

Development Policy Manager
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Warwick District Council
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Milverton Hill
Leamington Spa
Warwickshire
CV32 5QH

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Our ref: OMJT / 181877

27 June 2014

Dear Sir / Madam

**TOWN AND COUNTRY PLANNING ACT 1990
LAND AT CHURCH ROAD, BUBBENHALL, WARWICKSHIRE**

I refer to the public consultation launched 16 May 2014 inviting representations to the emerging Warwick District Local Plan 2011-29 ("WDLP"). Strutt & Parker LLP act on behalf of Sara and Mark Grimes, who owns the land edged red on the enclosed plan.

The WDLP is nearing the advanced stages of Plan preparation. As such, this Regulation 19 public consultation is concerned with the soundness of the Plan to be submitted to the Secretary of State for independent examination. To be 'sound' the WDLP must be positively prepared; justified; effective; and consistent with National Planning Policy. Paragraph 182 in the National Planning Policy Framework ("the Framework") states: -

"...a plan for examination which it considers is 'sound' – namely that it is:

- **Positively prepared** the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework."

This representation focuses specifically on **Policies H1** (Directing New Housing) and **H11** (Limited Village Infill Housing Development in the Green Belt).

The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the Framework identifies three dimensions to sustainable development, namely economic, social, and environmental. Paragraph 7 states:

"These dimensions give rise to the need for the planning system to perform a number of roles:

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation...;
- ***a social role*** – 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...; and
- ***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment....”

Paragraph 4.7 of the draft WDLP identifies Bubbenhall as one of many ‘Limited Infill Villages’. Accordingly, Policy H1 is considered sound – we support criterion b) which conveys a presumption in favour of new housing development within the identified ‘Limited Infill Villages’.

We support, in principle the thrust of Policy H11, viz. limited village infill housing development. However, there is no robust empirical evidence to restrict the scale of new development to “no more than 2 dwellings”. Likewise the definition of infill development – “a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage” – is considered to be too narrow.

Paragraph 89 of the Framework identifies specific exceptions where new development is appropriate within the Green Belt and states: [amongst other things]

- ***“limited infilling in villages (emphasis added)...;”***

As presently drafted the policy does not embrace the sustainable development ethos set out within the Framework at:

Paragraphs 14 –

“At the heart of the National Planning Policy 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.

For plan-making this means that:

- ***Local planning authorities should positively seek opportunities (emphasis added) to meet the development needs of their area;”***

Paragraph 151 –

“Local Plans be prepared with the objective of contributing to the achievement of sustainable development (emphasis added). To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.”

Paragraph 187 –

“Local planning authorities should look for solutions rather than problems...Local planning authorities should work proactively with applicants to secure developments that improve economic, social and environmental conditions of the area.”

Accordingly, Policy H11 is considered unsound – it is not positively prepared or justified. When formulating planning policies it is considered that the underlying purpose of the policy is always more important than the wording of the policy itself.

In the context of Policy H11, the underlying purpose is stated at paragraph 4.77 as:

“...to clarify what the Council considers to be ‘limited development’ in the context of the District’s Green Belt.”

It is considered the Council has failed to appropriately prescribe why infill development should be limited to “no more than 2 dwellings”. It is considered that in order to contribute to the present and future economic, environmental and social sustainability of villages – especially those washed over by Green Belt – provisions for new housing should be allowed where the scale and nature of the development does not result in significant and demonstrable adverse impacts. Accordingly, there may be certain sites within some of the identified ‘Limited Infill Villages’ where a larger scale of infill may be more appropriate – for example, the land at Church Road, Bubbenhall.

The site’s frontage extends to 81 metres and could reasonably accommodate up to 5 new dwellings. Whilst the site falls within the designated conservation area, it is considered not to form an important open space. For example, when viewed from Lower End or Church Road, the site is seen in the context of the adjacent built form. As such, the site cannot be considered integral to the character of the village. Having regard to Manual for Streets 2, the provision of direct road frontage access is unlikely to have significant disbenefits in road safety terms (paragraph 9.10.5). Accordingly, I submit the site is suitable for infill development. The construction of up to 5 new dwellings in this location would not result in any significant and demonstrable adverse impacts.

For draft Policy H11 to be made ‘sound’ it is considered that the definition set out under draft Criterion b) should be amended to include reference to sites within the Infill Village Boundaries where the site is closely surrounded by other built form. Furthermore, it would be appropriate to restrict new infill to a specific number, but I cannot identify any robust planning objection to restricting infill to “no more than 2 dwellings”. It is considered that Criterion a) of the Policy should be amended to read up to 5 dwellings. In my opinion no national or local planning policy principle would be offended by the proposed amendments to the draft Policy. Criterion c) and other draft development management policies contained within the draft WDLP provide sufficient safeguards to ensure that this scale of infill development does not have a harmful impact on the integrity and character of the overall village.

Yours sincerely



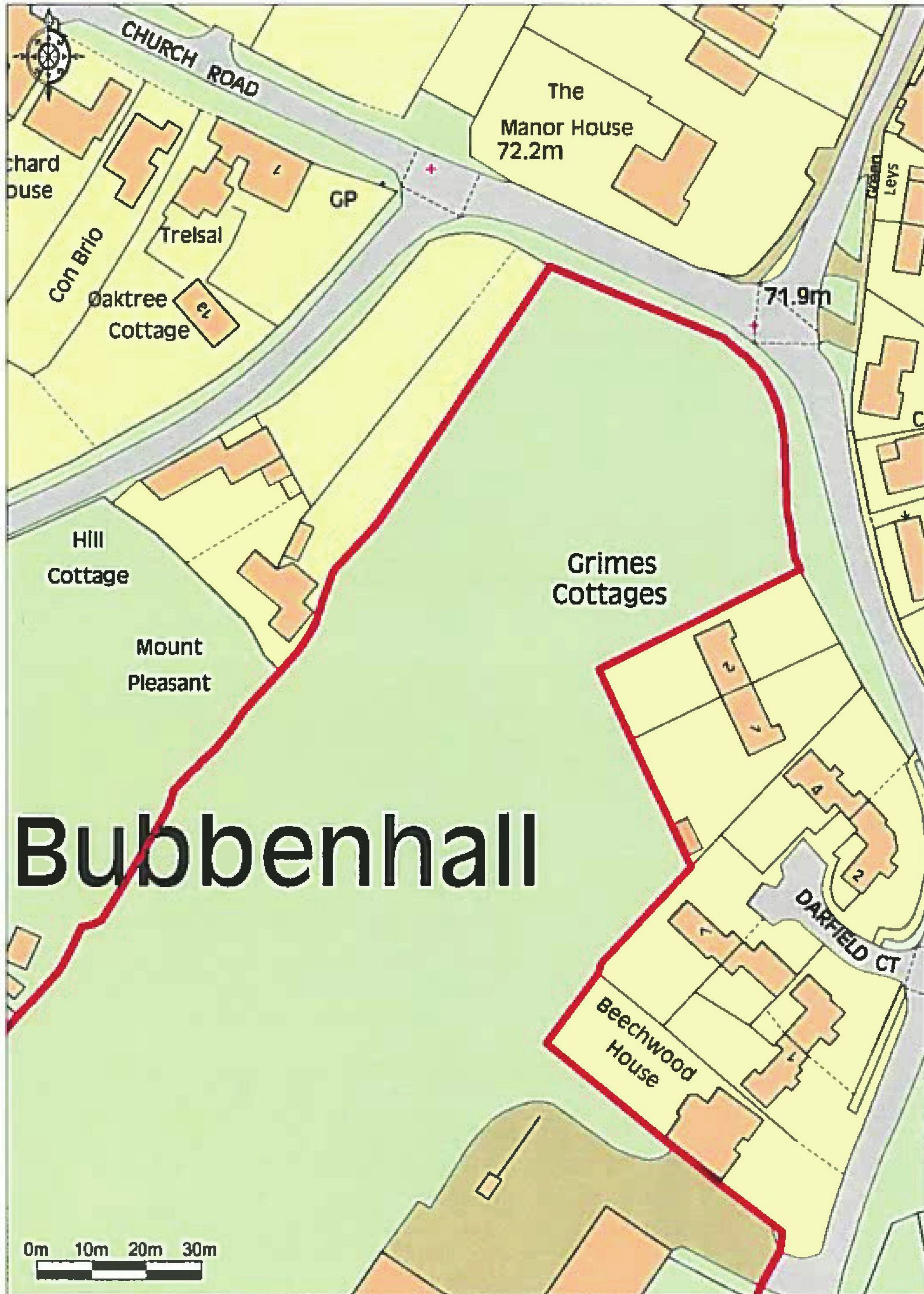
**Oliver Taylor MSc (Dev.Plan), MRTPI, MRICS
Senior Planner
On behalf of Strutt & Parker LLP**

Cc. Mr. R. Foxon (S&P)
Mr & Mrs Grimes

Enc. Site location plan

Land at Church Road, Bubbenhall, Warwickshire

Site Location Plan



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Dwg. NO. OMJT / 181877.001



Publication Draft Representation Form 2014

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Person ID:
Rep ID:

This consultation stage is a formal process and represents the last opportunity to comment on the Council's Local Plan and accompanying Sustainability Appraisal (SA) before it is submitted to the Secretary of State. All comments made at this stage of the process are required to follow certain guidelines as set out in the **Representation Form Guidance Notes** available separately. In particular the notes explain what is meant by legal compliance and the 'tests of soundness'.

This form has two parts:

- Part A – Personal Details
- Part B – Your Representations

If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the plan has been made available (see the table below). You can also respond online using the Council's e-Consultation System, visit: www.warwickdc.gov.uk/newlocalplan

Please provide your contact details so that we can get in touch with you regarding your representation(s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing. You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be received by 4.45pm on Friday 27 June 2014

To return this form, please deliver by hand or post to: **Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH** or email: newlocalplan@warwickdc.gov.uk

Where to see copies of the Plan

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Leamington Town Hall, Parade, Royal Leamington Spa

Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash

Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa

Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick

Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth

Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa

Brunswick Healthy Living Centre, 98-100 Shrubland Street, Royal Leamington Spa

Finham Community Library, Finham Green Rd, Finham, Coventry

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.	
Title	Me & Mes	Me
First Name	MARK AND SARA	OLIVER
Last Name	GRIMCS	TAYLOR
Job Title (where relevant)	[Redacted]	[Redacted]
Organisation (where relevant)	[Redacted]	[Redacted]
Address Line 1	[Redacted]	[Redacted]
Address Line 2	[Redacted]	[Redacted]
Address Line 3	[Redacted]	[Redacted]
Address Line 4	[Redacted]	[Redacted]
Postcode	[Redacted]	[Redacted]
Telephone number	[Redacted]	[Redacted]
Email address	[Redacted]	[Redacted]

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The adoption of the Local Plan.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:

Paragraph Number:

Policy Number:

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes No

5.2 Complies with the Duty to Co-operate?

Yes No

5.3 Sound?

Yes No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

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7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

PLEASE SEE ACCOMPANYING CORRESPONDENCE.

Continue on a separate sheet if necessary

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To PROTECT My CLIENTS INTERESTS.

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:

Date :

27/06/2014.

Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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Address Line 2		
Address Line 3		
Address Line 4		
Postcode		
Telephone number		
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