

19 November 2020
Representations to Burton Green NP (Submission Version) FINAL



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Dear Sir / Madam,

Burton Green Neighbourhood Development Plan Submission (Regulation 16) Consultation

Crest Nicholson Midlands (Crest) has instructed Savills to make representations on its behalf to the Regulation 16 consultation on the Burton Green Neighbourhood Development Plan (NDP).

Crest obtained planning permission in 2018 (ref. W/17/2357) for a new residential development on land to the south of Westwood Heath Road. The scheme is for 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), a convenience store of up to 400 sqm gross floorspace together with the creation of formal and informal open space including allotments, infrastructure provision and associated work, together with means of access onto Westwood Heath Road and agricultural access on to Bockendon Lane. The site is also allocated for residential development for 425 dwellings in Policy DS11 of the adopted Warwick District Local Plan 2011-2029 (WDLP) under site reference H42.

Westwood Heath Road forms the northern boundary of the NDP area and therefore the approved Crest scheme lies within the NDP boundary. Crest welcomes the fact that the Submission version of the NDP contains changes that have been positively made in response to the representations submitted. These changes are commented on within the remainder of the letter, alongside further focussed representations relating to some of the other proposed Policies, Community Projects and Appendices that are included within the Submission version of the NDP.

Where appropriate, alternative / additional wording is suggested; this additional suggested text is marked with underlining. Policy text that is suggested for deletion is crossed through.

SO1 Policy 1: Development of Agricultural Land

Crest notes that this Policy seeks to protect the Best and Most Versatile agricultural land from inappropriate development. Crest wishes to request 2 amendments in relation to the proposed Policy wording:

1. The current wording of the Policy does not differentiate between grade 3a and grade 3b agricultural land and thereby suggests that grade 3b land would also fall under the definition of 'best and most versatile agricultural land'. In order for the Policy to be consistent with the definition for 'best and most versatile agricultural land' in Annex 2 of the National Planning Policy Framework (NPPF) the Policy wording needs to specifically relate to land in grades 1, 2 and **3a** of the Agricultural Land Classification.
2. It is also requested that the proposed Policy wording is amended to recognise, and be in conformity with, the strategic policies and allocations within the adopted WDLP.

In order to incorporate the requested amendments set out above the following changes to the proposed Policy wording are suggested:

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“5.1.1 Development of the best and most versatile agricultural land (defined as land in grades 1,2 and 3a of the Agricultural Land Classification) will not normally be supported unless it can be demonstrated that development of agricultural land conforms to National Greenbelt policy, is necessary and in the public interest and no other land of a poorer quality is available, or relates to a Local Plan allocation and / or an extant planning permission for development. Operational development or changes of uses directly associated with and necessary for agricultural activity will be considered compatible with this policy.”

SO2 Policy 1: Trees and Hedges

Crest notes that this Policy recognises the potential importance of existing veteran and mature trees, woodland and ancient hedgerows and that the proposed Policy wording is permissive of replacement planting where it is not possible to retain existing trees and hedgerows. Crest wishes to request 4 further amendments in relation to the proposed Policy wording:

1. The Policy (para 6.1.2) refers to ‘Map 3’. Map 3 in the Submission version of the NDP shows footpaths. It is assumed that this is a typographical error and should instead refer to ‘Map 4’ (Hedgerows).
2. The Policy (para 6.1.2) wording implies that the location of existing veteran and mature trees, woodland and ancient hedgerows should be identifiable from Map 4. Map 4 however just shows all hedgerows (as at a point in time in 2011-2012). If it is not the intention to display this additional information on Map 4 then it is questionable why this Map reference needs to be made within the Policy wording at all.
3. The current wording of the Policy states (in para 6.1.2) that development proposals should seek to maintain and protect existing veteran and mature trees, woodland and ancient hedgerows “*wherever possible*”, and that (para 6.1.3) proposals which demonstrate full replacement mitigation for existing trees and hedgerows which cannot be retained will be supported, whilst also conflictingly stating (in para 6.13) that development proposals which adversely affect these features “*will not be supported*”. The current wording therefore needs to be rationalised and clarified to remove this inconsistency and enable this proposed Policy to be implementable.
4. The current wording of the Policy also does not allow for the possibility of existing trees to be of little merit, for example trees that are of a young age, undesirable species or those which are already dead or diseased.

In order to incorporate the requested amendments set out above, the following changes to the proposed Policy wording (at paragraphs 6.12 and 6.13) are suggested:

“6.1.2 Development proposals should take into account the importance of existing veteran and mature trees, woodland and ancient hedgerows and wherever possible should seek to maintain and protect them (see map 3)”

“6.1.3 ~~Developments which adversely affect these will not be supported. However, w~~Where it is not possible to retain existing trees and hedgerows of merit, development proposals which demonstrate full replacement with appropriate native species in mitigation will be supported”

In relation to Map 4, perhaps due to the date of the survey used to produce this Map, Crest also wishes to highlight that it is not an accurate representation of the existing hedgerows on the allocated and approved housing site to the south of Westwood Heath Road. Some of the hedgerows shown have not been present since before survey work was undertaken by Aspect Ecology in 2016 and some are removed under Phase 1 of the planning permission for this site. In addition, some small sections of hedgerow will be removed as part of future phases of the consented development. A plan (Plan 3134/NDP1) is submitted showing the inconsistencies on Map 4. An additional plan (Plan 3134/NDP2) is submitted which sets out suggested hedgerow locations within the housing site boundary, which can be used to update Map 4. This is based on current, up to date survey work, and Crest requests that Map 4 is updated accordingly.

SO2 Policy 2: Wildlife and Biodiversity

Crest welcomes the revisions that have been made to the wording included within para 6.2.3 and para 6.2.4 compared to the equivalent provisions within the Regulation 14 consultation version of the NDP. Crest wishes to request 2 further amendments in relation to the proposed Policy wording:

1. The wording in para 6.2.1 is not in full compliance with paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation' (NPPF footnote 56) or paragraph 9.2.4 of BS42020 (Biodiversity - Code of Practice for Planning and Development) which state that surveys can be conditioned under exceptional circumstances. An update to paragraph 6.2.1. is therefore requested to reflect this position.
2. The wording at paragraph 6.2.2. should recognise that the provision of wildlife corridors should be made 'where appropriate' because the creation of such corridors could potentially impede making best use of land in certain circumstances. The Policy also does not recognise that hedgerows can be replaceable habitats and losses may be acceptable if appropriately compensated. The wording of paragraph 6.2.2. should therefore be more flexible in its approach.

In order to incorporate the requested amendments set out above the following changes to the proposed Policy wording are suggested:

"6.2.1 Where the removal of woodland or hedgerows is involved in a proposed development, appropriate surveys should be carried out and submitted at the application stage ~~and in all cases prior to determination unless there are exceptional circumstances to secure such surveys by way of a planning condition~~. Such surveys should include detailed and adequate mitigation measures where a harmful or negative impact has been identified."

"6.2.2 Provision should be made for wildlife corridors within developments where appropriate by preserving existing hedgerows, or replacing with new native planting where possible."

SO2 Policy 5: Valued Vistas and Landscapes

Crest notes that this proposed Policy relates to views across the NDP area that are considered to be important at a local level. Crest supports the aims of the proposed Policy, but wishes to highlight that it should be recognised that it may not be possible to maintain existing identified valued vistas and landscape views in all instances. The visual impact of the proposed development on land south of Westwood Heath Road has already been assessed and deemed acceptable, in accordance with the strategic allocation made within the WDLP, through the planning permission for this site. This development will result in some visible roof lines, particularly in relation to Views V2 and V5, and this should be recognised in the NDP.

Crest therefore welcomes the acknowledgement of the impact of the proposed housing development on View V5, as referenced in Table 1. However, the presence of the Westwood Heath housing development within the vista from View V2 has not been acknowledged within Table 1 and this needs to be rectified.

In addition, it is noted that some of the Viewpoint descriptions in Table 1 are inconsistent with the annotations on Map 6 and the equivalent descriptions given in Appendix 3. It is accordingly requested that the Viewpoint descriptions for V1 and V2 in Table 1 are amended as follows:

View	View Point	Significance
V1	<i>Greenway to the East <u>looking south-west</u></i>	<i>Across best and most versatile agricultural land to Red Lane Houses and beyond provides a strong contribution to local character. It also provides a fine overview of the character of the arable agricultural land within the rising Warwickshire countryside towards the horizon. A view of the Keep of Kenilworth castle can be seen on the skyline.</i>

View	View Point	Significance
V2	<i>Greenway to the West looking north-east</i>	<i>Currently this view includes Broadwells Wood which is ancient woodland and agricultural land towards Westwood Heath Road and the edge of Coventry. The view will be significantly affected by the HS2 line and the proposed Westwood Heath housing development.</i>

SO3 Policy 1: Burton Green Development Boundary

Crest welcomes the revised Policy wording at paragraph 7.1.1. to now include the “*proposed Westwood Heath development (WDLP H42)*” within the Burton Green Development Boundary. This wording is necessary in order to recognise this development commitment and to ensure that this proposed Policy is consistent with the allocations in the adopted WDLP. (Note: the second opening bracket before H42 is erroneous and should be deleted).

SO3 Policy 3: Responding to Local Character

Crest recognises that the aim of this new proposed Policy, for development proposals to give regard to local character, is in accordance with the approach to design set out in Chapter 12 of the NPPF. However specifically in relation to the impact of new development on heritage assets within the Village this proposed Policy should recognise that both the adopted WDLP (Policy HE1) and the NPPF (Chapter 16) identify that there may be situations where a development proposal which causes substantial harm or less than substantial harm might still be appropriate. In order to reflect this the following changes to the proposed Policy wording (at para 7.3.2) are suggested:

“7.3.2 a) Protect the heritage assets within the village where appropriate unless an adverse impact on the significance of a heritage asset or its setting can be otherwise justified;...”

SO3 Policy 7: Sustaining and Developing Village Retail and Service Outlets

Crest supports the encouragement within this proposed Policy for the provision of retail outlets in new housing developments. This is consistent with adopted WDLP Policies DS11 (Site H42) and DS20, which allocate land to the south of Westwood Heath Road for the provision of 425 dwellings and other uses, including a convenience store of no more than 500sqm gross floorspace.

SO3 Policy 8: Sustaining and Developing Private Transport

Crest continues to support the need to facilitate the transition to sustainable private transport and recognises that the provision of electric car charging facilities for new residential and commercial development in assisting with this transition.

The NPPF (paragraph 110), states that, where practical, development should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. This is incorporated into adopted WDLP Policy TR1 d), which states that this applies to development proposals which include provision for off-street parking and is for more than one dwelling. The explanatory text in WDLP paragraph 5.43 further clarifies that Policy TR1 d) should apply unless it can be demonstrated that it would undermine the viability of developments and that recharging points should be provided in line with the Low Emissions Strategy Guidance for Developers (April 2014) or subsequent revisions of this. It should be noted that this Guidance has since been replaced by the Air Quality SPD (January 2019).

The Air Quality SPD seeks 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) for residential development and provision for 10% parking spaces (32 amp) for commercial / retail units. This approach is supplemental to WDLP Policy TR1 and has already been through consultation and deemed to be deliverable. Crest is already proposing to provide vehicle charging in line with this approach on the development to the south of Westwood Heath Road.

It should also be recognised that the Government's July 2019 consultation on 'Electric Vehicle Charging in Residential and Non-Residential Dwellings' proposes that the Building Regulations are updated to require all new dwellings with an associated dedicated car parking space that are within the site boundary of the building should have a charge point. The results of this consultation have not yet been published and Building Regulations have not yet changed to incorporate electric vehicle charging.

The following amendment to the proposed Policy is suggested in order for the proposed NDP Policy to: be consistent with the approach that has already been tested and consulted upon through the WDLP and associated Air Quality SPD and proposed to be brought in by the Government through a change to the Building Regulations; ensure that proposals are deliverable and achievable; and recognise the fact that the NDP is not accompanied by a viability assessment:

"An electric vehicle charging point should be provided for all new dwellings with a dedicated off street car parking space within the site boundary of the building to facilitate transition to sustainable private transport, unless it can be demonstrated that this would undermine the viability of developments or otherwise superseded by further changes to Building Regulations."

Please also refer to comments below on the proposals for Community Project 3.

SO3 Policy 9: Parking Provision

Crest notes that this proposed Policy predominantly aligns with the WDC Parking Standards Supplementary Planning Document (SPD) (June 2018). The Parking Standards SPD recognises that the particular circumstances of individual developments may demonstrate a need for a greater or lower parking provision than identified within the standards. The current planning permission for the development proposal to the south of Westwood Heath Road is already informed by parking standards that predate, and thereby do not align with, the 2018 SPD, and these previous parking standards are included within the approved Design Code for this development. The planning permission requires the development to take place in accordance with the approved Design Code unless otherwise agreed in writing with WDC. In recognition of this, the following amendment to the proposed Policy is suggested:

"7.9.1 All new dwellings shall ensure by design the provision for parking spaces in accordance with WDC Parking Standards (June 2018) unless alternative standards are agreed through a Design Code..."

SO3 Policy 10: Use of Renewable Energy

Crest notes that the revised wording within this proposed Policy seeks to promote sustainable development and energy efficiency. The wording of the Policy complies with the intentions of the NPPF in this regard whilst also providing the flexibility to achieve sustainable development, reduce carbon emissions from new development and deliver energy efficiencies through incorporating a range of techniques and technologies. Crest therefore supports this proposed Policy.

Community Project 1: Cycleway Linking Cala Homes / Westwood Heath Road Housing Developments

Crest supports the principle of the proposed Community Project 1 to safeguard a route between Crest's development south of Westwood Heath Road and the Cala Homes site using existing footpaths and back-land

development to enable a cycleway to be delivered between these two housing developments, and linking into the Greenway, in the future. Such a proposal would further integrate the Crest site with the existing community and the wider area.

NDP Map 3 is not specific about the location of the safeguarded route or where it would link into the Crest site. It is noted that significant improvement works would have to be undertaken to the relevant existing public footpaths to enable their formal use by cyclists, in addition to the incorporation of additional land, before the proposed link could be made operational. Further information and clarity is needed on how the wider route will be safeguarded, funded and implemented in its entirety as a single continuous scheme, to ensure that it can be demonstrated that this scheme is deliverable. This full case will need to be demonstrated before the details for the link are approved and any part of the link is constructed.

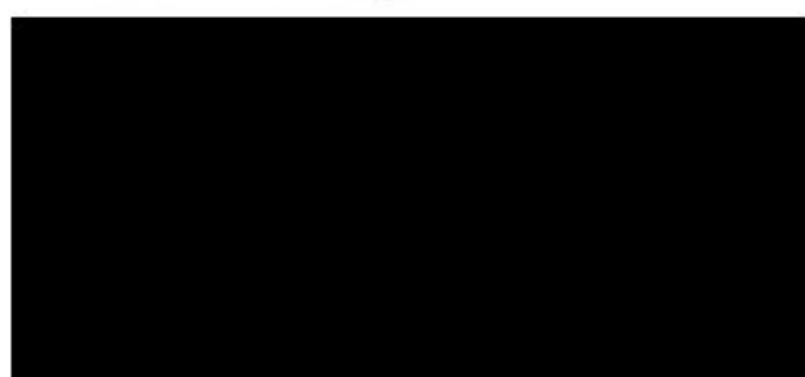
Community Project 3: Electric Vehicle Charging Points

Crest notes that Community Project 3 refers to a number of potential locations for the installation of electric charging points for community use, including the Westwood Heath housing development area.

Crest supports the principle of providing electric charging points for community use within the village because there will be a significant number of existing properties which do not benefit from such a facility. However the Crest housing development will already be providing 1 charging point for each dwelling with a dedicated parking space and is also likely to provide charging points at the proposed retail unit and for a percentage of unallocated parking spaces within the development. Accordingly the residents of, and visitors to, the new housing, as well as drivers visiting the retail unit would have access to a charging point. Therefore, the proposal for potential provision of further additional electric vehicle charging points at Westwood Heath is questioned in terms of necessity. It is suggested that the additional community charging points may be best placed closer to established residential properties and that reference to the Crest site is removed from the Community Project 2 text and Map 10.

I would be grateful if you could confirm receipt of these representations in due course. If you have any questions relating to this submission, then please contact me in the first instance.

Yours faithfully



Michael Burrow

Enc. Plan 3134/NDP1
Plan 3134/NDP2