



**CONSULTATION RESPONSE TO WARWICK
DISTRICT COUNCIL DRAFT
LOCAL PLAN**

IN RESPECT OF

**BURROW HILL NURSERIES
BURTON GREEN**

SUBMITTED ON BEHALF OF

CALA HOMES (MIDLANDS) LIMITED

Date: June 2014

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1. Introduction

- 1.1 Cerda Planning Limited has been instructed by Cala Homes to make representation on their behalf to Warwick District Council's draft Local Plan prior to its submission to the Secretary of State for examination.
- 1.2 The Council is seeking representations on the "soundness" of these proposals under regulations 19 and 20 of the Town and Country Planning Regulations 2012, prior to submitting it to the Secretary of State for an independent examination by an Inspector.
- 1.3 The following representations consider a number of policies as well as the housing requirement for the District. Specific reference is made to a proposed housing allocation in Barton Green.
- 1.4 Representations have been made at various stages of the Plan preparation, including to the Strategic Housing Availability Assessment (SHLAA); with specific focus given to the site at Burrow Hill Nurseries which is considered a spatially well located, sustainable site in a sustainable village.

2. Site Description

- 2.1 The site is located outside the settlement boundary of Burton Green, however it is located adjoining the built up area.
- 2.2 Access to the site is from red Lane, an adopted road. The site is bordered by Red Lane to the east of the site. The south of the site is bounded by 'Hill Croft' and its curtilage and covered reservoir and associated buildings. 'New Farm' forms the northern boundary. The remaining boundary abuts open countryside. Residential properties forming part of the built-up area are located opposite the site.
- 2.3 Levels are generally flat across the site.
- 2.4 The site extends to an area of approximately 2.46 hectares.
- 2.5 At present the site is in agricultural use and is washed over by Green Belt.
- 2.6 There are local and frequent bus services in proximity to the site, notably service numbers 84, 87, 537 and 557 linking the site with Solihull, Kenilworth, Balsall Common, Coventry and Leamington Spa.
- 2.7 Burton Green benefits from a range of shops, services and facilities serving the day to day needs of local residents.
- 2.8 The site is a proposed housing allocation (site reference H24) and is shown as such on the proposed inset plan for Burton Green (Local Plan Policy Map 6).

3. **Housing Requirement**

- 3.1 Policy DS6 sets out the level of housing growth for the district and states that the Council will provide 12,860 new homes between 2011 and 2029. Policy DS7 sets out how the Council will meet that housing requirement and explain various components that contribute to the housing figure of 12,860.
- 3.2 The explanatory text of Policy DS6 states that the housing requirement is derived from the 2013 joint Coventry and Warwickshire Strategic Housing Market Assessment (CWSHMA) and explains the Warwick district aims to meet its objectively assessed need for housing by providing the 12,860 new homes in that 18 year period.
- 3.3 The CWSHMA sets out in various sections, notably within Table 97, that the assessed need for Warwick district is 720 homes per annum over the period 2011 – 2031. On the face of it therefore the District Council appears to be meeting the assessed need and, in the spirit of the NPPF, is aiming to boost significantly the supply of housing. However a SHMA is a snapshot in time and may not reflect the objectively assessed housing needs later on in the plan period. For example the 2011 household rejections which themselves suggest a lower housing requirement across numerous authorities within England have been proved an unreliable source in a number of planning appeals due to the recessionary period in which they were taken. It is therefore important that the authority provide a significant buffer within their housing requirement so as to ensure a continuous supply of housing sites over the plan period.
- 3.4 The authority should do this through increasing the overall housing requirement and by allocating more sites for housing. It should also write into policy a review mechanism of its own plan and that where an identified shortage occurs the Council will review their plan, the necessary policies and will, if necessary, allocate further land for housing.
- 3.5 It is acknowledged that Policy DS20 builds in a degree of review to the Plan, however, the policy only aims to accommodate the housing need that arises from neighbouring authorities and does not allow for a review should the market and affordable housing needs of Warwick District increase and housing land supply becomes inadequate. The policy should be redrafted accordingly.

- 3.6 Warwick District Council has four neighbouring authorities, namely Solihull Metropolitan Borough Council, Stratford upon Avon District Council, Rugby Borough Council and Coventry City Council. All of these authorities except Solihull are part of the Coventry and Warwickshire Housing Market Area (HMA). At this time Solihull MBC has stated that the Borough forms its own HMA. It is, however, part of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Housing Needs Study due to geographic, economic and social links to the City.
- 3.7 Birmingham similarly has an influence on Warwick District and, although it is not a direct neighbouring authority, it would be amiss to suggest that the housing crisis in Birmingham will not influence Warwick.
- 3.8 With regard to Warwick District's neighbours, the following sets out their current plan position and their respective proposed housing requirements.
- Stratford is proposing at least 700 homes fewer than what could be said to be their objectively assessed needs.
 - Coventry's withdrawn plan proposed 11,373 homes, a significant reduction from the previous Core Strategy figure of 33,500. The CWSHMA indicates c. 23,600 homes and as yet the Council has to recommend a figure which to progress their spatial strategy. Like much of the West Midlands, the authority is constrained by significant areas of Green Belt.
 - Rugby are moving forward in assessing their objectively assessed housing need and are near finishing a recent consultation on a housing requirement of 13,200 homes.
 - Solihull's plan has been found unsound following a high court challenge and thus the proposed housing requirement is likely to increase above the 11,000 homes it proposed.
 - Birmingham is in the midst of a crisis in locating land sufficient for an identified need which could be as high as 105,000 new homes, particularly when evidence suggests that they will only be able to provide land sufficient for approximately 43,000 homes.

- 3.9 The impact of Warwick District Council's neighbours' housing needs will be significant. Since the revocation of the West Midlands Regional Spatial Strategy (WMRSS), the Duty to Cooperate is ever more important, not least because if the Council do not adequately discharge this duty, their Plan will be found unsound.
- 3.10 Birmingham and Coventry alone will require a great deal of assistance from their neighbours. With Coventry falling within the HMA and Birmingham's needs unprecedented, the impact on Warwick will mean finding more land for housing in areas that assist with cross boundary provision.

4. Land at Red Lane, Burrow Hill Nurseries

- 4.1 The proposed allocation at is at Burrow Hill Nurseries, Burton Green and is currently for 60 new homes. The NPPF makes clear that Development Plans should meet the full, objectively assessed open market and affordable needs for housing market areas. Applying this important objective to Burton Green, it is necessary for the plan to provide sufficient housing to make best use of land whilst ensuring the objectives of growing the District's rural villages i.e. to sustain and enhance the vitality, viability and long term sustainability, are met. This will ensure that housing to meet local needs is maximised, and the NPPF's objective to "boost significantly" the supply of housing is met.
- 4.2 An important objective of the plan is to provide for affordable housing. A larger housing allocation, will best meet this objective since it will ensure that affordable housing thresholds are met and the village will benefit from an improved affordable offer for its residents.
- 4.3 A larger site allocation also maximise development viability minimising the risk that affordable housing and other community infrastructure cannot be delivered due to viability concerns.
- 4.4 The site can be delivered within the early phases of the plan period, given that it is the subject of market interest and is under legal option by a housebuilder.
- 4.5 There are no infrastructure requirements that would fetter the delivery of the site, nor that would make the site unviable.
- 4.6 The site size is proportionate to Burton Green and would not result in an over-provision of housing in one location. A development of up to 100 dwellings would similarly not prejudice the environment of the social cohesiveness of the community – as existing residents are likely to look to this site for new homes, especially affordable housing in a village with little to offer in this respect.
- 4.7 The site has clear, defensible boundaries with a clear demarcation between the site edges and the remaining open countryside beyond.
- 4.8 The site integrates with, and relates well to the settlement and comprises a rounding off of development in the immediate locality linking with New Farm and its residential curtilage to the north and Hill Croft and its residential curtilage to the south.

- 4.9 Levels are generally flat with only limited medium to long range views.
- 4.10 Allocation of the site would not result in coalescence, there will be no difficulty in maintaining a physical and visual separation between Burton Green and the surrounding urban areas. Indeed, development in this location is the least harmful in terms of coalescence given the relationship and position of Burton Green to Kenilworth to the southeast.
- 4.11 There are no transportation or movement constraints associated with the potential development of the site. The site can be delivered to maintain the necessary standards, whilst at the same time offering pedestrian routes and potential crossing points to link with the wider settlement and public transport services in the local area.
- 4.12 The site is not at risk of flooding. Notwithstanding, a fundamental aim of the site will be to reduce flood risk by creating a surface water management system, which is capable of regulating the surface water runoff. Foul drainage is capable of being discharged utilising existing infrastructure.
- 4.13 In terms of ecology, there are as with most sites in the locality, ecological considerations. Initial appraisal on biodiversity indicates that there are no issues which would represent insurmountable challenges.
- 4.14 In terms of archaeology, preliminary work would indicate that the site has very limited archaeological potential and certainly not to the extent that would prevent development or overly burden a layout.
- 4.15 Turning to consider ground conditions, as is to be expected with a greenfield site, no major issues of contamination or ground instability have been identified.
- 4.16 Due to topography and intervening and boundary vegetation the site is well contained visually. As such up to 100 homes could be delivered and successfully integrated into the landscape
- 4.17 In terms of statutory utility services, it has been identified that all services are or can be made available to the site for the proposed development.

- 4.18 Having assessed the key technical and environmental considerations in respect of the site, it is relevant to have regard to sustainability aspects noting that sustainable development represents the golden thread running through the NPPF.
- 4.19 The NPPF makes clear that there are three dimensions to sustainable development.
- 4.20 In terms of an economic role, it is clear that the Government view the construction industry as being a catalyst for economic growth and there is a clear emphasis in the NPPF in respect of delivering sufficient land for housing on sustainable sites. The technical work undertaken has demonstrated the suitability for development in Burton Green which is a sustainable location for development.
- 4.21 The infrastructure requirements of the development can be met in full through sensitive design of the proposals and through planning conditions or obligations within a Section 106 agreement as appropriate.
- 4.22 Development on this site would also contribute to the local economy, through gross value added, commercial expenditure, new homes bonus and job creation. The increase in housing allocated would serve to better this situation further.
- 4.23 In relation to a social role, the proposal will assist in meeting the housing needs of this generation and the next. It has been demonstrated that there is a clear need for further development in the district as whole, but also within the rural area to meet both market and affordable needs.
- 4.24 The proposed site will not only deliver housing, but also community facilities which will underpin the sustainability credentials of Burton Green, and will also assist in delivering enhanced social provision contributing towards a strong and healthy community.
- 4.25 The expenditure set out above, which will be generated by the development will assist in sustaining local shops and services and new families will ensure that the existing school provision remains viable.

- 4.26 Turning to consider an environmental role, biodiversity interest has been the subject of preliminary assessment and there is nothing that has been identified which would indicate that the site should not come forward for development.
- 4.27 The development of the site for up to 100 new homes accords with the provisions of the NPPF in that it is located in a sustainable position, comprising a sustainable form of development in which a clear net economic, social and environmental gain can be demonstrated.
- 4.28 If the Council is to have their plan found sound, such sites need to come forward in a manner which maximises the potential to deliver social, environmental and economic benefits, including the level of market and affordable housing. To suggest the site should only accommodate 60 dwellings is failing to accept the Government's drive, and national policy direction, and is an unsound approach.

5. Comments on Emerging Local Plan Policies

Policy DS6 and DS7

- 5.1 The housing requirement should be increased so as to ensure a continuous supply of housing sites over the plan period and to meet the needs of the wider West Midlands, notably neighbouring Authorities and Birmingham.

Objections are raised.

Policy DS11

- 5.2 Each of the sites allocated for housing are attributed a number of dwellings that can be built.
- 5.3 Objections are raised to the arbitrary restriction in the amount of development on each allocation. The NPPF seeks to boost significantly the supply of housing and to make good use of land.
- 5.4 No evidence has been provided from the Council to reason why the various sites have been restricted to the number they have. The figures should at the very least be expressed as a minimum in order to satisfy the requirements of the NPPF.
- 5.5 The promotional work undertaken throughout the plan preparation including indicating layouts, show that the site can accommodate up to 100 dwellings. It is important to make best use of land when developing, particularly in villages which may only see this level of growth within any given plan period.

Objections are raised.

Policy DS20

- 5.6 As a result of the significant increases in housing requirements for neighbouring authorities to Warwick District, concern is raised that it will have a significant impact on the spatial strategy for the District and could render the Plan unsound. Further evidence is required in order to satisfactorily discharge the Duty to Cooperate and to ensure that the delivery of housing does not become bogged down in political stalemates.

Policy H10

- 5.7 Objections are raised to this policy, in particular to part (c). Restricting developments of 50 or more homes to phasing construction of a development over 5-years is contrary to the NPPF which seeks to make up the shortfall of housing immediately and to boost significantly the housing supply. It has no consideration to the practicalities of building out a site, the finances involved or the prolonged disturbance to existing residents.
- 5.8 Housebuilders are constructing in the region of 40 dwellings per year depending on sales rates. Limiting to approximately 10 homes a year will have a huge detrimental impact on sales, contractors, financing, viability, housing delivery and the social and physical environment. No evidence has been provided as to why this phasing is necessary in terms of social cohesion and no evidence is available to demonstrate that the Council has considered the impacts on viability.

Objections are raised.

Policy CC3

- 5.9 Recent changes to Building Regulations is seeing the Code being moved from the Planning regime into its rightful place in Building Control. Although there is possibly justification for a policy which sets out the Council's carbon off-setting charge (to meet the difference between Code 4 and 5), it is considered that expecting developments to achieve a designated Code is duplicating separate legislation and is unnecessary.

Objections are raised.

Policy H2

- 5.10 The policy proposes that a minimum of 40% affordable housing to meet local needs is provided on residential developments of 10 or more dwellings within the urban area and 5 or more dwellings within the rural areas. The form of affordable housing, its location on the site and its means of delivery will be subject to negotiation at the time of a planning application. The viability of the development will be a consideration in such negotiations.

- 5.11 However, Policy H2 together with other policy requirements such as Policy CT5 (Infrastructure Contributions to Meeting Places, Cultural Facilities and Public Art), Policy CC3 (Building Standards Requirements), and Policy DM1 (Infrastructure Contributions) result in a level of financial contribution that render development unviable. Indeed, it is not justified by the LPA's own viability assessments, which demonstrate that no development was viable when providing 40% affordable housing.
- 5.12 The consultants, DTZ, who prepared the Council's Affordable Housing Viability Assessment suggest Warwick District Council consider producing a zoned affordable housing policy which has different affordable housing percentages by area. This recommendation should be considered by the Council. Other Councils have adopted 'dynamic affordable housing models' which reflect the prevailing economic environment at designated period within the Plan.