

Representations on the Warwick District Local Plan 2011-2029

At:
Land at Old Budbrooke Road
On behalf of:
Centaur Homes



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1.0 Introduction

- 1.1. McLoughlin Planning have been appointed by Centaur Homes to submit representations on the Warwick Local Plan 2011-2029.
- 1.2. Centaur Homes has an interest in Land at Old Budbrooke Road, (also referred to as Maple Lodge or land north of) as shown on the enclosed site location plan and seek to see this site allocated for residential development within the emerging Local Plan. These representations refer to policies relevant to housing development at Hampton Magna and object to the land south of Arras Boulevard being allocated.
- 1.3. This document sets out the representations. It is set out to take each relevant section or policy in turn and where necessary refers to the National Planning Policy Framework (or Framework) or the evidence base.
- 1.4. The site is adjacent to the settlement boundary of Hampton Magna, this settlement is identified within the Local Plan as a 'Growth Village' and suitable for development. It is ideally located to provide sustainable housing development in accordance with the Framework paragraph 55 and has excellent connectivity to Warwick and the wider area.
- 1.5. The site at Old Budbrooke Road should be allocated within the Local Plan for housing development. It is more suitable than the alternative sites. It will have less of an impact on the green belt than the allocated site, is a previously developed site, does not impinge on the strategic gap between Hampton Magna and Warwick, thereby restricting coalescence, and is technically capable of supporting the required amount of development.
- 1.6. The represented site will safeguard against the loss of valuable agricultural land elsewhere within the District, as it is already partially developed, and will remove current built form that has a negative visual impact on the area and results in a number of lorry movements with associated noise and disturbance.



2.0 Section One - Strategic Issues

Other Strategic Issues - Paragraph 1.28

- 2.1. The evidence relied upon for Green Belt is not up to date. This is the Joint Green Belt Study prepared in 2009 and due to its age this does not conform with paragraph 158 of the Framework which states that:

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area."

- 2.2. This evidence base document needs updating to ensure that the Local Plan is based on sound information.

Village Sites and Rural Settlement Boundaries Consultation, December 2013 and January 2014 - Paragraph 1.36

- 2.3. The objection site was put forward and considered as part of this previous exercise. It was assessed as being capable of delivering 25 dwellings. However, it was excluded due to the requirement for a significant amount of site screening and softening of the development edge. As part of the assessment, all of the sites in Hampton Magna have been noted with the same constraint, including the allocated site.
- 2.4. Only one site from this consultation has been carried forward and shown as an allocation within the Local Plan, Land South of Arras Boulevard, this representation objects to the inclusion of only one site in Hampton Magna and this is fully explained later.

Evidence - Paragraph 1.38

- 2.5. Centaur Homes object to the evidence used to formulate the plan. It is not considered fully up to date and therefore, not in accordance with paragraph 158 of the Framework.

Local Plan Strategy - Paragraphs 1.42 & 1.43

- 2.6. Centaur Homes support the need to deliver housing in the District and it is central to the Plan. It supports the strategic priorities in paragraph 1.43, in particular only bring forward greenfield sites in sustainable locations and avoid coalescence between settlements. However, it objects to the allocation of Land at Arras Boulevard in Hampton Magna because it is considered to lead to the coalescence between Hampton Magna and Warwick. This is expanded upon in more detail in other representations.



Local Plan Objective 1 - Paragraph 1.46

- 2.7. Centaur Homes support the Plan Objective to providing a sustainable level of housing growth in the District, especially identify and maintain supply of land for housing to meet the objectively assessed needs for market and affordable housing.



3.0 Strategic Policy DS2

- 3.1. Centaur Homes object to Policy DS2 in entirety. It is not required as the aims of the policy are within the Framework and the policy does not deviate or go beyond these, therefore, this policy should be omitted.



4.0 Strategic Policy DS4

- 4.1. Centaur Homes support parts b, d, f and g of this policy.
- 4.2. Part g supports paragraph 83 of the Framework through only altering the green belt in exceptional circumstances. It is considered that the need to produce a new Local Plan for the next plan period qualifies as very special circumstances to warrant a review of the green belt.



5.0 Policy DS5 - Presumption in Favour of Sustainable Development

- 5.1. This policy is unnecessary as the presumption is set out in the Framework and this is relevant to all decision taking. This policy should be omitted.



6.0 Policy DS6 - Level of Housing Growth

- 6.1. Centaur Homes object to the level of housing growth put forward in the Plan. This objection is based on the fact that whilst the objectively assessed need for the District is broadly in the region of 13,000, the Plan has been prepared in isolation and does not take into account the need for the District to accommodate the needs of adjacent authorities, such as Coventry, as part of the Duty to Co-operate set out in the Framework.
- 6.2. Paragraph 156 of the Framework sets out the strategic priorities that should to be included in the Local Plan. These include the amount of homes needed in the area.
- 6.3. Paragraph 157 sets out what is critically required from a Local Plan. The third bullet point is that they should *"be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations"*
- 6.4. Paragraph 159 of the Framework sets of a requirement for LPA's to prepare SHMAs to assess their full housing need and this includes cross boundary working.
- 6.5. Paragraphs 178 to 181 of the Framework set out planning strategically across local boundaries.

*"Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities."* Para. 178

- 6.6. LPA's are required to *"work collaboratively to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual local plans"* in accordance with paragraph 179. Paragraph 181 explicitly states that:

"Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination."

- 6.7. There is no evidence in the SHMA or Plan to suggest that effective cooperation has taken place with surrounding LPA's with regard to the housing supply within the Housing Market Area (HMA) to ensure that the HMA need can be fully met. This is acknowledged by the Council within paragraph 1.22 of the Draft Local Plan:

"Each of the authorities within the sub region is at a different stage in preparing their local plan or core strategy. The capacity of the other districts to deliver their housing requirement in full is therefore not known. In this context, the potential remains that



one or more of these authorities will not be able to meet their housing requirement within their boundaries."

- 6.8. The adjacent authority of Coventry City Council have already failed in their duty to cooperate. In the letter from Inspector Robert Yuille, regarding this subject, he concluded that the Coventry Plan *"does not meet the legal requirements of the 2004 Act in that Council has not engaged constructively with neighbouring local planning authorities on the strategic matter of the number of houses proposed in the Plan and consequently it has not sought to maximise the effectiveness of the plan making process."* By virtue of this the same can be said of Warwick, and until evidence is provided to prove otherwise, the duty to cooperate has not been met.
- 6.9. On this basis the housing figure put forward is not sound based on the lack of joint working and the failing of a duty to cooperate. This Policy should be updated so that it is in accordance with the needs of the HMA as set out in the SHMA and the Framework.



7.0 Policy DS7 - Meeting Housing Requirement

- 7.1. Centaur Homes object to the excessive number of units within the windfall allowance and the separate inclusion of SHLAA sites. Paragraph 48 of the Framework states that any allowance for windfall sites should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery and any future trends.
- 7.2. A Windfall Allowance Paper, dated April 2014, supports the Local Plan. This has considered SHLAA sites. This paper acknowledges the significant role that windfall sites have historically played in the supply of housing in the District.
- 7.3. Centaur Homes object as the production of the Local Plan is the opportune time to proactively plan for new development rather than leaving it to windfall and speculative sites being brought forward.
- 7.4. Paragraph 47 of the Framework states that there is a need to boost significantly the supply of housing. LPAs 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"* (our emphasis). It continues that LPA's have to *"identify a specific, developable sites or broad locations for growth, for years 6-10 and, where possible for years 11-15."* Paragraph 48 allows for a windfall allowance to be made in the five-year supply, if compelling evidence is available to show that they are a reliable supply. Any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 7.5. The SHLAA is an important part of any evidence base and demonstrates that enough sites are known for the Council to be able to allocated to meet its OAN, without recourse to windfalls. A further concern is such reliance on a figure is contrary to the critical requirements of a Plan set out in paragraph 157 of the Framework. Additionally, the main thrust of paragraph 47 is to **boost significantly** the supply of housing. As is being seen in recent Inspector decisions, although LPA's need to demonstrate at least a five-year supply of land, the objective is to go beyond this. Therefore, the objectively assessed need should not be seen as the highest amount of housing to come forward during the plan period, but the lowest.
- 7.6. In accordance with paragraph 157 of the Framework, critically Local Plans should *"plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework."* To meet this requirement the Council need to demonstrate an objectively assessed need (OAN) (that meets the duty to cooperate) and allocate sites that will promote development and boost the



supply of housing and therefore, a windfall should be used demonstrate that supply will be boosted beyond the OAN, and not just meet it.

- 7.7. It is on this basis that the Housing requirement within the Local Plan does not meet paragraph 182 of the Framework. It is not positively prepared, nor is it effective as it has not been based on a strategy to meet the objectively assessed development requirements or been based on effective joint working with the adjacent LPAs.
- 7.8. As set out above, it is not in accordance with national policy, in the form of the Framework, and needs considerable reworking in order for it to do so.



8.0 Policy DS10 - Broad Location of Allocated Housing Sites

- 8.1. Centaur Homes support the strategy of allocating sites in the most sustainable towns and villages. Hampton Magna has been identified as a Growth Village and development here will provide an opportunity to rebalance the local housing market and provide much needed affordable housing and local market for local residents.
- 8.2. In light of other representations, further additional development should be directed to the village to meet the aims and objectives of paragraph 55 of the Framework.



9.0 Policy DS11 - Allocated Housing Sites

9.1. Centaur Homes object to this policy, in particular the allocated sites as follows:

Reference	Reason
H20 – Barford Land south of Barford House	Size – the allocation is only for 8 units and therefore does not conform with the Site Selection Methodology which forms part of the evidence base. Suitability - The SHLAA assessment found the site unsuitable for development.
H24 – Burton Green – Burrow Hill Nursery	Suitability – may not be developable, subject to HS2 route.
H27 – Hampton Magna – South of Arras Boulevard	Suitability – not the most suitable site in Hampton Magna. High Landscape sensitivity and coalescence concerns.
H29 – Kingswood – Meadow House	Suitability – The SHLAA assessment found the site unsuitable for development.
H31 – Kingswood – South of the Stables	Size – the allocation is only for 6 units and therefore does not conform with the Site Selection Methodology which forms part of the evidence base.
H33 – Kingswood West of Mill Lane	Size – the allocation is only for 5 units and therefore does not conform with the Site Selection Methodology which forms part of the evidence base.
H34, H35 & H36 – Leek Wootton – The Paddock, East of Broome Close & Former Tennis Courts	These three sites should be shown as one allocation. They are adjacent to each other and form part of the same wider site.
H37 – Car Part East of The Hayes	Size – the allocation is only for 5 units and therefore does not conform with the Site Selection Methodology which forms part of the evidence base.

9.2. With regard to site H27, Hampton Magna – South of Arras Boulevard, this site will contribute to the coalescence of Hampton Magna with Warwick as it is located within



the strategic gap between the settlements. This goes against paragraphs 79 and 80 of the Framework as follows:

- The allocated site is currently open. Seeing this site developed will lose this permanent open site.
- The development of this site is within a strategic gap between Warwick and Hampton Magna. The Green Belt Review 2009 has noted that the green belt does not restrict sprawl due to the racecourse. Proposals Map 2 - Leamington, Warwick and Whitnash shows the edge of the green belt around Warwick and Hampton Magna. This line runs along the A46 and therefore due to the existing narrowness of the green belt within this strategic gap, development should be directed away from this area and to the west of Hampton Magna.
- Similarly to the point above, the development of this site will see the developed areas of Hampton Magna and Warwick closer together and therefore, closer to merging.
- The release of the allocation site will not have a material impact on safeguarding the countryside.
- The allocation site will impact on the preservation of the setting and special character of Warwick. As a historic town, the setting of Warwick plays an important part into its history and this allocation will remove part of the setting.
- The release of this allocated site does not conform with the green belt requirement to assist urban regeneration and to recycle derelict land. There are other sites that have previously been developed that can come forward to assist the Council in meeting their housing requirements.

9.3. Therefore, this site does not conform to the Sustainability Appraisal or the Spatial Strategy to avoid coalescence and to protect important heritage assets.

9.4. This, and other representations, recognise that sites have to be released from the green belt in order for the Council to meet its housing need. However, it objects to the sites selected and allocated, as they do not sufficiently meet the objectively assessed housing need or the site selection process methodology.



10.0 Policy DS17 - Supporting Canalside Regeneration and Enhancement

- 10.1. Centaur Homes object to the inclusion of this policy within the Local Plan. It goes against paragraph 153 of the Framework that states that any additional development plan documents should be clearly justified.
- 10.2. The requirement for an additional DPD has not been fully justified within the Local Plan.



11.0 Policy DS19 - Green Belt

- 11.1. This policy in its current form is unnecessary and should be omitted or revised. It restates national policy and does not provide any further information and as the Framework is a material consideration in the decision taking process this document should already be referred to without the need for this policy to explicitly state it. Therefore, it does not accord with paragraph 154 of the Framework “Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included within the plan.”
- 11.2. This representation supports the inclusion of land to be removed from the Green Belt, however if this policy is to be retained the removed areas should form part of the policy wording, not the supportive text.



12.0 Policy DS20 - Accommodating Housing Need from Outside of the District

12.1. Centaur Homes object to the wording of the policy:

"The existence of unmet housing need arising outside the District will not render this Plan out of date."

12.2. This goes against paragraphs 178 to 182 of the Framework, including the duty to co-operate and the Local Plan being positively prepared.

12.3. It also does not support paragraphs 47 and 49 of the Framework as any unmet need should form part of the objectively assessed need and if it cannot be demonstrated that enough land is available to meet this need then paragraph 49 applies.



13.0 Overarching Policy H0: Housing

- 13.1. Centaur Homes question the necessity of this policy as the content is covered within other policies, therefore it does not meet the requirements of the Framework.



14.0 Policy H1 - Directing New Housing

- 14.1. Centaur Homes support Hampton Magna being identified as a Growth Village, however, due to the acknowledged limited supply of sites in urban areas, this Policy should make a provision for development to be allowed to occur in locations adjacent to existing settlement boundaries.
- 14.2. This Policy provides an opportunity for development to occur on brownfield sites adjacent to settlement boundaries, not only to re-use redundant or disused buildings, but to re-use the whole site to enhance the local environment.



15.0 Policy H2 - Affordable Housing

15.1. Centaur Homes object to the wording of the policy. The wording of the policy should be altered to remove “a minimum of”, from the Policy and be reworded as follows:

‘Residential development on the following sites will not be permitted unless provision is made for up to 40% affordable housing to meet local needs.’

15.2. This is because the Policy could be interpreted to seek higher levels of affordable housing and, therefore, lacks any precision or certainty for applicants.

15.3. In accordance with the SHMA, the amount of affordable housing required in the District is broadly proportionate to 40% of the total housing need, excluding any requirement that arises assisting adjacent authorities with their housing need. The insertion of “up to 40%” merely reflects the need for flexibility with proposals involving an odd number of houses.



16.0 Policy TR3 - Transport Improvements

- 16.1. Centaur Homes object to the policy. The Infrastructure Delivery Plan is not in accordance with paragraphs 203 and 204 of the Framework. To accord with the Framework, obligations should only be used where they meet the tests in paragraph 204 and paragraph 203 states that conditions and obligations *"should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations."*



17.0 Policy HS1 - Healthy, Safe and Inclusive Communities

- 17.1. Centaur Homes object to parts a and b of this policy. Part a should promote developments for all and include affordable and market housing, as well as meeting the needs of older people and those with disabilities.
- 17.2. The words “to help reduce fuel poverty” should be omitted from part b. Fuel poverty is connected to household income and local authorities should promote energy efficient housing across the whole market. It is considered that this issue can be best addressed through Building Regulations.



18.0 Policy CC3 - Building Standards Requirements

- 18.1. Centaur Homes object to this policy. As part of the Housing Review, in March 2014 Central government has stated their intention to scrap the Code for Sustainable Homes. Instead the aims of the scheme will be placed into the Building Regulations and become part of this process. Therefore, this policy will soon become unmanageable and will not comply with paragraph 154 of the Framework.
- 18.2. This policy should be omitted.



19.0 Policy FW1 - Development in Areas at Risk of Flooding

- 19.1. Centaur Homes support that development should be directed away from areas at flood risk. However, a large amount of the policy is superfluous as it repeats national policy from the Framework. It does not need to be duplicated and should be omitted.
- 19.2. The policy also needs to accord with paragraph 104 of the Framework, as currently written it does not:

"For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments."



20.0 Policy FW3 - Water Conservation

- 20.1. Centaur Homes object to this policy. As set out above, the Code for Sustainable Homes is due to be scrapped and water conservation measures will form part of Building Regulations. These matters do not need to be resolved as part of the planning process and so there is no need for this policy.



21.0 Policy NE4 - Landscape

- 21.1. Centaur Homes object to part h of the policy. This part does not affect the general thrust of the policy, which is landscape character. Additionally the financial viability of an agricultural unit is not a planning matter.
- 21.2. This part of the policy should be omitted.



22.0 Local Plan Policies Maps

- 22.1. Centaur Homes object to the Proposals Map. The representative site should be included within the settlement boundary and removed from the green belt.
- 22.2. Accordingly, the allocated sites objected to in other representations should be omitted from the Proposals Map, in particular, allocated site H27 should be removed based on its conflict with green belt policy and its importance to this strategic green belt between Hampton Magna and Warwick.



23.0 Inclusion on Land at Old Budworth Road, Hampton Magna

23.1. As set out in the representations above, this site should be allocated within the Local Plan as per the Plan and Site Promotion Document accompanying these representations.

23.2. The purpose of this representation is to demonstrate the suitability of the site to be allocated. Issues associated with its allocation are as follows:

Green Belt

23.3. The Local Plan acknowledges that land has to be removed from the green belt to meet the OAN. This site can be removed from the green belt, without compromising the aims as set out below:

Keeping Land Open

23.4. It is previously developed land and therefore the openness has already been compromised.

Check unrestricted urban sprawl

23.5. It will not lead to the sprawl of a large built up area, the site is to the west of the village and away from Warwick, therefore, ensuring the distinct separation of the two settlements.

To safeguard the countryside from encroachment

23.6. It will not merge Hampton Magna and Warwick, as will occur if the Arras Boulevard site is released from the green belt. Releasing the representation site will maintain the strategic gap around Warwick. Its release will help preserve other sites that have not been previously developed as the site itself is partially already developed and so the proportion of greenfield land to be lost will be less than at the Arras Boulevard site.

Preserve the setting and special character of historic towns

23.7. It will not have an impact on the setting and special character of Warwick, a historic town, which the Arras Boulevard site will.

Assist urban regeneration by recycling derelict land

23.8. As it is previously developed allocating this site assists urban regeneration through the recycling of previously developed land.

23.9. In summary, this site can be removed from the green belt without compromising the wider green belt and its aims around Warwick.



Landscape

- 23.10. The site is currently used as paddocks, therefore, the landscape value of the site is low. It is not covered by any national or local designations that would restrict development or be compromised by it.
- 23.11. Excluding the part of the site that is developed, the site is split into five paddocks. These are separated by low wooden post and rail fencing, apart from the western field, which is separated by mature hedgerows. There is a cluster of trees centrally within the site and a further single mature tree. These landscape features add value to the site and will assist in creating a landscape led development scheme.

Archaeology

- 23.12. The site does not form part of a registered battlefield or known site of historic interest. There is no known archaeological interest for the site, therefore it is not constrained by such matters.

Ecology

- 23.13. By being used as paddocks, the site is set out as grass and is not species rich. There are some small areas of rough grassland, but these do not meet UK or local Biodiversity Action Plan habitat criteria.
- 23.14. There are three ponds within 500m of the site and habitats suitable for Great Crested Newts. Further protected species surveys will be undertaken to determine the presence of species as part of any planning application.

Access

- 23.15. Old Budbrook Road is typical for its suburban location. Vehicular access onto the site is currently served from the west side of Old Budbrooke Road via an existing T-junction that is suitably located to provide good visibility and separation from existing junctions on the east side of the road.
- 23.16. Opportunities exist to improve and enhance the transport links along Old Budbrooke Road through the reinforcement of pedestrian and cycle links between the site and Warwick Parkway Railway Station, provide additional bus stops to serve the site and the southern end of Hampton Magna, improve the safety of other road users along Old Budbrooke Road and encourage sustainable travel through provision of pedestrian and cycle friendly improvements between the site and at Warwick Parkway Railway Station.

Drainage

- 23.17. The site is at a low risk of flooding. This accords with national policy to direct development away from areas at a higher risk of flooding. Additionally the site is



capable of supporting a sustainable urban drainage system so that surface water run-off from the site can continue at the greenfield rate.

Utilities

- 23.18. The location of the site adjacent to the settlement means that connections can be made to the existing services. As part of the appraisal undertaken by the Council in identifying the village as suitable they have considered the capacity within the utilities network to support additional development. This capacity can be utilised when bringing this development forward.

Development Strategy

- 23.19. The site is easily capable of development. It is in the control of one owner, Centaur Homes, and will come forward as soon as it has been allocated with an outline application, subject to timings for the necessary reports. Once this outline application has been approved, and the use of the site confirmed, a reserved matters application will follow.
- 23.20. From a timescale perspective, due to their being no constraints to the deliverability of the site, it is expected that work would be able to start on site within 18 months of the site being allocated and the first units would be able to be occupied within 6 to 9 months.
- 23.21. Supporting this representation is a site location plan and the Site Promotion Document produced by Turley Associates. This document fully looks into a possible option for developing this site.

Summary

- 23.22. This representation objects reasons for this site having been dismissed. The site is well bounded by established landscaping including hedges and mature trees, which will limit the views into the site from the surrounding countryside. Access to the site is completely achievable. Old Budbrooke Road is wide enough for safe access to be achieved and a footpath runs along the road connecting the site to existing services and facilities within Hampton Magna. The site does have an existing access point, however this does not have to be retained as the site fronts onto access roads along its south and eastern boundaries.
- 23.23. The site is deliverable and developable, subject to it being removed from the green belt and allocated for development within the Local Plan.



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