



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

**IN RESPECT OF
OLD BUDBROOKE ROAD, WARWICK**

SUBMITTED ON BEHALF OF

Mr and Mrs Martin

Date: June 2014
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Appendix A – Location Plan

1. Introduction

- 1.1 Cerda Planning Limited has been instructed by Mr and Mrs Martin to make representation on their behalf to Warwick District Council's draft Local Plan.
- 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 an omission site (Appendix A), which is considered should be allocated within emerging Policy DS11.
- 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 west of Old Budbrooke Road which is considered a spatially well located, sustainable site on the edge of Warwick.

2. Site Description

- 2.1 The site lies to the west of Old Budbrooke Road on the western edge of Warwick. The site is bound to the south by the Grand Union Canal. Agricultural land abuts the site to the west/northwest. The domestic curtilage to The Coach House lies to the east. Vehicular access to the site can be achieved directly on to Old Budbrooke Road which bounds the site's north/northeast boundary.
- 2.2 Warwick Parkway railway station is less than 5 minute walk from the southern boundary of the site. Warwick by-pass (A46) is located some 400m to the north/northeast providing excellent connections to the M40 and thus the wider West Midlands conurbation. Coventry, part of the Housing Market Area and a city with strong employment links to the District is also readily accessible from the site.
- 2.3 The site is currently washed over by Green Belt and is in agricultural use, save for the dwelling and associated domestic curtilage belonging to Hampton Court Place and is visually well contained.
- 2.4 A County Council Depot and the office for Trading Standards is located to the east of the site, on the opposite side of Old Budbrooke Road.

3. **Government Growth Agenda**

- 3.1 The National Planning Policy Framework (NPPF) and the recent accompanying Planning Practice Guidance (PPG) sets out clearly the Coalition Government's agenda to increase rapidly the supply of market and affordable housing across England. This has resulted in a significant step towards 'planning by appeal' as landowners and developers seek to deliver on the Government's commitment.
- 3.2 The delay in which Local Planning Authorities across the country have adopted their plans has contributed to this situation. When accompanied by the failure of too many authorities to make the difficult political and planning decisions to provide the level of housing growth identified as being their objectively assessed housing needs, the plan-led system is increasingly becoming logged-jammed at Local Plan examinations or through High Court challenges. Examples of such authorities include Solihull and Coventry who have found their plans unsound either during examination or following legal challenge and have had to re-visit their housing requirements. With Birmingham facing a crisis to deliver their significant housing requirement within their borders, it is crucial that Warwick District propose a Plan that seeks to tackle this 'housing crisis'.
- 3.2 This section will discuss the Coalition Government's agenda and will reinforce the message that Warwick needs to deliver not only its full objectively assessed housing need but that it has sufficient regard to its neighbours and the likelihood that additional housing to meet cross boundary needs will be required in this coming Plan-period.

The 'Growth' Agenda

- 3.3 Alongside the Governments' work to revoke the RSS's and the introduction of the Localism Bill, Ministers have emphasised their objective of strong housing growth in a series of documents, speeches and statements. Greg Clark MP stated in February 2010;

"The Localism Bill is unashamedly pro-growth. Everything within it is designed to unlock the barriers to growth that led to a crisis in development, with house building at its lowest level in any peacetime year since 1924".

- 3.4 There have been numerous Government Statements which expand upon this point.
- 3.5 Alongside the budget on 23rd March 2011, the Government published **The Plan for Growth**. One of four measures to make the UK one of the best places in Europe to start, finance and grow a business the Government will introduce:

“radical changes to the planning system to support job creation by introducing a powerful presumption in favour of sustainable development; opening up more land for development, whilst retaining existing controls on Green Belt land; while retaining existing controls on Green Belt land; introducing new land auctions starting with public sector land; consulting on the liberalisation of the Use Classes; and ensuring all planning applications and appeals will be processed in 12 months and major infrastructure projects will be fast-tracked”;

- 3.6 Supporting the Plan for Growth on the same day Greg Clark MP issued a written statement providing more details:

“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in the national planning policy.

The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment”.

- 3.7 The Secretary of State, Eric Pickles MP, spoke at the Home Builders Federation ‘One Year on’ Conference on 31st March 2011, making clear that the delivery of more homes remains a key objective of the Coalition Government.

“Britain is a growing society. The number of households is set to keep on rising in the years to come. The average age of first-time buyers is already creeping steadily upwards. The number of people under 30 buying without parental help has fallen 90 per cent since 2006. Though young people’s desire to own is as strong as ever; and as the budget made clear, housing has a vital role in driving up economic growth”.

- 3.8 On the 14th June 2011 the draft text of the presumption (to appear in the National Planning Policy Framework) was published. The text states:

“The presumption is key to delivering these ambitions, by creating a positive, pro-development framework, but one underpinned by the wider economic, environmental and social provisions in the National Planning Policy Framework. The presumption is as follows:

There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.

Local Planning Authorities should:

- ***Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;***
- ***Approve development proposals that accord with statutory***

plans without delay and;

- ***Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.***

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the National Planning Policy Framework taken as a whole”.

3.9 Speaking on 4th February 2014 at a meeting of the House of Lords Economic Affairs Committee George Osborne said that the Government's planning reforms are starting to bear fruit.

3.10 However, he went on to criticise the 'nimby' cultures saying that:

“We've got to build more homes and we've got to create an acceptable political and social climate where people will want to see homes built so that their children can have some prospect of living where they grew up”.

3.11 The Chancellor went on to say the Coalition Government's planning reforms were an attempt to address the historic problem we've had where housing demand outstrips supply.

He added that:

“I don't pretend that this problem is going to be solved in a few months or a couple of years. I imagine if we were all assembled again in 10 years' time we'd still be talking about the challenge of making sure that our housing supply keeps up with housing demand”.

3.12 It is evident therefore that the Government are committed to a growth agenda which must deliver houses, and deliver houses without delay. This is important context behind these representations but more importantly to the preparation of the Local Plan. It needs to be flexible so to respond to neighbouring demand and changes to its own housing supply. It needs to be bold in its spatial strategy and acknowledge that some release of land from the Green Belt where appropriately and sustainably located will enable the delivery of land for housing in areas that do not compromise the purposes of

the Green Belt. Ever increasing demand for market and affordable homes is an exceptional problem within the West Midlands which is blanketed by large swathes of Green Belt. Delivering sustainable development and meeting this housing need is considered exceptional reasons to release land where appropriate.

4. **Housing Requirement**

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.

- 4.6 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.
- 4.7 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.
- 4.8 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.

- 4.9 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.
- 4.10 Birmingham and Coventry alone will require robust 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.
- 4.11 The location of the site off Old Budbrooke Road; close to Warwick Parkway station, with quick access to the M40 and thus Birmingham and on the doorstep of the Warwick By Pass which provides fast connections to Coventry, is such that it can assist the Council with its Duty to Cooperate, effectively 'gifting' the site in numbers terms to its neighbours.
- 4.12 It is accepted that Policy DS20 builds in a review should Warwick need to assist neighbouring authorities, however, because of the significant increases in housing requirements for Warwick District's neighbours, concern is raised that it will have a significant impact on the spatial strategy for the District and could render the Plan unsound. Questions remain; is there the political will and agreement by all affected Council's to meet each other's needs where appropriate? Has this been formalised and if so through what mechanism? Further evidence is required in order to demonstrate that the Council has satisfactorily discharge its Duty to Cooperate and to ensure that the delivery of housing does not become bogged down in political stalemate.
- 4.13 Paragraph 1.46 of the Local Plan states the Council's intention to "provide a sustainable level of housing growth (and balance this with economic growth) to reduce the number of people who are currently homeless or living in unsatisfactory accommodation, to meet future housing needs, and to help deal with the issues of need for affordable housing. The Local Plan will identify and maintain supply of land for housing to meet the objectively assessed needs for market and affordable housing".
- 4.15 Policy DS7 sets out the means of achieving the housing requirement from past completions, existing planning permissions, windfall sites, SHLAA sites, use of employment land, canal-side regeneration and Local Plan site allocations. Policy H1 and Policy DS10 identify urban brownfield sites and greenfield sites on

the edge of Kenilworth, Warwick, Leamington and Whitnash together with sites within Growth Villages and the rural area. Policy DS11 lists all these sites and Policy DS15 provides details on the Sustainable Urban Extensions. A housing delivery trajectory is also shown.

- 4.16 However the Council should clarify the method for dealing with shortfalls in housing delivery illustrated by the housing trajectory against an annualised housing requirement and if a 5% or 20% buffer is applicable. The Council should also confirm that 5 years housing land supply is available on adoption of the plan. In the Warwick Local Plan Revised Development Strategy consultation the Council stated in Paragraph 5.1.32 “at present there is not a 5 year supply of land for housing within the District as required by the NPPF”.
- 4.17 Under Paragraph 49 of the NPPF “relevant policies for the supply of housing will not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites”. Therefore if the Local Plan is not to be out of date on adoption it is critical that the land supply requirement is achieved. If there was not reasonable certainty that the Council had a 5 years supply of housing land the Local Plan would not be sound as it would be neither effective nor consistent with National Policy. The Council will be aware of the recent suspension of Local Plan Examinations for East Devon and Amber Valley because the Council's had failed to identify 5 years' worth of land for housing.

5. Green Belt Review - Observations

- 5.1 The Green Belt review was undertaken in 2009, some 5 years ago and prior to the adoption of the NPPF and in a wholly different economic and housing environment. The latest CWSHMA and emerging evidence from neighbouring authorities indicate a significant need for land for housing. With the majority of Council's falling within the West Midlands Green Belt, many authorities will struggle to accommodate the housing requirements without releasing land from the Green Belt.
- 5.2 This is the case in Warwick and, whilst some land is being released in acknowledgment of the benefits that this can bring to rural communities, the 2009 Green Belt review is considered dated and in need of review to properly inform the Council's Local Plan. It does not, for example, consider sustainable sites in well placed locations such as that west of Old Budbrooke Road.
- 5.3 The methodology used within the review is considered flawed and has resulted in sustainable sites that should have been considered for release being missed. One example of this flaw is that the term "large built up areas" was considered to include any built up area, including villages. If this is what PPG2, and now the NPPF, meant it would have said that. The methodology is therefore not refined enough to consider logical sites that can make a positive contribution to housing delivery.
- 5.4 Similarly, in relation to the interpretation of "neighbouring towns" the methodology includes villages. Again, the term is clearly set out and only neighbouring towns should be considered.
- 5.5 The latest review was undertaken in 2012 and although followed the NPPF, focused on only several sites and did not seek to remedy the issues outlined above. Without an up to date and thorough review, it is considered the evidence base relating to the Green Belt is flawed.

6. Land West of Old Budbrooke Road

- 6.1 The location of the site can be seen in Appendix A. A wider context plan is also provided.
- 6.2 Vehicular can be achieved directly on to Old Budbrooke Road. The road is lit and has the benefit of footways which could be extended to Warwick Parkway within highway verge.
- 6.3 Warwick Parkway is served by Chiltern Railways and provides excellent connections to Birmingham and London. Local bus services provide connections to Warwick and Coventry.
- 6.4 The site is close to a number of primary and secondary schools, including Aylesford Secondary School, Newburgh Primary School and Budbrooke Primary School. Budbrooke House Children's Nursery and Kings Meadow Nursery are also located very close to the site and are within walking distance. Hampton Magna Pre-School is also a short distance from the site.
- 6.5 A number of amenities are located close by meeting the medical and retail needs of new residents.
- 6.6 With regard to the quality of the environment, the land is not open as one would expect the Green Belt to be. The construction of the Warwick By Pass and the Warwick Parkway Station has had a significant urbanising effect on the environment. Development, including housing, employment and transport infrastructure has changed the character of this area since the Green Belt was formed. Indeed the construction and use of the Council depot and the office for Trading Standards has a significant urbanising effect on the area creating a significant level of activity and visual clutter. The Green Belt in this location no longer serves the purpose of the Green Belt, as set out in the NPPF, and its protection in this area is no longer considered critical when assessed against those objectives.
- 6.7 The Grand Union Canal provides a strong physical boundary to the site limiting potential for further growth and containing the site. An existing field boundary demarks the extent of the site to the west and Old Budbrooke Road to the east. The A4177 and A46 junction creates a focus of built development and the site responds to that physical intrusion into the landscape. It would not appear

alien in that context and would appear as a logical, well planned and sustainable development.

- 6.8 Initial technical work has been undertaken which indicates that there are no environmental or physical constraints to development.
- 6.9 The site should be considered for allocation now and within this plan-period. Its proximity to the strategic and local highway network and its connections to Birmingham and Coventry are such that the site can make a significant positive contribution in assisting Warwick District Council in satisfying its duty to cooperate.
- 6.10 At the very least the site should be allocated within the plan as a 'safeguarded site' such that should a review take place and a housing need be identified, the site can swiftly come forward to address that need.

7. Comments on Emerging Local Plan Policies

Policy DS6 and DS7

- 7.1 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

- 7.2 Each of the sites allocated for housing are attributed a number of dwellings that can be built.
- 7.3 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.
- 7.4 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.
- 7.5 It is considered that a Green Belt review should be undertaken to inform decision making on the housing requirement and to meet the likely increase. Green Belt release has been accepted in principle and the site West of Budbrooke Road should be included within DS11 as a housing allocation.

Policy DS20

- 7.6 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.

- 7.7 Safeguarded sites should be considered so to enable a proactive and swift response to the demands placed on Warwick District by the housing need from outside the District.

Policy H10

- 7.8 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.

- 7.9 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

- 7.10 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.

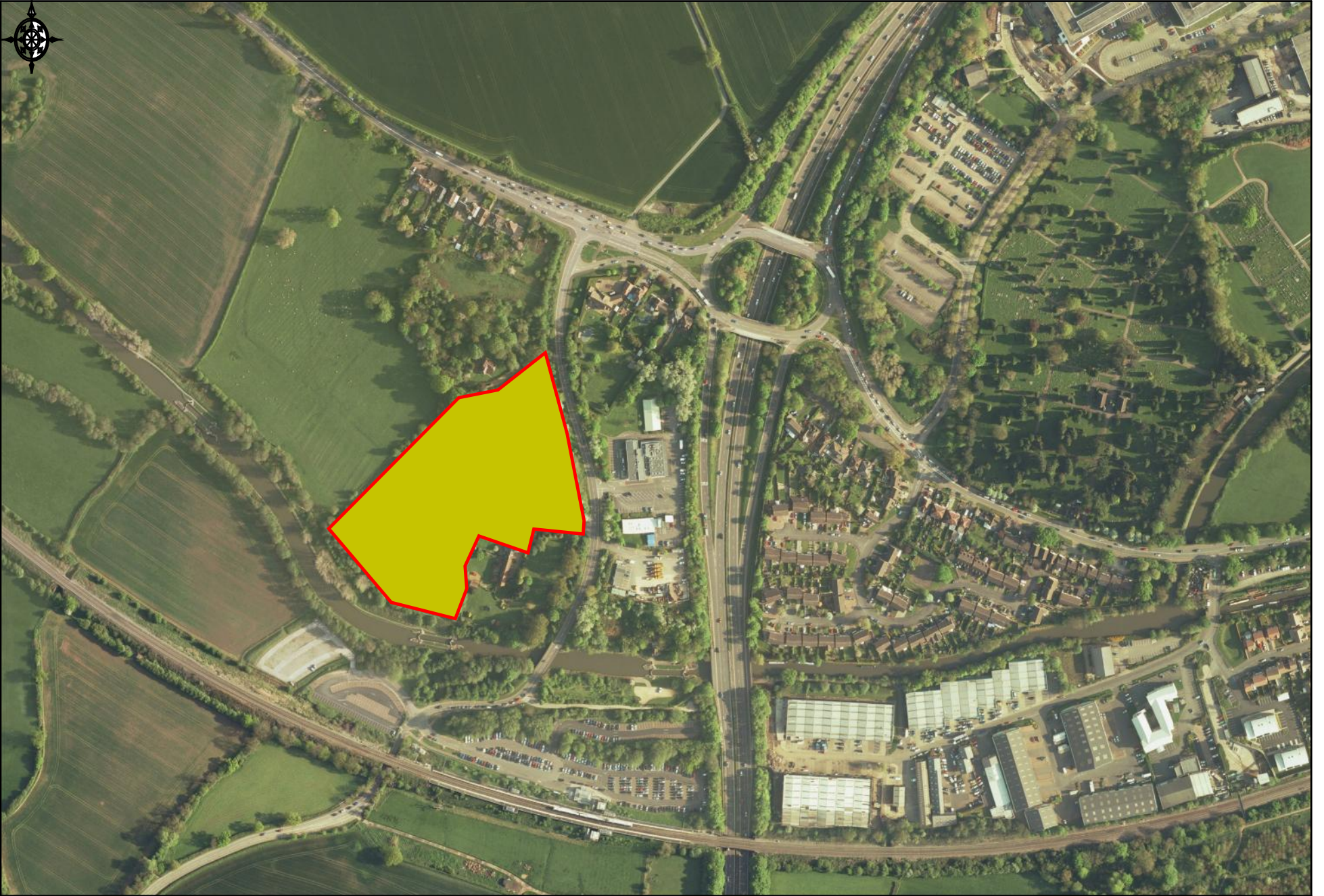
Policy H2

- 7.11 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.
- 7.12 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.
- 7.13 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.

Appendix A



Old Budbrooke Road



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