

## **Warwick Local Plan 2011 -2029**

### **Publication Draft May 2014**

#### **Land South of Sydenham, Whitnash**

##### **Introduction**

These submissions are made on behalf of A C Lloyd Limited (ACL) who have been promoting the release of this land south of Sydenham, Whitnash for residential development as part of a Strategic Urban Extension throughout the emerging Local Plan process. ACL welcome and support the collaborative approach to plan making that exists between WDC and other landowners at Sydenham. Attached at Appendix A is a statement from the Chair of Governors and the Head of Campion School that explains their position.

##### **Plan Period - Paragraph 1.29, Policies DS6, DS7 and DS8**

In paragraph 1.29, the Council has identified a plan period only up to 2029. On the basis that it is unlikely that the plan will be adopted before the end of 2015, the plan period seems to be less than 15 years from the anticipated year of adoption. The 15 year time horizon reflects the guidance in the National Planning Policy Framework (The Framework). It is noted that the time frame of the demographic and employment evidence base that the Council is relying refers to the period 2011 – 2031. It is likely therefore that the choice of an end date of 2029 will artificially restrain the levels of growth. It is considered therefore that the time period of the local plan should be

extended to 2031 to ensure that the Local Plan is based on ‘adequate, up-to date and relevant evidence about the economic, social and environmental characteristics and prospect of the area (paragraph 158 of the Framework). It is possible that the adoption of the Local Plan would be delayed until beyond 2015 and in any event the Local Plan does not demonstrate that it has taken account of longer term requirements as required by the Framework.

As an example, Stratford on Avon District Council, a neighbouring Authority which has also just published its Proposed Submission Core Strategy, has altered and extended its plan period to 2031 in recognition of this situation and has noted that its plan could run the risk of being found ‘unsound’ at examination unless a period to 2031 was provided for.

By using the 2029 time period the Local Plan, using the Council Published Draft Plan could potentially under provide approximately 1,428 dwellings and about 7ha of employment land. Accordingly an objection is made to Policies DS6, DS7 and DS8.

### **Level of Growth**

AC Lloyd Homes object to the proposed level of housing growth of 12,860 new homes between 2011 and 2029. As stated above, it is considered that the plan period should be 2011 to 2031. The current approach is considered ‘unsound’ as it does not conform with the provisions of the Framework which requires Plans to cover an appropriate time

period, preferably a 15 year time horizon, but which takes account of longer term requirements.

The Plan makes provision in Policy DS7 for a windfall allowance of 2,485 dwellings for the period 2011-2029. Having reviewed the basis of the Council's position on the proposed windfall allowance, it is considered that the windfall allowance is excessive and unjustified. It seems to ignore the evidence from the SHLAA (which provides for 300 dwellings on small urban sites) and assumes an unrealistically high level of windfall sites for the plan period. The Council's evidence is based on a subjective manipulation of past trends rather than any considered examination of the evidence that may exist in terms of the potential capacity of the urban areas to accommodate such a high level of windfall moving forward. Accordingly, in the absence of a clear and robust evidence base from the Council the proposed windfall allowance is rejected.

### **Duty to Co-operate – Policy DS20**

It is acknowledged that the plan has been prepared having regard to the Strategic Housing Market Assessment for Coventry and Warwickshire (SHMA). This has provided a sub-regional evidence base on the quantum of housing required in Coventry and Warwickshire. In line with Government guidance this evidence base has been used as a starting point for on-going discussions about the quantum of housing to be delivered in each district. Discussions have been undertaken through the Coventry, Solihull and Warwickshire Planning Officers group (CSWAPO) and its associated Duty to Cooperate

Sub Group and within the Coventry and Warwickshire Joint Committee (Members Group). This approach has sought to ensure that the strategic issues relating to the level and distribution of housing growth have been shared across the sub region.

It is also acknowledged that the Council and along with the other Councils in the Coventry and Warwickshire sub-region have also cooperated with Councils in neighbouring housing market areas, particularly the Birmingham area. At the time of preparing these submissions

As regards the Duty to Co-operate issue the parties principal concern is the lack of provision to meet future needs arising from the conurbation (esp. Birmingham) and that there were no concrete actions/outcomes to deal with this, other than through a Plan review. We do not agree with the statement in paragraph 1.24 of the Plan that “it is not anticipated that Warwick District Council will be approached directly to accommodate any housing shortfall from the Greater Birmingham area”, as this statement is not supported by empirical evidence.

Indeed, Birmingham City Council’s Duty to Co-operate Statement - BDTCS (October 2013) provides information regarding the pattern of the housing market. The BDTCS acknowledges (in paragraph 9) that past migration flows of population are a good indicator of these important cross boundary relationships. Intra -regional migration flows in the period 2000 - 2011 (see table below) reveal a wide ranging pattern of movement:

The Destination of Gross Intra-Regional Out-Migration Flows from Birmingham

2000/01 to 2010/11

Destination	%
Rest of GBSLEP	41.2
Black Country	37
Coventry & Warwickshire LEP	10.9
The Marches LEP	3.8
Rest of Stoke & Staffordshire LEP (i.e. excl those Districts falling within the GBSLEP)	3.7
Rest of Worcestershire LEP (i.e. excl those Districts falling within the GBSLEP)	3.5

Source: ONS (NHSCR, Patient Register Data and HESA)

(BCC DTCS October 2013 Table 4.1)

The fact that 10.9% of Birmingham’s migration was directed to Coventry and Warwickshire LEP area in the period 2000/1 – 2010/11 indicates that some of this may be directed to Warwick District, especially so given the excellent rail and road links with the conurbation.

The GBSLEP Strategic Housing Needs Study was not available prior to the end of the consultation period on the Warwick Local Plan. The outcome of the conurbation SHMA

process is important. Thus the Warwick Local Plan is being progressed in the absence of this important piece of evidence. This results in high degree of uncertainty about the likely scale and location of housing provision within the City and beyond.

It is acknowledged that actual scale of Birmingham's shortfall to be met within Warwick District has yet to be quantified - however the interim findings of the GBSLEP Strategic Housing Needs Study is due to be made public in July 2014 which may clarify matters to some degree. On this basis, at the time of the submission of the plan to the Secretary of State and the examination of the Warwick Local Plan it is possible that there will be further information available as to the overall objectively assessed housing need. Accordingly a qualified objection is made to Policy DS20 at this stage. The availability of further information in the short term may require a major modification to the plan which could make it unnecessary to carry out an early review of the plan to meet future housing needs.

### **Location of Allocations – Policy DS10, DS11, Greenfield Site H03**

ACL support the broad location of allocated housing sites in policies DS10 and DS11 of the publication draft plan, particularly the greenfield site H03 land south of Sydenham/East of Whitnash..

ACL parties therefore welcomes the proposed allocation of non-green belt land to the south of Warwick/Leamington/Whitnash to meet the development needs of the District.

As a result, it is submitted that the identified land south of Sydenham would achieve a sustainable pattern of development that is capable of being well connected to the existing urban area. Therefore, the identified broad locations in Policy DS10 and then specifically in Policy DS11 referring to the greenfield site H03 East of Whitnash/South of Sydenham on the edge of Leamington are supported.

Objection is however made to the capacity of the site at 300 dwellings as set out in Policy DS11. This estimate significantly underestimates the capacity of the site. Masterplanning exercises for the land indicate that the capacity of the site is approximately 550 dwellings. The Local Plan should therefore be amended to reflect this increased capacity.

### **Comprehensive Development of Strategic Sites (Policy DS15)**

Policy DS15 is supported. Preparation of a Master Plan is underway for the land south of Sydenham (Policy DS15c). This exercise is being undertaken jointly by ACL with the involvement of Campion School (as noted in Appendix A) in liaison Warwick District Council. The approach takes on-board strategic considerations identified in policy DS15 and paragraphs 2.66 and 2.67. It is considered that the precise location of the various

facilities should be a matter that is determined by the master plan process in conjunction with extensive local community engagement.

The principles of the Infrastructure Requirements set out in Policy DS15 and paragraph 2.66 and 2.67 are acknowledged and accord with the understanding from the assessments that have been undertaken to date.

Further discussions with the Local Planning Authority are welcomed on the delivery strategy for the allocations controlled by A C Lloyd Ltd and Campion School.

### **Other Matters – Policy DM1**

Objection is made to Policy DM1. The Council has made no significant progress in producing a CIL charging regime. This is causing difficulties in bringing forward strategic development sites where inappropriate requests for S106 contributions are being sought. For example, the South Warwick Foundation Trust (SWFT) has made a number of requests for a contribution. Such a request has consistently been found to be unacceptable by the Secretary of State and Planning Inspectors. In two Secretary of State recovered appeals in Alcester, Warwickshire, in terms of the SWFT issue the Inspector's report states in his conclusions:

*325. The disputed contribution is that sought by SWFT. While the appellants argue that this contribution is not justified they have, rather than delay the*



*consideration of the appeals, included it in the Obligations on a contingency basis, to be paid if the SoS decides that the Regulation 122 tests would be satisfied. [104-113, 116-127]*

*326 The request was first made by SWFT in January 2012. The reports to Committee on the applications stated that the request had not been substantiated. A further request was made by SWFT on 21 November 2013, on which it gave evidence in support at the inquiry. [105]*

*327. Despite the fact that this subject was not one of the Reasons for Refusal, SDC refers to LPR Policy IMP4 which provides that permission will only be granted where proper arrangements are made for necessary physical and social infrastructure. It now argues that the contribution would be necessary to overcome a planning objection that would otherwise make the development unacceptable. The appellants accept and I agree that there is no reason in principle why a contribution cannot be sought towards the cost of medical infrastructure. [107, 119]*

*328. SWFT is an independent and autonomous provider of healthcare that is not eligible for capital allocations from the Department of Health or local commissioners to provide new capacity. Its payments take the form of a tariff for the healthcare it delivers and part of the tariff contributes towards its capital costs. SWFT argues that this is insufficient to meet its needs. The contribution would be pooled with others for part of the funding for a new ward block at Warwick Hospital, a new hospital at the Stratford Hospital site and additional*

*facilities at the Warwick and Leamington hospital sites. Details of the development costs of an orthopaedic ward block at Warwick Hospital have been provided in Appendix 6 of D40. [108, 122-126]*

*329. I accept that it would be possible to show a direct relationship with the development proposed and to show that any contribution would be fair and reasonable in scale and kind. However, I am not satisfied that the evidence available provides adequate justification for what is now being sought. SWFT states in its October 2013 letter in D40 on Infrastructure Requirements for South Warwickshire that “We are reimbursed by tariff for the cost of hospital accommodation constructed in the past but this massively understates the cost of developing new fixed capacity”. However, the extent of any understatement is not quantified. [References after next paragraph]*

*330. Numerous other questions need to be answered but the most telling one is how it can be possible to arrive at a figure of £1,678 per household when the population growth is not known, when the numbers of Alcester residents who would use the closer Redditch Hospital are not known, when Alcester’s patient flows to South Warwickshire Hospitals are unclear (and SDC accepts that the detailed analysis of patient flows is complicated) and, as indicated in the above paragraph, there is no adequate detail on the relationship between the proposed capital costs and the tariff funding. [107-109, 113, 121-126]*

331. *One resident says that the Alexander Hospital in Redditch is to be closed but I have no evidence on when this might be or how it might affect any calculations. [222]*

332. *In conclusion on this matter, the evidence base to support the contribution to SWFT is wholly inadequate. This contribution would not satisfy the test of being fairly and reasonably related in scale and kind to the development. However, as stated above, the affordable housing provision and the other contributions would pass the tests and can be taken into account in the decision-making process.*

The Secretary of State in his decision stated at paragraph 19:

*The Secretary of State agrees with the Inspector's reasoning and conclusions on the planning obligations and conditions in IR309-332 and 334. He agrees with the Inspector that, in relation to the S106 obligations, the evidence base to support the sought contribution to South Warwickshire NHS Foundation Hospital Trust is wholly inadequate, and that this sought contribution would not satisfy the test of being fairly and reasonably related in scale and kind to the development (IR332).*

It is considered therefore having regard to a recent Secretary of state decision the SWFT position is completely untenable. The position remains that the evidence base to support the SWFT request is 'wholly inadequate'. It fails the CIL compliance test and should not

be included in the S106 obligation. These shortcomings in the evidence base that supports the Local Plan should be eradicated.

**Framptons**

**June 2014**