
Representations to Warwick District Council in the matters
relating to the Warwick District Local Plan 2011-2029
Publication Draft May 2014

Prepared on behalf of Richborough Estates

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Oliver Taylor, MSc (Dev.Plan), MRTPI, MRICS

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1. INTRODUCTION

- 1.1 Strutt & Parker LLP act on behalf of Richborough Estates (“Richborough”). We hereby make representations to the Warwick District Local Plan 2011-2029 Publication Draft May 2014 (“WDLP”). Richborough and the landowners have participated in the previous stages of the Plan preparation with submission made to:
- The New Local Plan for Warwick – Revised Development Strategy (June 2013); and
 - Warwick Local Plan Preferred Options Consultation (July 2012).
- 1.2 Richborough – a strategic land promoter – is under an agreement with the landowners to promote the land edged red on the attached plan at **APPENDIX A** for development.
- 1.3 This Regulation 19 public consultation is concerned with the soundness of the WDLP which will be submitted by Warwick District Council to the Secretary of State for independent examination in due course. To be sound the WDLP must be positively prepared, justified, effective and consistent with National Planning Policy.
- 1.4 It is demonstrated through these submissions how the WDLP could be made sound. In the balance of planning considerations it is submitted the planning advantage lies firmly in favour of releasing land controlled by Richborough and the landowners to:
- (i) Provide an appropriate solution to the deliverability issues surrounding the Council’s proposed strategic urban allocation – land east of Kenilworth (“Thickthorn”);
 - (ii) Make available land for the relocation of Kenilworth Rugby Club, inclusive of new and enhanced playing facilities; and
 - (iii) Deliver new housing to provide more flexibility to the District’s spatial planning strategy to meet its objectively assessed housing need.

2. THE ROLE OF THE LOCAL PLAN

2.1 At the heart of the National Planning Policy Framework (“The Framework”) there is a presumption in favour of sustainable development. This presumption should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 states that for plan-making this means the Local Planning Authorities (“LPA”) should positively seek opportunities to meet development needs with sufficient flexibility to adopt to rapid change, unless: -

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

2.2 Paragraph 15 of the Framework sets out that the policies within Local Plans should follow the approach of the presumption in favour of sustainable development so that development which is sustainable can be approved without delay. Paragraph 15 states:

“All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.”

2.3 The core land-use planning principles require the planning system to ‘proactively’ drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

Paragraph 17 states:

“Every effort should be made objectively to identify and then meet the housing, business and other development need of an area and respond positively to wider opportunities for growth.”

2.4 Furthermore the planning system should:

“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

2.5 Paragraph 150 to 185 of the Framework cover the Government's planning policies for plan-making. Paragraph 150 states:

“Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities.”

2.6 Paragraph 151 states: -

“Local Plan must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.”

2.7 LPAs are advised to seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and net gains across all three.

2.8 Paragraph 154 states: -

“Local Plans should be aspirational but realistic. They should address the spatial applications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”

2.9 Paragraphs 156 and 157 state: -

“Local planning authorities should set out the strategic properties for the area in the Local Plan. This should include strategic policies to deliver: [amongst other things]

- *The homes and jobs needed in the area;*

Crucially, Local Plans should:

- *Plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;*
- *Be drawn up over an appropriate time scale, preferably a 15 year time horizon, take account of longer term requirements, and be kept up to date;*
- *Be based on co-operation with neighbouring authorities, public, voluntary and private sector opportunities;*
- *Indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;*
- *Allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;*
- *Identify land where development would be inappropriate, for instance because of its environmental or historic significance; and*
- *Contain a clear strategy for enhancing the natural, built and historic environment.”*

2.10 In terms of the Local Plan evidence base paragraph 158 states:

“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. Local Planning Authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.”

2.11 In respect of housing, paragraph 159 places a requirement on all LPAs to have a clear understanding of housing in their area having undertaken a Strategic Housing Market Assessment to assess their full housing needs. In particular paragraph 159 states that LPAs should work with neighbouring authorities where housing market areas cross administrative boundaries.

2.12 The Framework also requires LPAs to prepare Strategic Housing Land Availability Assessments within which realistic assumptions about the availability, sustainability

and the likely economic viability of land to meet the identified need for housing over the defined plan period.

2.13 Paragraph 173 states:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making. Plans should be deliverable...”

2.14 Paragraphs 178 to 179 introduces a duty to cooperate with neighbouring authorities to ensure the strategic priorities across local boundaries are properly coordinated and reflected in individual Local Plans.

2.15 Paragraph 182 states:

“...a plan for examination which it considers is sound – namely that it is:

- **Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- **Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- **Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- **Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”*

3. THE LOCAL PLAN

The Strategic Policies

Providing the Homes the District Needs

- 3.1 **Strategic Policy DS2** is supported in principle, in particular the Council's ambition to provide in full (emphasis added) for the objectively assessed housing need. It is considered that Strategic Policy DS2 is positively prepared; justified; effective; and consistent with national policy as set in paragraphs 47, 50 and 159 of the Framework.

Supporting Sustainable Communities

- 3.2 It is considered that the policy provisions as set out within **Strategic Policy DS3** accord with the core land-use planning principles as set out at Paragraph 17 of the Framework. It is considered that Strategic Policy DS3 is positively prepared; justified; effective; and consistent with national policy.

Spatial Strategy

- 3.3 The policy provisions as contained within **Strategic Policy DS4** are supported. In particular criterion g) which sets out the exceptional circumstances for allowing new development within the Green Belt. In light of the national planning policy requirement for LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer (paragraph 47 of the Framework), it is considered appropriate for the Local Plan to provide a mechanism through which Green Belt land could come forward. Accordingly, Strategic Policy DS4 is considered positively prepared; justified; effective; and consistent with national policy.

Policies and Proposals

Presumption in Favour of Sustainable Development

- 3.4 **Policy DS5** is fully supported and is considered sound. The Framework makes clear that at its heart is the presumption of sustainable development. We consider that Policy DS5 positively responds in this regard.

Level of Housing Growth

- 3.5 As currently drafted **Policy DS6** is not considered sound.
- 3.6 If the LPA is to provide in full for its objectively assessed housing need – as it says it will in Strategic Policy DS2 – then Policy DS6 needs to be amended to read as a minimum **12,960 new homes**. Table 97¹ contained within the Coventry and Warwickshire Joint Strategic Housing Market Assessment Final Report, November 2013 identifies the assessed housing need for Warwick District as being 720 dwellings per annum. 720 dwellings per annum over the identified 18 year Plan period (2011–2029) equates to 12,960 dwellings not 12,860 dwellings.

Meeting the Housing Requirement

- 3.7 As a consequence of the proposed change to Policy DS6 referred to above, the reference in **Policy DS7** to a housing requirement of 12,860 needs to be amended to read as a minimum **12,960 new homes** between 2011 and 2029 accordingly.
- 3.8 Whilst we agree with much of the strategy for the delivery of housing across Warwick District, it is considered that the WDLP does not provide sufficient flexibility for the delivery of the proposed housing, to the extent that this part of the plan is not justified and its effectiveness would be compromised as a result. As noted above, paragraph 14 of the Framework requires the WDLP to have sufficient flexibility to adapt to rapid change. It must therefore be able to robustly demonstrate that it is capable of delivering its housing strategy. The successful delivery of housing is fundamental to the effective implementation of the Plan. Failure to maintain a supply of land to deliver new homes

¹ Table titled “Overall Assessed Need for Housing (per annum 2011-2013)”

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throughout the life of the WDLP compromises its compliance with the national planning policy.

- 3.9 The Framework and supporting online Planning Practice Guidance makes clear that Local Plan housing requirements should be informed by a full objective assessment of overall housing need of the housing market area which is to be set out in an up-to-date Strategic Housing Market Assessment (“SHMA”). Recent case law² also confirms that the full objectively assessed need should leave aside policy considerations, placing an emphasis on LPAs to ensure that overall housing need is not constrained by development plan policies.
- 3.10 The Coventry and Warwickshire SHMA was published November 2013 and its primary purpose was to guide, inform and support the development of planning and housing policies. Its preparation sought to respond to the requirements of the Framework and the Statutory duty to cooperate in progressing strategic planning issues across local authority boundaries (paragraph 1.3). Section 7 considers the future housing needs for the Coventry and Warwickshire sub-region with reference to a number of scenarios. Section 11 of the SHMA concludes that the overall housing requirement for the sub-region equates to **3,750 dwellings per annum** (“dpa”) for the period 2011 to 2029.
- 3.11 We are aware that Richborough is part of a consortium of housebuilders and strategic land promoters who commissioned Barton Willmore to carry out an independent objective assessment of housing need across the Coventry Sub-Region. The primary purpose of the study is to determine whether the WDLP is planning for a sufficient quantum of new housing going forward. In summary, the Study concludes that for the Coventry and Warwickshire sub-region a minimum housing requirement of **at least 5,100 dpa** is required over the course of the Plan period (2011-2029). In respect of Warwick District, the Study demonstrates a requirement for **900 dpa – 18,000 dwellings between 2011-2031**. It is submitted that the level of housing advocated by the Barton Willmore Study is significantly above that identified within the Coventry and Warwickshire SHMA.

² Gallagher Estates v Solihull Metropolitan Borough Council, Case No: CO/17668/2013

- 3.12 According to the LPAs evidence base³, it cannot demonstrate a five year supply of housing land. The supply as at February 2014 – calculated using the previous WDLP housing figure of 12,300 – was 2.8 years. Adjusting this figure accordingly to reflect the assessed need at 720 dwellings per annum (12,960 dwellings) now being planned for reveals a District housing land supply equivalent to 2.6 years. In the context of being able to demonstrate a five year rolling housing land supply from the point of the Plan’s adoption, it is considered that the WDLP is not presently sound. It is considered that an added complication to this existing position is that the strategic allocations in the WDLP are dependent upon major infrastructure. Equally, as explained below, the delivery of the strategic allocation at Thickthorn is not entirely certain. As such, the WDLP must address the consequences of a possible shortfall in housing land supply, including possible contingency arrangements in order to be found sound. This was a strategy that was followed by Rugby Borough Council in its now adopted Core Strategy and given that that Council can no longer demonstrate a five year housing land supply principally due to the delay in bringing forward a major strategic allocation, then similarly the WDLP should incorporate flexibility into the strategy to bring forward additional housing sites if the need arises.
- 3.13 The WDLP’s current response is for a review or partial review of the Plan if the monitoring evidence indicates that the plan is out of date. It is submitted that critical to any flexible policy to deal with rapid change is the matter of a trigger for when such remedial action would have to be started. The consultation draft Plan makes no such provisions. Moreover, there is no provision within the Plan for a quick and less complex method of dealing with these deliverability problems that may arise. Delays to or even the failure to deliver any of the strategic urban allocations would mean that alternative housing land needs to be provided elsewhere in the District. Given that much of the District is subject to Green Belt policy it is submitted that the WDLP needs to clearly provide for a mechanism to release development sites as and when they are required.
- 3.14 Specifically, in the context of Kenilworth a delay in finding a satisfactory new home for Kenilworth Rugby Club (“KRC”) will prevent Thickthorn from being planned and developed comprehensively. It is submitted that no prudent developer or strategic land

³ Warwick District Council Five Year Housing Land Assessment 2013-2018 and Warwick District Council Annual Monitoring Report 2013

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promoter would be willing to progress the site, even to outline application stage, without certainty surrounding vacant possession for the land controlled by KRC.

- 3.15 It is clear that the LPA has done a considerable amount of work analysing windfall and has placed a heavy reliance upon it. As such, there is some flexibility in the Plan for additional housing development if slippage were to occur to the anticipated delivery rates for the strategic sites. However, it is submitted that as currently drafted the Plan accounts for 12,964 homes to meet the identified housing requirement of 12,960 homes. An overprovision of housing – 4 homes – suggests that the LPA is not planning positively. Accordingly, it is submitted that the Plan requires further flexibility. The most appropriate manner in which to factor in greater flexibility would be to allocate additional land for housing. Though the allocation of additional land Policy DS7 can be made sound.

Broad Locations of Allocated Housing Sites

- 3.16 The identification of 850 new homes on Greenfield sites on the edge of Kenilworth within **Policy DS10** is not considered sound when considering the need to allocate additional land to ensure sufficient flexibility in housing delivery and the proposed amendments advocated by the representation to Policy DS11 outlined below. Policy DS10 could be made sound by increasing the number of new homes to be provided on the edge of Kenilworth through the allocation of the land controlled by Richborough at Warwick Road.

Allocated Housing Sites

- 3.17 The allocation of 760 new homes on land east of Kenilworth as set out in **Policy DS11** (Greenfield Site Ref. H06) is supported in principle. However, as submitted through these representations, there is a significant degree of uncertainty associated with the comprehensive delivery of the site. This is because a major landowner – KRC who control approximately 20% of the overall allocation site area, one third (255 dwellings⁴) of the total housing proposed (760 dwellings) – will need to be relocated.

⁴ Calculated as 8.5 hectares at 30 dwellings per hectare

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3.18 Section 5 to this representation sets out the case on behalf of Richborough for the allocation of land at Warwick Road, Kenilworth.

3.19 It is submitted that Policy DS11 can be made sound by the allocation of this land.

Accommodating Housing Need Arising from Outside the District

3.20 The preparation of the Coventry and Warwickshire SHMA is evidence itself of joint working and would indicate that progress is being made to discharging the Duty to Cooperate requirement. We commend the LPA for fulfilling their statutory duties through the inclusion of **Policy DS20** although it remains to be seen how this will be dealt with on a more practicable level in terms of the expectation placed upon Warwick District Council.

3.21 Whilst generally supportive of Policy DS20, concern is expressed that the draft policy does not go far enough. The online Planning Practice Guidance makes clear that cooperation should produce effective policies on cross boundary matters. LPAs should bear in mind that effective cooperation is likely to require sustained joint working with concrete actions and outcomes (ID:9-011-20140306).

3.22 As drafted it is considered that Policy DS20 is not sound. It fails in our opinion to provide a 'concrete action' or satisfactory outcome as the LPA is effectively deferring the identification of developable sites to meet the needs of an adjoining authority if the need arises. There is concern, following the withdrawal of the Coventry Core Strategy in 2013, that the Council will not be able to meet all of its identified housing need within its administrative boundaries. Accordingly, Coventry City Council will be looking to the adjoining authorities – in particular Warwick District – to make provision for its housing needs. This is highlighted in the Coventry and Warwickshire Duty to Cooperate Statement that forms part of the evidence base underpinning this WDLP.

3.23 If it is found that Coventry will not be able to meet its own housing needs then Warwick District should seek to identify a suitable housing implementation strategy now rather than delaying the inevitable. It is submitted that the LPA is not taking a proactive, positive and collaborative approach to resolve these issues. We would remind the LPA of the advice contained within the Framework at paragraph 8 that the planning system should play an active role in guiding development to sustainable solutions. It is

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considered that a sustainable solution in this instance would be to identify a suitable housing implementation strategy through the allocation of additional land for housing. Through these changes Policy DS20 can be made sound.

4. THE OMISSION SITE: LAND AT WARWICK ROAD, KENILWORTH

- 4.1 The land at Warwick Road, Kenilworth (“the site”) extends to approximately 37.5 hectares and adjoins the southern boundary to Kenilworth, albeit only circa. 21.7 hectares is being promoted for development (5.7 hectares for residential use and 16 hectares for sport / recreational use and strategic landscaping)
- 4.2 The site is currently in agricultural use.
- 4.3 The boundaries of the site are marked to the north by residential boundaries associated with the properties on Newey Drive, the adjoining Kenilworth Cricket Club and Bullimore Wood; to the east by Bullimore Wood; to the south by the A46 and vegetated course of Cattle Brook; and to the west by Warwick Road. The area described is shown on the plan attached at **APPENDIX A**.
- 4.4 The site has capacity to accommodate in the region of 100 new homes in a sustainable location; a new home for KRC; new landscaping and public open space. Furthermore the accompanying masterplan contained at **APPENDIX B** shows significant areas of strategic planting:
- To the south along Cattle Brook to strengthen and enhance existing planting;
 - Immediately to the south of the proposed rugby playing pitches located to the west of the railway line.
- 4.5 In addition, the indicative masterplan shows an area of public open space along the eastern edge to the proposed residential development, encompassing existing trees and an anticipated acoustic buffer.
- 4.6 The site is Greenfield and has not been developed previously. As such, there are no adverse ground conditions which might either prevent development or compromise its viability.
- 4.7 The site is not in an area defined as at risk of flooding by the Environment Agency.
- 4.8 The site is not designated as having any significant ecological interests – such as Sites of Special Scientific Interest (“SSSI”) or Importance for Nature Conservation (“SINC”).
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Given the fields are in arable use the potential for ecological concern is relatively limited. Full ecological surveys have been carried out across the entire site and no constraints have been identified that would preclude the implementation of the planned development..

- 4.9 It is envisaged that vehicular access from the A425 Warwick Road will be via the formation of a new 'Priority T-Junction' for the residential site and a similar junction arrangement for the Rugby Club. The stretch of the A425 Warwick Road past the site enables suitable visibility splays to be achieved and it is intended that measures would be incorporated to aid the reduction in vehicular speed along this stretch of Warwick Road

5. THE CASE ON BEHALF OF RICHBOROUGH ESTATES AND THE LANDOWNERS

Introduction

5.1 Our client supports the principle of Warwick District Council's identification of Thickthorn as a strategic urban allocation. However, it is considered that the release of the land identified in Plan A from Green Belt protection will be necessary in order to secure the delivery of Thickthorn during the Plan period and to provide greater flexibility to the WDLP.

5.2 The evidence and submissions contained within these representations seek to demonstrate why the release of the site from the Green Belt is necessary in planning terms. The proposed allocation promoted for our client is considered to represent the only appropriate strategy for overcoming the issues identified. The detailed case on behalf of Richborough is set out below. The case is supported by a Background Promotional Document, prepared by Pegasus Planning Group contained at **APPENDIX C**.

Green Belt Policy Context

5.3 A very important planning consideration is the location of the proposed site which lies in the West Midlands Green Belt.

5.4 As a statement of up-to-date national planning policy, paragraph 79 of the Framework states:

"The Government attaches great importance to the Green Belt."

5.5 Government planning policy in relation to plan-making is for Local Planning Authorities ("LPAs") to establish Green Belts boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Paragraph 83 states:

"Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their

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intended permanence in the long terms, so that they should be capable of enduring beyond the plan period.”

5.6 Paragraph 80 of the Framework identifies five purposes for including land within the Green Belt. These are:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special characteristics of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

5.7 To this end, the most important attribute of the Green Belt is the openness.

5.8 It is acknowledged that the provision of additional new homes on the edge of Kenilworth involves releasing more land from the Green Belt. Nevertheless, The LPA accept that to meet the needs of Kenilworth over the next 20 years, the release of land from the Green Belt is necessary as there are no non-Green Belt alternatives. Supporting paragraph 2.38 in the consultation draft states: -

“...where there are no suitable non-Green Belt alternatives, sites are removed from the Green Belt to enable development to take place. This applies to land to meet the needs of Kenilworth...”

Kenilworth Rugby Club

5.9 As a major land owner within the Thickthorn strategic allocation with a controlling interest of 8.5 hectares, the entire delivery of the Thickthorn depends upon KRC identifying a new ground within the immediate locality to which they can relocate. KRC has carried out an exhaustive search for a potential relocation site for a number of years. Having reviewed and exhausted all available and viable options, the land to the south of Kenilworth within the control of our client represents the only feasible option for the relocation and delivery of the Rugby Club..

- 5.10 Accordingly, Richborough is in advanced discussions with KRC over making land available to deliver the relocation of the club and its facilities. We are in negotiation with KRC and their Agent in relation to the Club's relocation and it is anticipated that an agreement will be formalised shortly.

Landscape and Visual Site Context

- 5.11 The case on behalf of Richborough is supported by a Landscape and Visual Overview, prepared by Tyler Grange (see **APPENDIX D**). The purpose of this report is to advise on the feasibility of developing the site having regard to the prevailing landscape character and visual amenity. Section 4 of the report gives consideration to the existing landscape character. Paragraph 4.4 states:

"...In response to fieldwork, further observations have been made with regards to the site and its immediate surroundings:

- The majority of the site is essentially flat and lies at around at 83m AOD, although topography drops away to approximately 62m AOD towards the southern boundary;*
- The surrounding urban boundary includes a school, playing fields, allotment gardens, cricket pitch and existing post war residential development that help form a reasonable transition to the countryside;*
- The site comprises a disused paddock and four medium-large scale arable fields, with one to the east of the Leamington/Kenilworth railway line (which is vegetated and within cutting). The triangular field parcel to the east shows evidence of former ponds and contains two clusters of notable trees. It is also enclosed by Bullimore Wood (ancient woodland);*
- Some internal hedgerows have been removed over time;*
- To the west the boundary with Warwick Road is defined by an overgrown 'hedge' interspersed with trees, with the redbrick development at Wootton Grange beyond;*
- Glimpsed views are available from portions of the site north, towards the spire of St. John's Church; and*
- To the south at the junction with Wootton Grange, the site is defined by an internal shelter belt. Beyond this is the line of the A46 and the vegetated*

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Cattle Brook. Planted species include birch, ash, cherry, poplar, dogwood, holly, hazel with a height of up to 9-12m.

5.12 At paragraph 4.5, the report states that the site is influenced by urbanisation and the railway embankment, a post war residential backdrop, the A46 corridor and a rural fringe. In the consideration of 'landscape character' paragraph 4.6 concludes:

“The landscape is clearly transitional, but does not contain the distinct parkland or heathland characteristics associated with the Arden Parklands LCT.”

5.13 In respect of the potential visual impact that development may bring, paragraph 5.1 advises that the site is relatively well enclosed through the presence of housing to the north, the A46 corridor to the east and the layering effect of hedgerows and woodland blocks in the wider landscape. The site's visual envelope is described as:

- *“To the north - the well treed boundary associated with the Kenilworth Cricket Club and the residential properties associated with Newey Drive restrict views beyond, as does the presence of Bullimore Wood to the north east. Glimpsed distant skyline views are available towards the spire of St. John's Church some 430 metres to the north;*
- *To the east – views are limited by the vegetated backdrop associated with Bullimore Wood and the A46 corridor;*
- *To the south – views are more extensive, although filtered by the layers of vegetation and wooded ridgelines. The visual envelope includes the rising land associated with Hill Wootton and glimpsed views of the settlement edge at Leek Wootton (some 450m to the south); and*
- *To the west – the unmanaged hedgerow associated with the length of Warwick Road filters most views; however, glimpses through extends the visual envelope towards Little Woodcote and the wooded backdrop associated with Woodcote Lane.”*

5.14 Accordingly, the predicted visual effects following the introduction of new built form to this area are anticipated to be localised.

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- 5.15 Section 6 of the Landscape and Visual Overview considers the suitability of the site for release from the Green Belt. Paragraph 6.2 refers to Considerations for Sustainable Landscape Planning Addendum, published by the LPA March 2014, and emphasises paragraph 4.2.7 in Appendix B which states that proposed development of the site has some potential to fit with the overall settlement pattern at Kenilworth, would appear to have few landscape constraints and presently proposes appropriate green infrastructure that in time could provide for a high quality residential development and a successful urban/rural interface.
- 5.16 In this context, it is important to consider the extent to which the release of this land from the Green Belt would cause actual harm and whether this actual harm is outweighed by other material considerations – in this case the need to provide sufficient flexibility for the housing strategy and a new home for KRC – to amount to exceptional circumstances to justify the allocation now.
- 5.17 Having regard to the purposes of including land within the Green Belt, the Tyler Grange Report concludes:

To check unrestricted sprawl: *“...the scale of the proposals is such that it could be deemed as contributing to urban sprawl. The existing surrounding landscape features and characteristics of the Arden parkland LCT provide a strong degree of filtering and permanence in the long term which is robust and capable of absorbing this scale of development...”*

To prevent merging: *“...the site is both physically and visually contained, with limited inter-visibility with adjoining Leek Wootton to the south.”*

Safeguarding encroachment: *“existing vegetation and limited number of receptor locations restrict the perceived sense of openness...the containment and retention of the strong framework of vegetation, and the delivery of new woodland planting would further limit the extent to which any proposed development would introduce uncharacteristic features into the landscape, thus the sense of visual encroachment into the wider open countryside would be negligible.”*

Preserve historic towns: *“Aspects of this landscape are expected to be ancient in origin, but no rare or unique landscape features have been identified at this stage.”*

5.18 Accordingly, it is considered that the allocation of the site will not cause actual harm to the fundamental purposes for including land within the Green Belt. Furthermore the proposed new access road for the Rugby Club will, together with structural planting, form a firm and defensible Green Belt boundary to the south of Kenilworth.

Sustainability of Kenilworth

5.19 The omission site lies immediately adjacent to the built up edge of Kenilworth, approximately 1km to the south east of the town centre. There are a number of principal routes surrounding the site that link to the town centre – a focus for retail, leisure and employment – and other key destinations such as Coventry, Leamington Spa, Stratford upon Avon and Warwick.

5.20 According to best practice guidance walking offers the greatest potential to replace short car trips, particularly for journeys under 2km. A range of services and facilities – including the town centre – are well within 2km distance of the site.

5.21 In May 2011, Network Rail published the West Midlands Route Utilisation Strategy (“WMRUS”). A fundamental component of the strategy is the delivery of a new station at Kenilworth which boosts the overall sustainability of the town.

5.22 The Kenilworth station is proposed to help address problems and opportunities for Warwickshire’s North South Corridor. The key objectives being to:

- Improved public transport opportunities between the key sub- regional, regional and national urban centres;
- Increase rail network accessibility, optimising existing infrastructure;
- Increase public transport usage in Warwickshire;
- Improved access to employment;
- Assist sustainable delivery of the sub-regional development and regeneration goals;
- Improve performance of the existing transport network in the corridor; and

- Reduce overcrowding on existing rail services between Coventry and Leamington Spa.

5.23 The new station will therefore provide local residents access to the national rail network and encourage increased use of rail for journeys that might otherwise be undertaken by car. Accordingly, the new station helps improve accessibility, reduce road congestion and aid economic regeneration in the area through increased access to jobs, education and leisure opportunities. This important strategic initiative further reinforces the need for Kenilworth to be allowed to grow to meet both the needs of the indigenous community and help towards meeting any additional need generated by Coventry which lies in close proximity to the north.

5.24 The closest bus stops to the site are located between Rouncil Lane and Newey Drive immediately to the north of the site. This is served by the X16 operated by Stagecoach, and runs straight past the site. The bus operator runs an hourly service through the week and links Kenilworth to the two strategic centres of Stratford upon Avon and Coventry City.

5.25 The site is considered to be a highly sustainable location for the provision of housing and development here would accord with the aims of the National Planning Policy Framework to promote sustainable transport.

The Benefits of the Warwick Road Site

5.26 It is considered that development at Warwick Road can provide a solution for Warwick District Council. In summary form these representations advocate:

- (i) The identification of the land within our client's control on the accompanying Proposal Map as land available for KRC to relocate;
- (ii) To release 5.7 hectares of land from the Green Belt on the south side of Kenilworth to ensure that additional housing can come forward; and
- (iii) The creation of a new firm and defensible Green Belt boundary along the new access road serving the Rugby Club

- 5.27 It is considered that this proposed solution is the most appropriate strategy for addressing the LPA's existing housing land supply shortfall and for resolving the uncertainty surrounding the comprehensive delivery of Thickthorn.
- 5.28 It is submitted that the relocation of KRC will provide improved sporting facilities for the town and more importantly, it will ensure that the proposed allocation is deliverable and will enable the proposed allocation to be planned and developed comprehensively from the outset. It should be acknowledged that as a statutory consultee in the planning process, Sport England ("SE") will oppose the loss of any part of Rugby Club playing fields until the playing fields to be lost as a result of the proposed allocation have been replaced by playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements.

Conclusion

- 5.29 Kenilworth is considered to be a highly sustainable location. It has a number of principal routes surrounding the site that link to the town centre – a focus for retail, leisure and employment – and other key destinations. The construction of the new station at Kenilworth is considered to significantly enhance the overall sustainability of the town as it will improve public transport opportunities between the key sub-regional, regional and national urban centres, increase rail accessibility, optimise existing infrastructure, and provide improved access to employment opportunities.
- 5.30 The solution advocated by this section of the representations is to release 5.7 hectares of Green Belt land at Warwick Road in order to provide sufficient flexibility within the plan to meet its housing objectives.
- 5.31 Negotiations are taking place with KRC to reach agreement in relation to land being made available, through a freehold purchase, for their relocation. It is submitted this proposed solution is the only strategy to secure the delivery of the strategic allocation to the east of Kenilworth.
- 5.32 A small release of additional Green Belt land in this locality will not result in any adverse impacts or devalue the purpose of the Green Belt. As demonstrated through

Land at Warwick Road, Kenilworth, Warwickshire

the supporting technical documentation contained at **APPENDICES C and D**, it is possible to create a long term, robust and defensible edge to the town which preserves the Green Belt in the longer term. It is considered that the ridge makes a better and more identifiable Green Belt boundary as it is a permanent physical feature that is easily recognisable from afar and is permanent.

- 5.33 It is submitted that the need to identify additional land for housing to ensure sufficient flexibility and secure a new home for KRC amounts to “exceptional circumstances” that justify the release of the land at Warwick Road from the Green Belt.

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3. Notification of subsequent stages of the Local Plan

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Part B - Your Representations

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Local Plan or SA:

Paragraph Number:

Policy Number:

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes

No

5.2 Complies with the Duty to Co-operate?

Yes

No

5.3 Sound?

Yes

No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

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Date :

27/06/2014

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Local Plan or SA:	<input type="text"/>
Paragraph Number:	<input type="text"/>
Policy Number:	STRATEGIC POLICY DS5
Policies Map Number:	<input type="text"/>

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5.1 Legally Compliant?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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For Official Use Only

Person ID:

Rep ID:

Publication Draft Representation Form 2014

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Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.	
Title		MR
First Name		OLIVER
Last Name		TAYLOR
Job Title (where relevant)		SENIOR PLANNER
Organisation (where relevant)	RICHBOROUGH ESTATES	STRUTT & PARKER LLP
Address Line 1	C/O STRUTT & PARKER	269 BANBURY ROAD
Address Line 2		SUMMERTOWN
Address Line 3		OXFORD
Address Line 4		
Postcode		OX2 7LL
Telephone number		01865 366 669
Email address		oliver.taylor@struttandparker.com

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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For Official Use Only	Person ID:	Rep ID:
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Part B - Your Representations

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

Local Plan or SA:

Paragraph Number:

Policy Number:

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes No

5.2 Complies with the Duty to Co-operate?

Yes No

5.3 Sound?

Yes No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

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7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

SEE ACCOMPANYING REPRESENTATION

Continue on a separate sheet if necessary

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TO ENSURE THE PLAN IS SOUND.

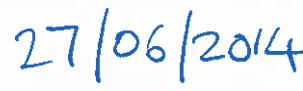
Continue on a separate sheet if necessary

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Signed: 

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	1. Personal Details*	2. Agent's Details (if applicable)
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First Name		OLIVER
Last Name		TAYLOR
Job Title (where relevant)		SENIOR PLANNER
Organisation (where relevant)	RICHBOURGH ESTATES	STRUTT & PARKER LLP
Address Line 1	40 STRUTT & PARKER	269 BANBURY ROAD
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Part B - Your Representations

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

Local Plan or SA:	<input type="text"/>
Paragraph Number:	<input type="text"/>
Policy Number:	Policy DS7
Policies Map Number:	<input type="text"/>

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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5.2 Complies with the Duty to Co-operate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

5.3 Sound?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
-----	--------------------------	----	-------------------------------------

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

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Local Plan or SA:

Paragraph Number:

Policy Number:

Policies Map Number:

5. Do you consider the Local Plan is :

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Yes

No

5.2 Complies with the Duty to Co-operate?

Yes

No

5.3 Sound?

Yes

No

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27/06/2024

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If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the plan has been made available (see the table below). You can also respond online using the Council's e-Consultation System, visit: www.warwickdc.gov.uk/newlocalplan

Please provide your contact details so that we can get in touch with you regarding your representation(s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing. You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be received by 4.45pm on Friday 27 June 2014

To return this form, please deliver by hand or post to: **Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH**
or email: newlocalplan@warwickdc.gov.uk

Where to see copies of the Plan

Copies of the Plan are available for inspection on the Council's web site at www.warwickdc.gov.uk/newlocalplan and at the following locations:

Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa
Leamington Town Hall, Parade, Royal Leamington Spa
Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash
Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa
Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick
Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
Brunswick Healthy Living Centre, 98-100 Shrubland Street, Royal Leamington Spa
Finham Community Library, Finham Green Rd, Finham, Coventry

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

Part A - Personal Details



	1. Personal Details*	2. Agent's Details (if applicable)
	* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.	
Title		MR
First Name		OLIVER
Last Name		TAYLOR
Job Title (where relevant)		SENIOR PLANNER
Organisation (where relevant)	RICHBOROUGH ESTATES	STRUTT & PARKER LLP
Address Line 1	C/O STRUTT & PARKER	269 BANBURY ROAD
Address Line 2		SUMMERTOWN
Address Line 3		OXFORD
Address Line 4		
Postcode		OX2 7LL
Telephone number		01865 366 669
Email address		oliver.taylor@struttandparker.com

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The adoption of the Local Plan.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

For Official Use Only
Person ID: _____ Rep ID: _____



Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

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

Local Plan or SA:

Paragraph Number:

Policy Number:

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes No

5.2 Complies with the Duty to Co-operate?

Yes No

5.3 Sound?

Yes No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

For Official Use Only

Person ID:

Rep ID:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

SEE ACCOMPANYING REPORT

Continue on a separate sheet if necessary

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

SEE ACCOMPANYING REPORT

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

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Person ID:

Rep ID:

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

TO ENSURE THE PLAN IS SOUND.

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed: 

Date : 27/06/2014

Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

For Official Use Only
Person ID: _____ Rep ID: _____