

Publication Draft Representation Form 2014

For Official Use Only
Person ID:
Rep ID:

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

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or email: newlocalplan@warwickdc.gov.uk

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Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	<small>* 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.</small>	
Title		Mrs
First Name		Jane
Last Name		Gardner
Job Title (where relevant)		Director of Planning
Organisation (where relevant)	William Davis Limited and Hallam Land Management	Marrons Planning
Address Line 1		1 Meridian South
Address Line 2		Meridian Business Park
Address Line 3		Leicester
Address Line 4		
Postcode		LE19 1WY
Telephone number		0116 281 6949
Email address		jane.gardner@marrons-planning.co.uk

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"/>

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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:

Local Plan

Paragraph Number:

1.45

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.

1. Hallam Land Management and William Davis agree that the primary objective of the plan should be to provide for sustainable levels of growth in the district. This is consistent with the advice in the NPPF which sets out how government will seek to achieve sustainable development through the operation of the planning system; both in decision taking and plan making.
2. Paragraph 1.46 of the Plan then refers to a secondary objective; namely to provide a sustainable level of housing growth by identifying and maintaining a supply of land for housing to meet objectively assessed needs for market and affordable housing. Whilst this is entirely appropriate, it is not considered that it has sufficient regard to the emphasis in national policy (and specifically paragraph 47 of the NPPF) on the need to boost significantly the supply of housing, in part through local planning authorities identifying and updating annually a supply of specific deliverable sites, sufficient to provide five years' worth of housing when measured against the policies of the plan. As a consequence the Plan is not sound as it is not consistent with national policy and does not enable the delivery of sustainable development in accordance with the policies in the NPPF.
3. It is imperative that the accompanying text to Objective 1 includes reference to this requirement as this is key to the proper implementation of the housing policies in the plan.

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.

It is considered that the plan should include the following minor modification in the form of an additional paragraph, 1.46a, as set out below:

"1.46a The Council will identify and update annually a forward supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirement set out in this plan, and in accordance with the advice in the NPPF at paragraph 47 (or such updates/changes to that advice as may arise over the plan period.)"

This modification also relates to the Delivery and Monitoring and the specific Areas of Activity set out in Chapter 6 of the Plan; one of which refers to Monitoring the Local Plan. In the light of the requested modification above, it is considered that the following addition to the Description of the 'Monitoring the Local Plan' Area of Activity is therefore required.

"In particular, the Council will use the monitoring data to assess the availability of land for housing to provide a five years' forward supply of identified and deliverable sites in accordance with Objective 1 and its accompanying text at paragraph 1.46a of this Plan."

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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:

This and other separate comments indicate that Hallam Land Management and William Davis Limited find that a number of the policies and proposals for the development of new homes and in relation to heritage matters are unsound. They also have concerns regarding the overall level of housing provision and the distribution of new homes as reflected in the strategic proposals. They therefore would wish to participate at the oral part of the examination in order to elaborate on their concerns and the necessary changes to the plan that flow from that.

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:

Joe Gardner

Date :

25 June 2014

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Local Plan

Paragraph Number:

Policy Number:

DS3

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):

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Hallam Land Management and William Davis Limited (HLM/WD) consider that this strategic policy should encourage the enhancement of the ability to appreciate heritage assets where appropriate, in line with the National Planning Policy Framework paragraph 126, namely:

'Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment... In developing this strategy, local planning authorities should take into account:...

- the desirability of new development making a positive contribution to local character and distinctiveness; and

- opportunities to draw on the contribution made by the historic environment to the character of a place.'

It is also considered that the policy would be more effective if it did not distinguish between 'built' and 'cultural heritage' but rather used the term 'cultural heritage' which is very broad and allows of wide application across the range cases. Accordingly it is considered that paragraph 2.8(b) of the policy should be amended to reflect this approach.

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Paragraph 2.8(b) should be amended to read as follows:

'Caring for, and where appropriate enhancing the appreciation of, the District's cultural and natural heritage'

Paragraph 2.10 should be amended to read as follows:

"...integrate new development into the natural, built and historic environment, and simultaneously to look for opportunities to enhance those environments and people's appreciation of their special interest and their potential to contribute positively to quality of life of future users and residents."

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Part B - Your Representations

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

Local Plan or SA:

Local Plan

Paragraph Number:

Policy Number:

DS4

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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Hallam Land Management and William Davis Limited (HLM/WD) broadly support the overall strategy for the distribution of housing and employment across the District.

Paragraph (e) of the policy refers to the issue of proximity of development land to heritage assets. It states as follows:

“Sites which have a detrimental impact on the significance of heritage assets will be avoided unless suitable mitigation can be put in place.”

It is considered that the wording of this paragraph is not consistent with the objectives of the National Planning Policy Framework (NPPF). It implies a general principle of restraint.

Whereas the Framework's approach is to seek to identify the scale of harm consequent upon a development, if any, its nature and degree, and on that basis to engage one of two conditions:

1. Either, in the case of substantial harm (paragraph 133) to accept such harm essentially on the basis of the special circumstances variously defined (we do not repeat the NPPF formulation and it will be familiar to the Council).

/ cont'd on separate sheet

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.

It is considered that paragraph (e) of Policy DS4 should be redrafted as follows to bring it into line with the policy advice in the NPPF, as noted in the response to part B (7) above.

“(e) The effects proposed sites on the significance of heritage assets will be assessed on a case by case basis, having regard to: the particular significance of the asset; settings' contribution to that significance; the proposed design and use(s); and the broader planning considerations taking into account all relevant statutory provision.”

For the reasons set out in the separate submission about Policy DS11 the following change should be made to paragraph (g) of Policy DS4:

“(g) taking the national green belt policy into account, it has been determined that there are currently no exceptional circumstances that warrant the alteration of existing boundaries in order to accommodate development.”

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Response to Q7 continued

2. Or, in the case of less than substantial harm (paragraph 134) to recognise that a balanced judgment is required on a case by case basis.

It is also considered that the adjective 'suitable' in the paragraph (e) is subject to wide interpretation without any policy basis against which to judge it.

Insofar as sub-paragraph (g) of the policy is concerned, HLM/WD make separate submissions about the proposed use of Green Belt Land at Thickthorn, Kenilworth, for development, as set out in Policy DS11. It is considered that this allocation is inconsistent with sub-paragraph (g) of Policy DS4.

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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"/>

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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:

Local Plan

Paragraph Number:

Policy Number:

DS7

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.

1. Representations have been made on behalf of William Davis, Hallam Land Management and other house builders and developers to the level of housing growth set out in Policy DS6. No further comments are made in this representation on the figure of 12,860 and any references to it should not be interpreted as acceptance of it. This representation therefore focuses on Policy DS7 and how the requirement for new homes will be met over the plan period.

2. The components, as set out in Policy DS7, can be summarised as follows and are used to inform the calculation of the amount of land which will need to be identified as allocations in the Local Plan. The following reflects the position as set out in the plan.

a. Sites completed April 2011 - March 2013	406
b. Sites with outstanding planning permission 1 st April 2013	1,906
c. Sites with permission granted between 1st April 2013 - 31 st December 2013	1,317
 Total committed sites (a + b + c)	 3,629

cont'd on separate sheet

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.

It is therefore considered that the windfall allowance should be reduced to, at the most, a level of no more than 20% of the overall requirement for new homes 2013 - 2029; about 1,850 dwellings. The plan should therefore identify, across the District, additional sites to be allocated for new housing, including land to the south of Gallows Hill, Warwick, in order to secure the overall requirement for new homes over the plan period.

2. On the basis of the matters rehearsed in part B7 above windfall allowance in Policy DS7 should amount to no more than 1,600 dwellings, estimated as follows:

(i) 2,265 dwellings having accounted for no more than 193 dwellings per annum coming forward from such sites in any one phase of the plan;

(ii) less 393 dwellings on small urban sites;

(iii) less 269 dwellings on employment consolidation and canal side regeneration sites;

which results in a revised Windfall Allowance of 1,603 or 1,600 dwellings. This represents about 17.3% of the housing requirement to be met from the policies and proposals in the plan, which is more realistic and properly justified.

3. Policy DS7 line 5 should therefore be amended as follows:

"An allowance for windfall sites coming forward from December 2013 to March 2029.

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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Question 7 continued

a.	Requirement to be met from the policies and proposals in the plan (12,860 – 3,629)	9,231
b.	Allowance for Windfall sites over plan period	2,485
c.	Small urban sites recorded as suitable in the SHLAA	393
d.	Sites arising from consolidation of existing employment and canal-side regeneration	269
	Total windfall and urban sites: (e + f + g)	3,147
h.	Remaining provision to be secured from allocations to be identified in the plan	
	3,629 + 3,147 = 6,776 12,800 – 6,776	6,084

- The capacity of the allocations set out in Policy DS11 amounts to 6,188 dwellings. This figure is 104 dwellings in excess of the estimated need for 6,084 dwellings. This represents a level of flexibility in the allocated provision, in the order of 1.1%.
- William Davis and Hallam Land Management have a number of concerns about the various components of the supply set out above and how the overall level of provision is to be met. These are set out below.

a. Permissions and the Allowance for Windfalls

- The allowance for windfall sites is expressed in the policy as being “*over the plan period*”. It should be more accurately described as relating to the period beyond April 2013, since some of the completions, up to March 2013, and permissions, up to December 2013, will include windfall sites.
- It is considered that the contribution from windfall sites has been overstated for the following reasons:
 - Windfall sites the subject of an outstanding permission on sites not started at December 2013 will not deliver completed dwellings for at least two years following the grant of planning permission because there will be a need to secure the discharge of pre-commencement conditions and other reserved matters. Some allowance for this fact needs to be made when estimating provision from windfalls over the plan period. This would be similar to the discount which the Council has applied to the last three years of the plan period to allow for the fact that sites granted planning permission during the final three years of the plan period (2026 – 2029) will unlikely deliver completed dwellings until beyond 2029.
 - In order to account for the fact that some of windfall sites that will deliver new homes in the period 2013 – 2019 in the recorded permissions to December 2013, and therefore already recorded as commitments (see line c in the calculation at paragraph 2 above) it is considered that some discounting of the suggested annual average should arise, in a manner similar to that set out in Table 5 of the Paper: Estimating a Windfall Allowance.

Year of Permission	Windfall Permissions (Dwellings)	Year Built					
		13/14	14/15	15/16	16/17	17/18	18/19
2013/14	217	-	-	36	72	72	36
2014/15	217	-	-	-	36	72	72
2015/16	217	-	-	-	-	36	72
2016/17	217	-	-	-	-	-	36
2017/18	217	-	-	-	-	-	-
2018/19		-	-	-	-	-	-
		-	-	36	108	180	216

7. On this basis it is considered that over the period 2013 – 2019, the windfall allowance should be 540 dwellings since permissions outstanding at April 2013 and up to December 2013 will have already accounted for the windfalls to be delivered up to 2014/15. This is some 192 lower than the total forecast for this period (2013 – 19) by the Council in Table 6 of the above noted paper.

b. Windfalls and Student Accommodation

8. Paragraph 5.24 of the “Estimating a Windfall Allowance” Paper notes that in order to allow for changes to the character of future windfall sites, the Council, in assessing the likely delivery of new homes from windfalls, propose to increase:
- (i) urban provision by 40%, including student accommodation (presumably on Warwick University Campus); and,
 - (ii) the conversion allowance by 20% including student accommodation.
9. The SHMA (2013) considered the issue of student housing. In so doing, it noted that at 2011, 1.7% of all households in Warwick District were student households. If that population were to be mirrored in forecast housing requirements, they would constitute in the order of 218 dwellings of the overall provision ($12,860 \times 1.7\% = 218$).
10. It is noted in paragraph 10.73 of the SHMA that in 2009 permission was granted to provide, inter alia, some 2,000 – 3,000 additional student bedrooms on the Warwick University Campus and permission has now been granted for a further 500 bed spaces. The University has no specific plans to expand student numbers further in the short term. Further, it is understood that future growth in numbers is likely to be moderate, both in respect of the Warwick and Coventry Universities.
11. It is therefore considered that the proposed increases in the windfall allowance for both urban and conversion completions over the plan period are not fully justified by reference, in part, to the future demand for student accommodation.

c. Increases in Windfall Allowance Generally

12. As noted above, the Council propose to adjust upwards the allowances for windfall completions from rural sites and for conversion schemes. The NPPF, at paragraph 47, anticipates that in order to boost significantly the supply of housing, authorities should identify a supply of specific developable sites on broad locations for growth in years 6 – 10 (2019 – 2023) and, where possible, 11 – 15 in their plans. Emphasis is placed on the identification of specific sites.

13. To increase the allowance for windfall sites coming forward over the plan period is contrary to this approach. It is therefore considered that the annual average rate of provision from these sites should be no more than 193 dpa in any phase of the plan. Consequently, whereas the Council anticipate there will be 217 windfalls per annum in Phase 2 (2019 – 2024) (see Table 6 in the 'Estimating a Windfall Allowance' Paper) it is considered that a more realistic figure would be 193 dwellings or a total of 965 dwellings over that five year period. This would reduce the provision of that phase by 120 dwellings (1,088 – 965 = 120) and the overall District total to 2,455 dwellings, as shown in that same table.
14. Reference to the reduced windfall allowance of 540 dwellings between 2013 – 2019, as proposed in paragraph 6 above, would further reduce the overall allowance by 190 dwellings to a total of 2,265 dwellings.

d. Other Sources of Windfalls

15. Policy DS7 also includes, as separate supply components:
 - (i) small urban sites recorded as suitable in the SHLAA 393 dwellings
 - (ii) sites arising from the consolidation of existing employment sites and canal-side regeneration 269 dwellings
16. Whilst the sites in (i) above can be regarded as identified for the purposes of this plan, previously they would have contributed to the "trend" in the provision of windfall sites since 1996/7, as recorded in "Estimating a Windfall Allowance". Given the approach to deriving the figure of 2,485 windfalls in Policy DS7, it is considered that the inclusion of sites in (i) above represents double counting. If small urban sites in the SHLAA are to be recorded separately in DS7 then some 393 dwellings should be discounted from the revised windfall allowance (see paragraph 14 above) of 2,265 dwellings.
17. A similar approach must also apply in respect of the sites in category (ii) above. These would have been recorded as windfall sites over the period 1996/97 to 2012/13. To avoid double counting, they should also be subtracted from the revised allowance of 2,265 dwellings.

e. Concluding Observations on the Windfall Allowance

18. On the basis of the advice set out in paragraph 48 the NPPF and the subsequent "on-line" Planning Practice Guidance, it is accepted that, in principle, an allowance for windfall sites could be included within any assessment of the supply of housing land over the plan period. The issue is the scale of such an allowance. As proposed, it is not considered that this is justified and hence the Plan is not sound.
19. In this context, Policy DS7, includes 2,485 dwellings from windfall sites over the period 2013 – 2029 which is equivalent to 27% of the forward supply of land over and above completions and existing commitments ($2,485 \div 9,231 \times 100\% = 27\%$). This is a significant component of the supply, equivalent to about 1 in every 4 of the requisite dwellings being "unidentified".
20. Paragraph 47 of the NPPF expects local planning authorities to identify a supply of specific and developable sites for growth. Such a significant reliance on windfall sites is contrary to that expectation and gives rise to a level of uncertainty as to the delivery of the housing requirement over the plan period. This uncertainty is increased by the very limited amount of flexibility in the scale of allocated land when compared with the estimated requirement for homes from those sites; as described at paragraph 3 above.

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:

This and other separate comments indicate that Hallam Land Management and William Davis Limited find that a number of the policies and proposals for the development of new homes and in relation to heritage matters are unsound. They also have concerns regarding the overall level of housing provision and the distribution of new homes as reflected in the strategic proposals. They therefore would wish to participate at the oral part of the examination in order to elaborate on their concerns and the necessary changes to the plan that flow from that.

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:

Joe Gardner

Date :

25 June 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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