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BARTON WILLMORE

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By Email

16967/A3/RC/KV

26th June 2014

Dear Mr. Barber,

REPRESENTATIONS TO WARWICK DISTRICT COUNCIL PUBLICATION DRAFT LOCAL PLAN – 2011-2029: MILVERTON

We write on behalf of Taylor Wimpey UK Ltd in respect of their land interests at land north of Leamington Spa at Old Milverton; a site location plan is enclosed with these representations at Appendix 1. The site has previously been considered as a Preferred Option in the New Local Plan process; however, the Revised Growth Strategy proposed to retain the site within the Green Belt and the Publication Draft document has maintained the position as set out in the Revised Growth Strategy.

The full site within the control of Taylor Wimpey measures 83.01 hectares and is located on the northern edge of Leamington Spa, approximately 1.6km from Leamington Spa town centre. We consider the site to be capable of delivering: 1,000 dwellings at an average 31 dwellings per hectare across 33 hectares; 1.5 hectares of employment land to the north-east; a 100 bed care village; a local centre together with associated facilities including a primary school and significant areas of open space; community orchards, allotments and a countryside park to form a green interface with the adjacent Old Milverton settlement; any development would also allow the retention of the existing allotments to the south of the site.

A vision document detailing the development concept for this site is enclosed at Appendix 2, and has been previously submitted to the Council.

We respond below to the respective policy areas and chapters below of the Revised Growth Strategy document:

Plan Period

Paragraph 157 of the NPPF clearly expects that Local Authorities Plan for a 15-year period post-adoption and to comply with this we consider that the Council should be planning to, as a minimum, 2031. In all likelihood following the submission of the Plan and the Examination process, adoption would be in mid-2015 at the earliest and thus the Plan is likely to cover a period of less than 14 years post-adoption. The decision not to plan to 2031 is further questioned given that Table 97 of the Coventry and Warwickshire joint-SHMA sets out a housing requirement covering the period up to 2031 for the District; and this provides a critical part of the time-sensitive evidence base.

Vision and Objectives
The Council's vision is broadly appropriate and we particularly agree that ensuring the level of housing provision enables development that is both of a high quality and affordable is critical to the future prosperity of Warwick District. In addition we agree with the aspiration to support growth in the economy and note that providing the right type of housing in the right locations is critical to the Council in achieving this.

Furthermore, we concur that Green Belt release should only be enabled where exceptional circumstances exist; as per the requirements of paragraph 82 of the NPPF. In this regard we are confident that the content of these representations demonstrate that exceptional circumstances exist for the release of additional Green Belt land around Leamington Spa and that land at Old Milverton provides an excellent and sustainable development opportunity. We would also draw the Council's attention to paragraph 83 of the NPPF, which requires that Green Belt boundaries are considered whilst having regard to their intended permanence in the long term, so that they are capable of enduring beyond the plan period.

Policy DS6 – Level of housing growth
The Council have set out a housing requirement of 12,860 dwellings over the period 2011-2029 (714 dpa). Please find enclosed with our representations at Appendix 3 the Coventry Sub-Regional Housing Study, as produced by Barton Willmore. This study provides an up-to-date position including reference to the May 2014, 2012 Sub National Population Projections (SNPP).

This document has been prepared on behalf of a consortium of developers with land interests across the West Midlands, including within the Coventry and Warwickshire Sub-Region. Whilst not wishing to repeat this document in full, there are some key points which it is appropriate to emphasise within this letter.

The minimum recommended target for Warwick District is 900 dpa, as part of a requirement of 5,100 dpa across the HMA. We also note that this doesn't include any dwellings required to be delivered by the Coventry HMA authorities as part of Birmingham's housing needs; which Barton Willmore have previously forecast at between 61 and 195 dwellings per annum for North Warwickshire and between 110 and 387 dwellings per annum for Stratford-on-Avon as part of the Birmingham sub-Regional Housing Study. Whilst this does not directly impact on Warwick District, the additional pressures placed on other authorities within the Coventry HMA will inevitably have some impact on the need for cooperation.

In order to meet what we consider to be the minimum requirement there will need to be an increase of 186 dpa in Warwick District and an increase of 1,300 dpa across the HMA against the 'Assessed Need' in Table 97 of the Coventry and Warwickshire SHMA.

The increase to this dwelling target will assist the Council in complying with the NPPF and PPG by enabling:

- Demographic need to be met;
- Forecasted economic growth to be accommodated;
- Sufficient affordable housing to be supplied; and
- A significant contribution made towards addressing the adverse market signals.

Significantly we consider that this increased housing need provides the exceptional circumstances required to justify the release of additional Green Belt land.

DS19 – Green Belt
Policy DS19 is somewhat superfluous given that it appears to only state that the Council's approach to the Green Belt will be as per the approach at the national level, as in the NPPF and PPG.

The supporting text does however helpfully set out the areas where exceptional circumstances are adjudged to have been demonstrated for the amendment of Green Belt boundaries. This process

demonstrates that the Council appreciate that it is at the time of preparing a new Local Plan that Green Belt boundaries should be considered. Furthermore, as noted above, the NPPF also requires that authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term; namely that they should be capable of enduring beyond the Plan period. As such it would not be appropriate if boundaries are drawn in a manner that will inevitably lead to revisions at the time of reviewing the Plan.

Specifically when considering the Green Belt boundaries around Warwick and Leamington Spa it is of course important to note the existing allocations that are due to be made. Sites H01, H02 and H03 are located along the southern boundary of the urban area and combined are expected to deliver 2,995 dwellings (166 dpa) over the Plan period. It is critical that the Council can demonstrate the ability of the housing market to deliver the required housing on sites which are in close proximity to one another. There are inevitably a finite number of prospective purchasers for whom to the south of Warwick/Leamington Spa would be an acceptable location and there are also a limited number of national house builders capable of delivering sites of this scale.

What these large allocations also demonstrate is that Warwick and Leamington Spa are clearly the most sustainable locations for significant growth in the District and thus are rightly the primary focus for future residential growth. Given our response to Policy DS6 above, we have clearly demonstrated as part of the Coventry Sub-Regional Housing Study that the Council should be planning for a far higher housing target of a minimum of 900 dpa.

It is of course logical and sustainable for the focus of these additional dwellings to be at Warwick and Leamington Spa, however the concerns expressed above in relation to the housing market's ability to deliver such growth in a confined area, suggests that further allocations to the south may prove difficult to deliver in full within the Plan period. Furthermore, development to the south is clearly growing the urban area away from the main sources of sustainability (i.e. shops, employment, public transport) which are focused within Warwick and Leamington Spa town centres.

As such we strongly suggest that the exceptional circumstances, which have been acknowledged elsewhere within the District, also apply at Warwick and Leamington Spa beyond the relatively small Green Belt adjustments that have been proposed to date. In this regard, land to the north of Leamington Spa at Old Milverton provides an appropriate and sustainable opportunity to deliver an urban extension that would assist in providing choice for future residents of the District and ensure that housing needs are met. As outlined at the outset of these representations, the development of this site could deliver a mix of uses including employment land, a care village, a local centre, a primary school and significant areas of open space (i.e. community orchards, allotments and a countryside park to form a green interface with the adjacent Old Milverton settlement). In addition any development would enable the retention of the existing allotments to the south. In our view a well-designed development consisting of the above features would provide for a strategic development based on the Garden City concept; with sustainability at the heart of the design.

It should be noted that our view in terms of the appropriateness of this site is consistent with the findings of the 2009 joint-Green Belt study which acknowledged that land to the north of Milverton (Ref: WL6a) was one of the best performing areas against the criteria used in that assessment.

DS20 - Duty to co-operate

The Localism Act and paragraphs 17, 157 and 178 of NPPF require neighbouring authorities to work in a joint manner and co-operate in order to address planning issues which cross administrative boundaries or on matters that are larger than local issues.

The Council is working closely with other authorities from within the sub-region (Coventry, North Warwickshire, Nuneaton & Bedworth and Rugby) that have been involved directly in the production of the joint-SHMA. Furthermore, Solihull MBC, Birmingham City Council, Stratford-on-Avon District Council and Warwickshire County Council have been engaged as consultees in this process.

As is set out in paragraph 3.20 of the Coventry Sub-Regional Housing Study (Appendix 3), although North Warwickshire and Stratford-on-Avon demonstrate strong linkages to the Birmingham HMA, they are also share economic and political ties with Coventry and Warwickshire. As such it is not unreasonable to assess housing need for the sub region as a coherent HMA.

In terms of the duty-to-cooperate, fundamentally our concern relates to the point set out by the Council in paragraph 1.22 of the Publication 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."**

However, the NPPF states the following in relation to the duty to cooperate:

> **"179. … Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework…**
>
> **181. 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…"**

Therefore, in our view it is clear that the duty to cooperate requires local planning authorities to meet – and therefore understand through joint working - the housing needs of authorities within the wider Housing Market Area who are unable to accommodate their own needs.

In essence what the Council are attempting to achieve is an agreement to cooperate at an undefined date in the future, when in reality there is no mechanism available to developers or neighbouring authorities to force Warwick District to review the Local Plan – particularly given the substantial areas of Green Belt which will to a large extent protect the District from appeals based on a housing land shortfall.

Given this position it is wholly appropriate that the Council continue to engage fully with the other HMA authorities until such time as the housing needs of each area – and the ability of those areas to accommodate their own needs – is understood.

If the Council chooses to proceed with the New Local Plan without this information, and with the same housing target, then one option to plan positively and give some confidence to developers and the Planning Inspectorate that the Council will assist neighbouring authorities if required, is to remove sustainable areas of land such as the land at Old Milverton from the Green Belt and safeguard it to meet housing needs from across the HMA, should it be required.

This would add a significant amount of additional flexibility to the New Local Plan and ensure that the Council progress a Plan that is able to respond to changing circumstances over the plan period, as encouraged in paragraphs 21 and 50 of the NPPF. Furthermore it would increase the likelihood of the Green Belt boundaries being capable of enduring beyond the Plan period.

The site would need to be clearly shown on the Key Diagram and the following draft policy wording is proposed for inclusion:

If it is demonstrated that either:

- ***there is a shortfall in the supply of housing sites against housing delivery targets for a consecutive two year period; or***
- ***should a Council within the Coventry HMA demonstrate that it is not feasible for them to accommodate their own housing need.***

The Council will work with the developers to release and phase the delivery of land north of Milverton, currently identified on the Key Diagram, to help meet the identified shortfall/housing need.

Policy H0 – Housing

We note that the Council intend that this Plan *will 'provide in full for the Objectively Assessed Need for housing in the District'*. However, as per our representations above and the Coventry Sub-Regional Housing Study (Appendix 3), the focus of national guidance is very much on the housing needs of HMAs. In fact, 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…"**

The focus on the District as opposed to the HMA in this Policy is also concerning given that the focus for any review of the document is likely to be justified by the need to assist neighbouring authorities who are unable to meet their own needs; which is likely to be an issue in an urban area such as Coventry.

We would welcome a change in the emphasis of this policy from the District to the HMA to reflect these concerns.

Policy H2 – Affordable Housing

Policy H2 should be re-worded in order to clarify that the overall requirement of 40% affordable housing can be reduced based on viability. In its current form the policy appears to allow for the: form of provision of affordable housing; location on the site of affordable housing; and the means of delivery of affordable housing to be subject to negotiation at the time of a planning application, and it states that the viability of the development will be a consideration in such negotiations.

However, this does not clearly state that the actual proportion of affordable housing can be negotiated based on the viability of a site, which when considered against paragraph 173 of the NPPF is something which a developer should clearly be capable of doing.

Conclusion

We hope that these representations are of use to you in preparing the Local Plan. We have enclosed copies of the relevant representation form, including stating where changes are required, at Appendix 4.

We would be grateful if you could inform us of all future consultation events for the New Local Plan, and any other relevant documents that the Council produce as part of the process. In the meantime, if you require any further information or wish to discuss the above in greater detail, then please do not hesitate to contact me.

Yours sincerely,

[redacted]

RUSSELL CROW
Senior Planner