regard must be given to the health and safety of children and others who will live on the site and the greater noise transference through the walls of trailers and caravans than through the walls of conventional housing.

The issue of noise is also identified in the WDC Sites for Gypsies and Travellers, Preferred Options document as one of the key criteria that is being applied to sites in the selection process. At paragraph 6.1, point 4 sets out the criteria of *"Avoiding areas where there is potential for noise and other disturbance"*. It is noted that several sites that WDC does not consider suitable for gypsy and traveller development, identified as red sites (GT07, GT17, GT18, GT20 and GTalt13) include noise as one of the reasons why they are unsuitable. For instance, in relation to GT17 (Land on the southbound carriageway of the A46), the site assessment states that *"noise from the A46 would be intolerable for residential use, particularly caravans which are less well insulated than conventional housing"*.

Warwick District Council's Planning Application Validation Checklist includes a requirement for a Noise Impact Assessment for applications on sites adjacent to noise producing sites, e.g. residential sites adjacent to a railway line, road, airport or industrial use. Standard mitigation that may be appropriate for traditional residential properties is unlikely to be appropriate for caravans/mobile homes.

The National Planning Policy Framework (NPPF) Planning Practice Guidance identifies that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment (Paragraph 001, Reference ID 30-001-20140306). It goes on to state that *"Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider ...whether or not a good standard of amenity can be achieved."* Additionally, the Noise Policy Statement for England (DEFRA, March 2010) states in relation to health and quality of life at paragraph 2.14 that there is emerging evidence that long term exposure to some types of transport noise can cause an increased risk of direct health effects.



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It is therefore concluded that noise and potentially air quality issues associated with the proximity of this site to the A46 dual carriageway make it unsuitable for a gypsy site due to amenity and health issues for the residents. These issues cannot be mitigated for caravans/mobile homes in the way that they could be for traditional housing in this location.

FLOOD ISSUES

It is recognised that WDC has reduced the site area in the Preferred Options consultation so that the site is now located outside the flood plain. However there are concerns about the nature of development proposed so close to the floodplain. Caravans and mobile homes are more vulnerable to flooding than traditional houses and therefore consideration should be given to the suitability of the site for this type of development. Whilst it may be appropriate to implement flood mitigation measures for traditional housing, this is unlikely to be financially viable for development of a gypsy and traveller site.

The National Planning Policy for traveller sites (CLG, March 2012) provides guidance to local planning authorities (LPAs) on the content of policies relating to the location of gypsy and traveller sites. At paragraph 11g, it states that policies should ensure that they "*do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.*" This recognises the particular vulnerability of caravans to flooding.

The National Planning Policy Framework (NPPF) Planning Practice Guidance identifies caravans, mobile homes and park homes intended for permanent residential use as being highly vulnerable in the flood risk vulnerability classification.

QUALITY OF DEVELOPMENT

The site is considered to have development potential, but the quality of any development at this location needs to be at a very high standard to ensure that it does not negatively impact on both the character of the local area and the setting of Warwick, plus the amenity of local residents, visitors and tourists. It is our considered view that the necessary standards of development would not be secured with a gypsy and traveller site.

LANDSCAPE/SCREENING

Whilst the site is screened to a degree, the site is important to the structure and character of Warwick, therefore, depending on the nature and quality of the development proposed, there could be harm to the landscape.

According to the Submission Draft Warwick District Local Plan, which has been approved by Council for public consultation and is to be used for development control purposes until formally adopted, "*Camping and caravan sites can provide useful low cost accommodation, however they can seriously harm the landscape if they are insensitively located*" (paragraph 3.133). Whilst it is recognised that the proposed Gypsy and Traveller sites are not 'caravan sites', the physical characteristics are clearly very similar and for this reason this extract from the emerging Local Plan is relevant in the consideration of the suitability of land at Budbrooke Lodge being identified as a potential Gypsy and Traveller site.

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Whilst the site may not be immediately visible from Hampton Road, it is visible from other public areas, including the golf course, public rights of way around the racecourse and the racecourse itself. As the proposed site is adjacent to the starting line at the racecourse, it is likely that it would be visible when events are televised. Once more this raises the question about the suitability of development of this nature in such a sensitive location where visual impact is particularly important.

LOCATION ADJACENT TO WARWICK RACECOURSE

The racecourse is a key economic driver in the local economy and a key recreational resource for the town. It is essential therefore to ensure that the quality and nature of any development in the immediate vicinity of the racecourse does not negatively impact on the racecourse and in turn the local economy. It is our considered view that a gypsy and traveller site will not achieve an appropriate standard of design and is incompatible with the racecourse as an adjacent land use.

Although the site sits outside of the boundaries of Warwick Racecourse/St Mary's Lands as defined on the Policy Map in the Submission Draft Warwick District Local Plan and designated under Draft Policy CT7, it clearly sits in very close proximity. In the supporting text to the policy the Draft Plan states (paragraphs 3.140 to 3.141):

"Warwick Racecourse and St Mary's Lands provides an important recreation, leisure and entertainment facility. Given the role of the Racecourse and St Mary's Lands in the local economy and community, the ongoing vitality and viability of this facility is supported... This area is important in the setting of Warwick and provides open spaces close to the Town Centre which is well used and appreciated by those who live and work in the Town... In this context, any development will need to be sensitive to the heritage assets, the setting of the town, the ongoing enjoyment of the area for recreational purposes and the need to maintain local habitats and biodiversity."

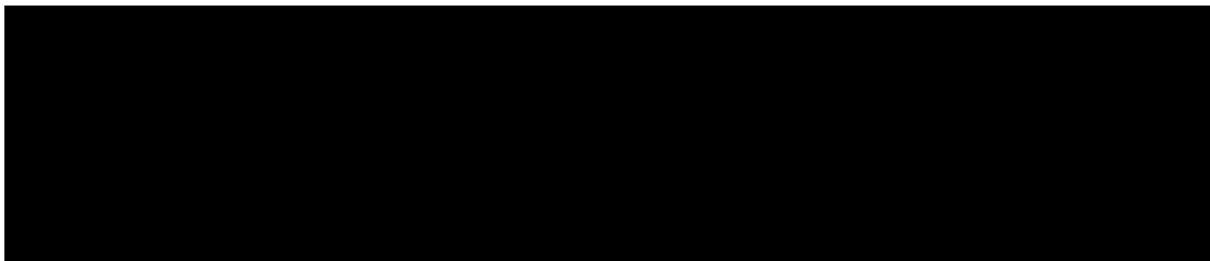
In addition to the potential impact of in compatible/low quality development in this location on the local economy, there are concerns about animals being kept in close proximity to the racecourse, with a potential risk of diseases being transferred from non-vaccinated animals to thoroughbred racehorses. This could in turn lead to licence issues for the Racecourse and as a result the long term viability of this important tourist asset.

WILDLIFE SITES

The site is in close proximity to the Gog Brook which forms part of the River Avon Local Wildlife Site. There is therefore a need to ensure that development of the site would not harm any priority habitats or species that may be present in the vicinity of the LWS.

COMPULSORY PURCHASE

The site is not considered to be 'developable' in the definition set out in Planning Policy for Traveller Sites, CLG, March 2012 (paragraph 9c) as the site is not available now and is principally in the ownership of the King Henry VIII Endowed Trust. WDC would need to use



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compulsory purchase powers in order for the site to be available. There would therefore be significant financial and time considerations for WDC if the site was to be taken forward.

The site is not available or deliverable without compulsory purchase.

The site is also in close proximity to an existing residential property, Budbrooke Lodge. At paragraph 6.2 of the WDC Sites for Gypsies and Travellers Preferred Options document, point 11 notes proximity to other residential properties as a criterion to be considered in the suitability of sites. It is not evident that in this case the amenity of residents at Budbrooke Farm or those in the wider area have been appropriately considered.

ACCESS

The issue of access identified in the WDC Sites for Gypsies and Travellers, Preferred Options document as one of the key criteria that is being applied to sites in the selection process. In section 6.1, point 3 identifies 'safe access to the road network and provision for parking, turning and servicing on site' as one of the criteria.

County Highways have expressed concerns about access to the site, concerns which they believe can best be addressed if access was secured via Budbrooke Lodge. As Budbrooke Lodge is in the ownership of the King Henry VIII Endowed Trust and it is not available, there clearly remain concerns over the suitability of the site based on access considerations.

CONCLUSIONS

Site GT11 should be re-classified as a red site that is not suitable for gypsy and traveller site development. Noise from the adjacent A46 makes the site unsuitable for those living in caravans and mobile homes, as traditional mitigation measures (such as double and triple glazing) that can be applied to conventional house types will not be appropriate. Noise could have a serious impact on the health and well-being of new residents. In addition to concern about noise, there are a number of other concerns about the site which make it unsuitable for gypsy and traveller site development, namely the proximity of the site to Warwick Racecourse, issues around accessing the site safely and the fact that the site would need to be subject to compulsory purchase in order for it to be available and developable.

Yours faithfully,

