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L 130720 RL Revised Development Strategy Reps



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Dear Sir/Madam

**Local Plan – Revised Development Strategy
Representations on behalf of Gleeson Developments Ltd and The Sundial Group Ltd**

Savills is instructed by Gleeson Developments Ltd (Gleeson) and the Sundial Group Ltd (Sundial) to submit the following representations in relation to the above consultation.

Background:

Gleeson and Sundial control the land at Southcrest Farm (K17) and Woodside Training Centre (K19), to the east of Kenilworth. Representations have previously been submitted to the Council highlighting the lack of constraints on this land, its suitability for development and its deliverability. We previously submitted comments on the Preferred Options document, May 2012. The comments below raise similar issues to our previous submissions. The Council has failed to take on board or address the issues raised in our previous submissions which are fundamental to the soundness of the Local Plan.

The assessment of K17/K19 by the Council has assumed that the land will come forward separately to land at Thickthorn. This is not the case. K17/K19 should be seen as an extension to the land at Thickthorn and not separate from it. Our main issue is that the capacity of the Thickthorn land is unable to accommodate the extent of development proposed. This is clearly demonstrated in the Revised Development Strategy (RDS) as will be set out below.

These representations maintain our view that a wider, long term, approach to development at Kenilworth should be taken, including the land at Thickthorn and K17/K19. This will enable a comprehensive approach that will meet the aims and objectives of Garden Suburbs. It will provide better linkages into the town, provide improved services and maintain the existing playing fields/sporting facilities in the area.

In addition, the whole area of land should be taken out of the Green Belt and safeguarded in accordance with the advice in the National Planning Policy Framework (NPPF) paragraph 85.

The comments that are set out below specifically relate to Kenilworth and are informed by in depth technical work that has been undertaken on sites K17 and K19, including archaeology, highways, drainage/flood risk, landscape, air quality, noise and ecology.



Comments on the Revised Development Strategy, June 2013

Paragraph 1.2 - Comment

This paragraph confirms the importance of taking account of the evidence and representations submitted on the Local Plan. To date the Council has failed to consider the fundamental issues that our Client's have raised regarding the deliverability of the land at Thickthorn. This includes issues regarding land ownership, collaboration, alternative playing field provision, the capacity of the land to deliver the required development at appropriate densities to reflect the Garden Suburbs approach and the site's identified technical constraints.

Paragraph 1.3 - Comment

It is noted that Warwick along with other Council's in the Coventry and Warwickshire sub-region are preparing a new Strategic Housing Market Assessment (SHMA). This is in response to the comments made by the Inspector examining the Coventry Core Strategy that the Council had failed in its duty to co-operate. The preparation of an up to date SHMA is fully supported.

In addition, the Localism Act 2011 and the National Planning Policy Framework (NPPF) sets out a formal "duty to cooperate" on planning issues and strategic priorities that cross administrative boundaries. The duty requires these issues to be coordinated and reflected in individual Local Plans. Indeed, Inspector's at recent Local Plan and Core Strategy examinations, most noticeably Coventry, have attached considerable weight to the duty to cooperate with neighbouring authorities and have found plans unsound where the evidence is lacking of such cooperation. In addition, the Inspector considering the North London Waste Plan recently set out a clear distinction between consultation and engagement (see attached note). The Council should take account of the Inspector's findings regarding active engagement rather than simply consulting.

This is an important aspect of preparing the Local Plan and one which should be adequately addressed.

In this context it is encouraging to see that the Revised Development Strategy acknowledges this issue. However, paragraph 181 of the NPPF reiterates a need for ongoing dialogue stating "*Cooperation should be a continuous process of engagement*". Most of the surrounding authorities are also in the process of producing or updating their development plans. As such whilst, cross boundary issues may not have been identified thus far, the situation may change over the period up to and including the submission of the Local Plan. Indeed, the ongoing update to the Strategic Housing Market Assessment that is due to be published shortly may raise cross boundary issues that should be taken into account. We would encourage the Council to be proactive in meeting the Duty to Cooperate and be flexible enough to respond to issues as and when they may arise.

Given the above, we are concerned by the statement at paragraph 1.3 of the Strategy that the "*housing growth requirements are unlikely to change substantially as a result of the new assessment*." Whilst changes to housing requirements in Warwick District may not change, the need to accommodate housing growth from neighbouring authorities may. Under the Duty to Cooperate on going dialogue and active engagement is required. The implication of this may be a need to consult further, either on the updated housing figure or a completely revised development strategy. The Council should maintain a flexible and open mind to deal with any issues that may arise.

Strategic Vision - Support

Gleeson and Sundial general support the Council's Vision for Warwick District and the aim of the Strategy to "*ensure that by the end of the Plan period, the District will be known as a place of sustainable "Garden Towns, Suburbs and Villages" with a successful, dynamic broad based economy, catering for the needs of its growing and diverse communities.*"

However, whilst supporting the need to meet the housing requirement of the existing and future population of the District they do not support the specific principle of only identifying land for around 683 new homes per year. This issue will be discussed in more detail below.

In addition, it is noted that there is no reference in any of the specific principles to the need to maintain and improve the quality and provision of sporting and leisure facilities in the District. This was a key theme set out in the previous Preferred Options document and one that should be taken forward in the updated Local Plan as it is in line with advice produced by the Government and Sport England to improve the general health of communities through improvements to sport and recreation facilities and protecting playing fields.

Section 4 - Revised Development Strategy - Object

Interim Housing Figure – Policy RDS1 – Object

It is noted that the document refers to the revised housing figures as an “*interim*” level. We therefore question why the Council has consulted on this Revised Development Strategy at this stage, rather than waiting for the updated SHMA to be completed? The comments below relate to the housing figure currently proposed. We reserve our right to comment on the revised housing figure when the new SHMA is published later in 2013 and encourage the Council to formerly consult once again at that time.

Level of Housing Growth 2011-2029

Policy RDS1 refers to an interim level of growth of 12,300 homes between 2011-2029. Paragraph 47 of the NPPF states that local planning authorities should:

“use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including key sites which are critical to the delivery of the housing strategy over the plan period.”

Our previous representations on the Preferred Options Local Plan commented on the low level of housing proposed in the District. It is therefore encouraging to see that the Revised Development Strategy has proposed a higher (albeit interim) housing figure of 12,300 homes over the plan period. However, we maintain our objection to this level of housing growth in that it fails to accord with the requirements of the NPPF to meet the “*full, objectively assessed needs for market and affordable housing in the housing market area.*”

Indeed, the Council’s Strategic Housing Market Assessment (SHMA), May 2012, concludes that:

“Forecast employment growth in the District is for 11,860 jobs over this period. Should the District wish to support this level of economic and employment growth, the projections indicate that provision of 14,300 homes would be required (2011-31), equivalent to 715 per annum.”

The SHMA also indicates a need for an annual supply of 698 affordable housing units alone over the plan period. Whilst it is accepted that affordable housing can be addressed through increased private sector accommodation, it will still have a significant impact on housing provision in the district.

Paragraph 4.1.5 of the RDS refers to ONS Sub-national Population & Household Projections. The value of these statistics is questioned in the context of paragraph 47 of the NPPF that refers to the need for consideration at the housing market area level and not just at District level.

Paragraph 4.1.6 of the RDS refers to the 2012 SHMA. The paragraph concludes “*The SHMA projections showed that between 11,300 and 14,300 new homes could be required between 2011 and 2028, depending on whether or not existing levels of commuting remained the same.*” Furthermore, demographic projections set out in the RDS (paragraph 4.1.8) which were based on more up to date economic forecasts than

considered in the SHMA have shown a need for between 13,300 and 13,800 new homes over the plan period.

The 'interim housing figure' set out in the RDS policy RDS1 fails to meet the full need in the housing market area. There is also no rationale or evidence as to how the housing figure has been arrived at and why the higher figures set out above and in the evidence base have been rejected. Such evidence is needed to ensure that the Local Plan is found sound by an Inspector. Moreover the 2012 SHMA is not NPPF compliant in that it only assesses housing and employment growth within Warwick District and not the wider housing market area. The final housing figure should await the findings of the 2013 update to the SHMA.

The housing numbers fail to refer to the need for a 5% or 20% buffer on the overall housing figure and as such is contrary to the requirements of paragraph 47 of the NPPF. Such a requirement is to provide "a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land." (Paragraph 47 NPPF). Choosing a housing figure that fails to meet the identified housing need in the area, along with the current five year land supply shortfall will result in an unsound plan. The NPPF requires a flexible approach in such instances to boost significantly the supply of housing.

Plan Period:

The plan period is confusing in that the 2012 SHMA refers to a 20 year period (2011 – 2031), the RDS document refers to an 18 year period (2011-2029) whilst the introduction to the RDS refers to a 15 year time period. The NPPF (paragraph 157) refers to a need for plans to be drawn up over an appropriate timescale "preferably a 15 year time horizon" and also to "take account of longer term requirements." This approach is supported by the evidence in the SHMA that refers to evidence of growth over the longer time period up to and post 2031. Given the on-going delays in the production of the Local Plan consideration should be given to extending the plan period accordingly. As such the housing figure would need to be increased to reflect the longer time period.

RDS3 - Broad Location of Development – Support/Object

Gleeson and Sundial generally support the Council's broad location of development in so far as it seeks to accommodate growth within and on the edge of the existing urban areas. However, whilst there is a need to protect the Green Belt it should be accepted that a large proportion of the District is Green Belt. In order to accommodate housing where it is needed there will be a requirement to review Green Belt boundaries, especially around key sustainable settlements for example, Kenilworth.

Furthermore, paragraph 85 of the NPPF states there is also a need to identify in the Local Plan "areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet the longer-term development needs stretching well beyond the plan period." This issue has not been addressed in any of the evidence base documents or the RDS. In the case of Kenilworth, which is recognised as one of the most sustainable centres in the District, there will be a need to accommodate further growth beyond the current plan period. For the reasons set out in the current SHLAA and at paragraph 4.3.12 of the RDS it is accepted that there are limited opportunities for growth within the existing built up area of the Town. As such growth will have to take place on edge of the Town within the Green Belt. In such circumstances the NPPF requires that land be 'safeguarded' to avoid further reviews at the end of the development plan period (paragraph 85 NPPF).

Paragraph 4.3.12

No Evidence that Thickthorn is the Least Harmful in Green Belt Terms

As set out above this paragraph recognises the need to expand in to the Green Belt in Kenilworth due to the lack of non-Green Belt options. No justification has been set out as to why the "Land at Thickthorn" is the "least harmful alternative in terms of the purposes of Green Belt land." Indeed, in the Joint Green Belt Review, January 2009, all of the land to the east and north-east of Kenilworth is identified as being 'least constrained'. Table 6 of the Joint Green Belt Review assesses the various sites and the land at Thickthorn is

given the same score (8.5) as sites K17 and K19, referred to in the report as site K4. The Landscape Assessment in the Green Belt Review gives the same score (1 – low value) to both Thickthorn and K17/K19 in landscape impact terms recognising that the A46 forms a definitive boundary to built development in this part of Kenilworth. The more recent landscape assessment commissioned by the Council does not refer to land around Kenilworth at all. Therefore there is no evidence that the land at Thickthorn is the least harmful alternative in terms of the purposes of Green Belt land.

Is Thickthorn the Most Sustainable Option?

In terms of whether Thickthorn is the most sustainable site is questionable. Indeed, the Initial Sustainability Appraisal, May 2012 appraised the two options of Thickthorn and land off Glasshouse Lane/Crewe Lane. The results came out with a score of 3 and 2, respectively. However, when the matrix is examined in more detail, the land at Thickthorn had more negative impacts (5) compared to Glasshouse Lane/Crewe Lane (3). The only criteria which differentiates the two sites, was that it showed the Glasshouse Lane/Crewe Lane site scored one + in response to being able to meet the needs of the whole community compared to two + with Thickthorn. This is purely a function of its limited site area and could be easily addressed by assessing a wider development area, including all or part of Thickthorn.

In the Final Interim SA Report, June 2013, the appraisal of the two options (Thickthorn and Glasshouse Lane/Crewe Lane) has been amended, with the only difference being that K18 (the enlarged area, including Southcrest (K17) and Crewe Gardens) and K19 is shown to have a negative in relation to sustainable transport and reducing the need to travel. This is questionable and the ability exists to easily enhance these aspects through development of the land. Such a stance is accepted in the assessment of the Thickthorn land which states *“proposed development at the site has the potential to support new and improve existing public transport infrastructure.”*

Being on the edge of Kenilworth and abutting the proposed allocated site at Thickthorn it is surprising that a different stance has been taken in this regard. Both sites are equally as sustainable with regard to the criteria set out in the NPPF. Transport and highway issues have been fully researched by highway consultants acting for Gleeson and has been found not to be a constraint to bring sites K17 and K19 forward.

RDS4 – The Broad Location of Development - Object

The broad location of housing set out at table RDS4 does not accord with the objectively assessed need evidence set out in the SHMA, May 2012 document. Table 1 below, sets out the need/demand distribution from the SHMA compared to that in table RDS4:

Location	SHMA (%)	Preferred Options (%)
Warwick, Leamington & Whitnash	63%	68.6%
Kenilworth	19%	10.6%
Rural Settlements	18%	15.1%

It should be noted that the percentage of housing to Kenilworth has increased from the Preferred Options document (9%) whilst the actual number has been reduced from 770 to just 700. The increase in the percentages is due to the removal of committed housing numbers which reduces numbers at Warwick, Leamington and Whitnash to a significantly higher degree than at Kenilworth. Proportionally, Kenilworth is receiving the lowest level of housing compared to its identified need. The SHMA, 2012 concludes that there is a need/demand for 111 dwellings a year at Kenilworth (78 market and 22 affordable). The strategy, set out in the Preferred Options document, resulted in only 42 dwellings per year at Kenilworth compared to only 38 dwellings a year in the RDS. This approach and spatial distribution is unsound.

The spatial distribution should be amended to reflect the findings of the SHMA, 2012 and as more appropriately set out under the distribution Option 3 as considered in the housing evidence and Sustainability Appraisal, ie 1,260 dwellings to Kenilworth.

RDS5: Allocated Sites & Section 5.4 – Thickthorn, Kenilworth – Support/Object

Gleeson and Sundial support the principle of the distribution of housing to the east of Kenilworth. This in part reflects the need/demand findings of the SHMA. It also accords with the “golden thread” of sustainable development set out in the NPPF and the findings of the Joint Green Belt Review.

However, Gleeson and Sundial object to the proposed allocation of land at Thickthorn, Kenilworth and also to the 700 dwellings proposed. This objection is based on a number of reasons that have been set out in previous representations submitted to the Council and are summarised below:

Housing Number:

For the reasons set out above we object to the number of 700 dwellings to Kenilworth. The final distribution should await the publication of the NPPF compliant update to the SHMA and joint working with neighbouring authorities. For this reason alone, the site area should be increased to include land at sites K17 and K19.

Capacity at Thickthorn:

The land at Thickthorn (confirmed at 46.5 ha) is constrained by a number of factors that have been identified in detailed technical surveys that we have undertaken, including:

- the need for noise bunding due to proximity of the A46;
- ancient woodland;
- heritage assets – the Manor & Stables and Scheduled Ancient Monument;
- the need to replace two large areas of playing fields/sports grounds;
- the need for areas for water attenuation;
- proximity to existing housing; and,
- the presence of two local wildlife sites and the need to have 50m buffers around the sites and woodland.

In addition, the Draft Infrastructure Plan, May 2012, identifies the need for a one form entry primary school, employment and local convenience facility on the site. The RDS also identifies a need for 8 Ha of employment land on the site.

Paragraph 5.4.3 of the RDS refers to an estimate that 45% of the site should be set aside for “open space, community facilities, primary school and grey and green infrastructure.” It goes on to state that “In accordance with the densities set out in the ‘Garden Towns, Villages and Suburbs’ prospectus (May 2012), it is considered that the site could be developed in accordance with the ‘Neighbourhood General’ density of 30-35 dph.” Thickthorn should more accurately be considered as a ‘Neighbourhood Edge’ as defined in the Garden Towns Prospectus, where densities of 20 -25 dph are recommended.

On the above basis the following capacity of the site can be deduced:

Item	Area (Ha)
Total Site Area	46.5
Open space, community facilities, primary school and green infrastructure (45% of the site)	21
Employment uses	8
Total area available for housing development	17.5
Capacity at 20 dph (17.5 x 20)	350 homes
Capacity at 25 dph (17.5 x 25)	437 homes
Capacity at 30 dph (17.5 x 30)	525 homes
Capacity at 35 dph (17.5 x 35)	612 homes

It is clear from the above that the land at Thickthorn is not capable on its own of accommodating the proposed 700 homes. We would also stress that we believe the above capacity figures are significant over estimates as many of the constraints on the site are greater than currently stated and the density figures are more likely to be around 25 - 30 dph for this site.

Furthermore, the clear view coming out of the public consultation carried out by Kenilworth Town Council on its Area Action Plan was that development should stop at Rocky Lane and that the current playing fields should either remain or the land given over for open space. This would further reduce the capacity of the site.

Playing Field/Sports Pitches:

The proposed allocated site currently accommodates three playing fields/sports pitches used by local sports clubs. This is acknowledged at paragraph 5.4.24 of the RDS as a potential constraint to the development coming forward in its entirety.

Standing advice from Sport England is to object to the loss of such facilities unless suitable and convenient replacement facilities can be provided. Sport England requires Local Plans to be justified with appropriate evidence. This would be in the form of an up-to-date Playing Fields Strategy. No such strategy exists to inform the loss of the playing fields at Thickthorn. We are aware that work on a Playing Field Strategy is on going but no timetable is in place for its conclusion. No informed decision can be taken on whether to include the playing fields until such a Strategy has been prepared and/or replacement facilities are provided in close proximity to meet the Sport England tests.

Encouragement for Sports Facilities

The Garden Suburbs prospectus encourage sports pitches/playing fields as part of a well planned, integrated, mixed use urban extension. It seems illogical to therefore move established facilities that are both convenient for local residents and ideally located to help plan a sustainable urban extension for Kenilworth.

Deliverability

Paragraph 173 of the NPPF confirms that "*pursuing sustainable development requires careful attention to viability and costs in plan-making and decision taking. Plans should be deliverable.*" This is a function of viability and land ownership. The Thickthorn land is owned by several different landowners. There is no certainty that the land will come forward for development as a collective whole. Such an approach is required in order to deliver the well planned and phased approach to development that is supported in the RDS and essential for delivery of the key infrastructure required for the site (primary school, employment, access roads and open space). No assessment of the viability of the scheme has been made. Indeed, there are inconsistencies between the requirement for 40% affordable housing on the site and the findings of the Warwick District Council Affordable Housing Viability Assessment Final Report, Nov 2011 that concludes that no development was viable at 40% affordable housing provision. The findings of the Viability Assessment should be taken in to account in taking forward the local plan.

For the above reasons the allocation of the site at Thickthorn is uncertain and as currently drafted is unsound. Given the need to provide land for policy we consider PO4 as it relates to Thickthorn is unsound.

Landscape Impact

Paragraph 5.4.22 of the RDS states that the Joint Green Belt review landscape assessment "*recognised the Thickthorn area as being of relatively less quality than other areas on the fringe of Kenilworth*". Whilst this is true in relation to sites to the north, west and east of the Town, the land at K17 and K19 was found to be of equally low landscape value in the assessment (1 – low value). The paragraph should be corrected accordingly.

Changes proposed to address the objection

It is proposed that rather than looking at land at Southcrest and Woodside Training centre as different to Thickthorn, a comprehensive approach to the future growth at Kenilworth should be taken including all of the land to the east of the town. This will enable the principle of a Garden Suburb to be advanced. It will provide for retention and enhancement of the playing fields and provide expansion for employment uses close to the A46 junction. This approach will also enable greater mitigation in terms of noise and buffers around the ancient woodland and Scheduled Ancient Monument.

The above stance accords with the aims and objectives of sustainable development set out in the NPPF, that encourage longer term planning and the Garden City approach to development. The increased area of land would also enable the proposed housing numbers to be delivered and increase flexibility in the Plan. These changes would result in a sound strategy for development at Kenilworth.

Comments on the Final Interim SA Report June 2013

The consideration of the Options for the Distribution of Sites for Housing refer to the potential impact on heritage to the east of Kenilworth. However, in the options with less development at Kenilworth the SA report states that the impact on the heritage assets will be less. This is not necessarily the case and will depend on the layout and location of the proposed housing not just the quantum.

Paragraph 4.58 of the SA Report refers to Thickthorn and confirms the potential long term negative impact on Thickthorn Manor and Stables which are Grade II listed buildings. Parts to the north-east of the site are also within a Scheduled Ancient Monument. The document identifies the need for buffer strips around the woodland and along the edge of the A46.

Paragraphs 4.107 – 4.109 refer to sites K18 and K19. The SA should refer more precisely to sites K17 and K19 which is in the control of Gleeson and the Sundial Group and is available for development. Land at Crewe Gardens Farm is not being actively promoted. As set out in the above representations, sites K17 and K19 should be assessed in the SA report as an extension to the land at Thickthorn and not as an alternative to it. The current SA wrongly appraises the land.

In addition, concerns are raised regarding visibility at the existing entrance to and from the site. It is not mentioned where such an assessment has been taken from. Our own highways report has demonstrated that good visibility can be provided to a number of access solutions to the land to serve a development scheme. The site should not be marked down for having poor visibility at an existing access point when this will be resolved in any new layout.

Draft masterplan layouts for the site that have been circulated to Officers and Members clearly demonstrate that the site can be developed without any impact on the Scheduled Ancient Monument or its setting.

Table 4.1 in the SA Report rejects Glasshouse Lane/Crewe Lane on the basis of *“updated landscape and transport evidence suggests more development could be delivered to the south of the district on non-Green Belt Land.”* The site has not therefore been rejected on any site specific grounds. If it is shown that further housing growth is required at Kenilworth either now or in the next plan period the land should be taken out of the Green Belt now and safeguarded in accordance with the advice in the NPPF.

Comments on the site assessments have been made above.



Community Infrastructure Levy – Charging Schedule

Comments on the Preliminary Draft Charging Schedule are being made in a separate statement.

Conclusions

Whilst the housing level has increased from the Preferred Options it does not meet the objectively assessed need for housing in the housing market area nor reflect the spatial need in the District, particularly in the case of Kenilworth. The consultation on the strategy is premature, and should await the publication of the SHMA update report later in 2013.

In relation to Kenilworth we maintain our concerns that the land at Thickthorn is not deliverable or developable in isolation. We urge the Council to look at a wider, long term, approach to development at Kenilworth, including all of the land to the east of the town. This will enable a comprehensive approach that will meet the aims and objectives of Garden Suburbs. It will provide better linkages into the town, provide improved services and maintain the sporting facilities.

As a minimum land to the east of Kenilworth should be safeguarded for the future expansion of the town and removed from the Green Belt in accordance with the findings of the Joint Green Belt Review, spatial distribution set out in the SHMA and the policy in the NPPF.

We would welcome the opportunity of discussing the above issues with you in more detail. Should you have any questions please contact Robert Linnell at the above address.

Yours faithfully



Savills

Enc