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**BARTON  
WILLMORE**

bartonwillmore.co.uk  
9th Floor  
Bank House  
8 Cherry Street  
Birmingham  
B2 5AL

Mr. P. Clarke  
Policy Manager  
Planning Policy  
Warwick District Council  
Riverside House  
Milverton Hill  
Leamington Spa  
CV32 5HZ

**BY EMAIL:** [planningpolicy@warwickdc.gov.uk](mailto:planningpolicy@warwickdc.gov.uk)

11th March 2019

29543/A3/DGW/sw

Dear Mr. Clarke,

## **WARWICK PUBLIC OPEN SPACE SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION**

### **Introduction**

We write on behalf of our Client, Barwood Land (hereafter, 'Barwood'), and welcome the opportunity to respond to Warwick District Council's Public Open Space Supplementary Planning Document (SPD) Consultation.

Barwood is currently working with the Council in respect of the delivery of the land at Kenilworth (part of H06 as identified in the Adopted Local Plan). They also have other interests in the District.

### **Consultation Response**

#### Section 1: Purpose and Context

Annex 2: Glossary of the National Planning Policy Framework (NPPF) (Framework) (published February 2019) defines Supplementary Planning Documents as:

**"Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan."** (our emphasis)

Paragraph 33 of the NPPF outlines that:



FS 29637

Registered in England  
Number: OC342692

Barton Willmore LLP  
Registered Office:  
The Blade  
Abbey Square  
Reading  
RG1 3BE

**“the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals. (our emphasis)**

In light of the above paragraphs, we are encouraged by and generally supportive of the Council’s intention to replace, upon adoption, the current Open Space SPD (adopted June 2009) with the Warwick Public Open Space SPD (2019), provided it accords with the Warwick Local Plan and is based on the most up-to-date evidence. The current Open Space SPD is 10 years old and is seen as out of date, especially when considering the raft of changes to national policy and physical changes within the District.

However, we remind the Council that whilst the Draft Warwick Public Open Space SPD should add further detail to the parent policies in the Warwick Local Plan, it should equally not be overly prescriptive and restrictive. SPDs do not form part of the Development Plan for an area and as such, are not meticulously tested at examination by an independent Inspector. Overly restrictive and prescriptive SPDs can thwart the delivery of sustainable development.

Barwood consider that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and has always sought to deliver schemes according to this principle.

It is recognised that a full, detailed audit of open space in Warwick District was completed in 2008 to support of the Green Space Strategy. Since then, comprehensive quality audits have taken place every 3 years since. Notwithstanding this, we encourage WDC to take account of the NPPF, when conducting open space quality audits. Paragraph 96 of the Framework sets out that:

**“Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.” (our emphasis)**

The Draft Warwick Public Open Space SPD consultation document states that it is the Council’s intention to continue to utilise the overall standard of 5.47 hectares of unrestricted open space per 1000 head of population that was derived from the Parks and Open Spaces Audit, as the basis for seeking open space contributions. For sites over 100 dwellings, a further 0.42 hectares per 1000 head will be specifically required for allotments.

Further, WDC’s Public Open Space SPD consultation document states that a review of major developments approved since the adoption of the Green Space Strategy for Warwick District (2012-2026) shows that the open space standards have been consistently met and that the findings of the original study remain.

We seek confirmation that the provision of existing areas of open space will be a material consideration when looking at open space contributions for new developments. We consider that enhancement of existing well located areas of public open space can, in some cases, be more appropriate than new on-site provision. Reference should be made to existing natural assets, such as Thickthorn Wood,



which is immediately east of the Site at the A46, as this can contribute towards the Open Space Requirements for the East of Kenilworth.

We also seek clarification as to the way in which this SPD will sit alongside other SPD's – the Kenilworth Development Brief SPD for example. The latter will deal with bespoke open space provision for that site – and therefore this needs to be acknowledged within this SPD to avoid potential future conflict.

## Section 2: Public Open Space Requirements

Barwood is broadly supportive of the proposed public open space requirements for residential and commercial developments. We welcome a flexible approach, which recognises that site specific circumstances are material to the open space contribution, and encourage WDC to retain the following text as the SPD progresses:

### **"Residential Developments**

**On all residential developments of 11 or more dwellings\* there will be a requirement for public open spaces provision in accordance with the standards specified in this SPD. The District Council will expect developers to meet the overall open space requirement; however it may apply a degree of flexibility to the individual types of space having regard to the Parks and Open Space Audit and the particular circumstances of the development site in question.**

**Where it is demonstrated that it is impractical or inappropriate to provide open space physically on-site, the District Council may consider commuting the requirement to an alternative location provided that it is within reasonable walking distance of the development. A distance of 480 meters approximately a 10 minutes' walk is considered appropriate for this purpose.**

**Where neither an on-site nor off-site location is available or considered appropriate to serve the development, a financial contribution from the developer as a means of providing qualitative improvements to existing open space will be required. The form of any contribution will be guided by the findings of the District's Parks and Open Spaces Audit and any other material evidence.**

**In instances where off-site financial contributions are proposed, the Council will endeavour to ensure that any qualitative improvements are within a reasonable distance of the development.**

**Where a developer makes the physical provision of new open space it will be delivered to an agreed standard, as detailed in this SPD. It is the authority's expectation that the public open space will be offered to the Council for adoption.**

### **Commercial Developments**

**New commercial or industrial developments will create demand for public open space through their workforce. Such open space will need to be available on site so that employees can take advantage of it during their working day. The provision will focus on amenity open space, parks and gardens and accessible natural areas, with no need to provide allotments or youth areas. Smaller developments that will employ less than 100 full-time equivalent employees will be exempt." (our emphasis)**

Considering that our Client's land interest is allocated for mixed-use development, we have no objection in principle to the proposed public open space standard for residential developments in Warwick District. However, we question the methodology and rationale for the percentages allocated to the 5 typologies, namely; Amenity Green Space: 17%, Parks and Gardens: 35%, Natural Areas including Urban Woodland: 35%, Allotments, Community Gardens and Urban Farms: 7% and Children/Youth Areas: 6%.

WDC has not provided any justification for the 5 public open space typologies nor does it furnish us with information on how it arrived at the percentages of public open space that is required to be delivered at each typology.

We object however to the provision of open space to sit alongside commercial elements. There is no evidence provided within the SPD for the assertions made therein in respect of the need for open space; there is no justification for the types or amounts set; no justification for the threshold which has been set; and no consideration as to who this will be dealt with in mixed use developments where open space already forms part of the scheme proposal. Having ad-hoc areas of open space dotted around does not make for good planning – far better design can be achieved through larger combined open spaces or enhancement of existing facilities.

The Draft SPD consultation document states that public open space must be used by the public and non-useable landscaping, such as 'SLOAP' (space left over after planning) will not count towards standards. For example, roadside verges would not count but areas where dogs could be walked, or people could sit or children can play informally would contribute.

We remind the Council of the NPPF's definition for open space, which is seen at Annex 2: Glossary:

**"Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity." (our emphasis)**

Therefore, we recommend that the Council include SLOAPs as public open space on the basis that they can act as visual amenity. This approach accords with the NPPF's definition for open space and the Council should recognise this.

### Section 3: Site Requirements and Standards

The Draft Warwick Public Open Space SPD consultation document highlights that:

**"As part of the application submission it will be expected that the applicant submit a compliant public open spaces Design which details and demonstrates compliance with the Guidance and shows spatially the location and appropriate provision of the various open space typologies." (our emphasis)**

Barwood consider the above wording unduly onerous and overly prescriptive when applied to an outline planning application. Instead, the following text, with changes highlighted in red, is recommended:

**"As part of the any reserved matters submission or full planning application , it will be expected that the applicant submits a compliant public open spaces design which details and demonstrates compliance with the Guidance and shows spatially the location and appropriate provision of the various open space typologies."**



For clarity, both Section 92 of the Town and Country Planning Act (TCPA) 1990 and the Planning Portal highlight that applications for outline planning permission seek to establish, at an early stage, whether the scale and nature of a proposed development would be acceptable in principle to the local planning authority, before a fully detailed proposal is put forward.

With regards to Sustainable Drainage Systems (SuDS), we support WDC's expectation that SuDS will likely form part of the public open spaces and therefore be offered to the Council for adoption and long-term maintenance.

#### Section 4: Playing Pitch Requirements

Our Client recognises that playing pitches, as public open space, have environmental, social and economic benefits across Warwick District. As the District's population increases, it is expected that the need for playing pitches will increase.

The Draft Warwick Public Open Space SPD consultation document makes clear that the Council is focused on the provision of four key hubs. Each hub will comprise a cluster of sports pitches.

WDC has not provided any justification for why the Council is focused on the provision of four hubs or where these cluster hubs will be located in the District. Further information is therefore required in this respect.

We note the Council's inclusion of an approved Sports England Calculator as part of the evidence base. This calculator should allow developers to plan properly and shows that on average developments should expect to pay in the region of £150,000 per 1000 head of population. However clearly this is dependent upon existing open space provision in an area; and may change over time. Caution must therefore be applied and it should be applied on a site specific basis.

#### Appendix 1: Draft Management Plan

We propose a title change to Appendix 1 of the Draft Warwick Public Open Space SPD consultation document. Our Client considers that the following title, with changes highlighted in red, would remove any doubt regarding the content:

**"Draft Public Open Space Management Plan"**

#### Appendix 2: Design Guidance & Expectations

Page 75 of the Draft Warwick Public Open Space SPD consultation document, under 'Soft Landscaping' states:

**"Plants of local provenance should be UK sourced and grown to help control the spread of disease and native plants should be native to Warwick District, not other parts of the British Isles."**

We consider this to be overly prescriptive and unduly onerous and recommend the following change to the proposed text:

**"Plants of local provenance should be UK sourced and grown to help control the spread of disease".**

We would be grateful if you acknowledge receipt of our submission to Warwick Public Open Space Supplementary Planning Document Consultation.

We trust this submission is clear and helpful however should there be any queries in relation to the above, please do not hesitate to contact me.

Yours sincerely



**KATHRYN VENTHAM**  
**Partner**

cc: Sam Dorrian - Barwood Land

