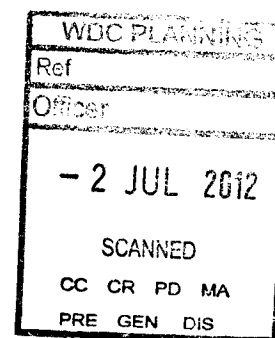


6179

Our ref: 9276 LR HRW

Development Policy Manager
Development Services
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5QH



29th June 2012

Dear Sir/Madam

Warwick Local Plan – Preferred Options: Formal Representations on Oaks Farm, Farm Road, Kenilworth CV8 1DX

We act on behalf of the land owner in respect of Oaks Farm, Oak Road, Kenilworth. As you will be aware, we have advanced the site for consideration in the Council's Strategic Housing Land Availability Assessment (SHLAA).

We welcome the opportunity to make representations on the Warwick Local Plan Preferred Options Development Plan Document (DPD) and set out our formal representations below:

We raise **OBJECTION** to the Warwick Local Plan Preferred Options DPD on the grounds that it is not 'sound' because it fails to fully consider reasonable alternatives as required to satisfy the tests contained in the National Planning Policy Framework (NPPF). It is apparent that the approach taken to housing land allocations in the Preferred Options DPD is not wholly consistent with National Planning Policy which seeks to locate development in the most sustainable locations.

We propose that it would be consistent with national guidance for part of our client's land at Oaks Farm, Farm Road, Kenilworth, adjacent to the settlement boundary, to be allocated for residential development.

National Planning Policy Framework (NPPF)

1. The NPPF, published on 27th March 2012, sets out the government's planning policies for England and how these are expected to be applied. Planning law



tylerparkes drawing on experience. planning for approval.

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requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is therefore vital that the policies and proposals contained within emerging Local Plans are consistent with the objectives and requirements of the NPPF.

2. Paragraph 14 states that at the heart of the NPPF is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.' Paragraph 15 requires policies in Local Plans 'to follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay'.
3. Paragraph 182, Examining Local Plans, requires Local plans to be 'sound' meaning that they must be: positively prepared; justified such that the 'plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence'; effective; and consistent with national policy to enable the delivery of sustainable development.
4. Paragraph 47, Delivering a Wide Choice of High Quality Homes, requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against the identified housing requirement with an additional buffer of 5% to ensure choice and competition in the market for land.
5. Paragraph 48 states that local planning authorities may only make an allowance for windfall sites in the rolling 5 year housing land supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any windfall allowance 'should not include residential gardens' in the calculation.
6. Section 12, Conserving and Enhancing the Historic Environment, requires local authorities to recognise that heritage assets are irreplaceable and conserve them in a manner appropriate to their significance. In developing the strategy, local planning authorities should take account of a number of criteria, including, 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

General Comments

1. We support the principle for delivering 'Our Vision for the District' which includes the requirement to meet the housing need of the existing and future population and providing for diversity of demands including homes for the elderly and other specialised needs.

Comments on Specific Policies, Paragraphs and Tables

PO3: Broad Location of Growth

2. We support the Council's preferred Option to concentrate growth within, and on the edge of, existing urban areas avoiding locations which could potentially lead to the coalescence of settlements.

PO4: Distribution of Sites for Housing

3. We **OBJECT** to the non inclusion of part of Oaks Farm site, immediately adjacent to the main urban area of Kenilworth, for residential development.
4. The supporting text states that the preferred option DPD proposes allocation of 1370 dwellings above the housing requirement of 6986 (ie. 14.6% buffer above the 5% NPPF requirement). The justification given for this apparent oversupply is that it is needed to: enable some sites to be removed following receipt of representations and any further evidence in response to the consultation process; and/or to provide housing to support a Regional Investment Site if this is accepted in the plan as a requirement.
5. Background evidence in the form of the Strategic Housing Land Availability Assessment (SHLAA) has demonstrated that there is a housing need for realigning the Green Belt boundary adjacent to Kenilworth to accommodate additional residential development. However, we believe that all reasonable sites, such as Oaks Farm, have not been objectively assessed, including considering development of part rather than the entirety of any sites proposed by landowners or other interested parties.
6. While we accept that there may be a case to be made for an urban extension to the east of the town at Thickthorn, we believe that the Local Plan housing strategy should better reflect the sustainable development aims of the NPPF and seek to direct new housing towards the most sustainable sites. We advocate that it would be more appropriate to allow for smaller pockets of residential development in more sustainable locations around the perimeter of Kenilworth closer to existing retail, community and service facilities. This would effectively 'round off' the urban area by 'nibbling' into the Green Belt boundary in the most sustainable locations.
7. Oaks Farm lies within easy reach of the town centre, closer to exiting retail, community and service facilities than the proposed urban extension site at Thickthorn. The site lies quite some distance from Kenilworth Castle and Registered Park and Garden and we believe that any development at Oaks Farm would not have an adverse impact on these heritage assets. Exclusion of consideration of part of this site, that which lies closest to the urban boundary and including Oaks Farm building complex, is unsound. We assert that the site is a logical, viable and reasonable site for a housing allocation.
8. We contend that it is not 'justified' under the terms of the NPPF to exclude public consideration of a residential allocation at Oaks Farm adjacent to the urban area of Kenilworth. This site is a reasonable alternative housing site

which is highly sustainable and as such better satisfies the sustainable development objectives of the NPPF when compared to the site at Thickthorn and it should be included as a housing allocation in the new Local Plan.

PO6: Mixed Communities & Wide Choice of Housing

9. We support the recognition that there is a need for homes for older people and consider it entirely appropriate that strategic sites will include Extra Care Housing schemes located close to local facilities.
10. We **OBJECT** to the lack of flexibility in the wording of the policy in respect of proposals for Retirement Villages and Continuing Care Retirement Schemes. The supporting text states at paragraph 7.57, that the number of pensioner households is likely to increase by 49% between 2011 and 2031. We therefore believe that it is unnecessarily burdensome for applicants to be required to produce evidence of locational need in every case.
11. We suggest that the policy might legitimately include wording which would recognise this burgeoning demand as an 'exceptional circumstance' for Green Belt development to meet the needs of the community where there are insufficient suitable and available sites outside the Green Belt.
12. We recommend that the policy wording be changed as follows:

'Proposals for Retirement Villages and Continuing Care Retirement Schemes will be encouraged unless there is a demonstrable over-concentration of such facilities in the locality which might prevent achievement of other planning objectives as set out in the Local Plan or the proposal fails to meet sustainable development objectives set out in the NPPF.'

Given the increasing demand for retirement accommodation, and subject to supporting information, applications for Retirement Villages and Continuing Care Schemes may be considered 'exceptional circumstances' where inappropriate development in the Green Belt may be justified.

PO11: Historic Environment

13. We support the proposal to work with landowners and other stakeholders in the historic environment to both protect the historic environment and ensure its economic viability for future generations. We believe it is entirely appropriate and in line with recent NPPF guidance that there should be flexibility about new uses for Listed Buildings to encourage their survival and maintenance.
14. However, we contend that the policy does not go far enough and should also seek to promote development opportunities which would improve the setting of heritage assets and, where appropriate, allow enabling development to preserve and enhance heritage assets and their settings for future generations. This approach would be in line with the objectives of the NPPF.

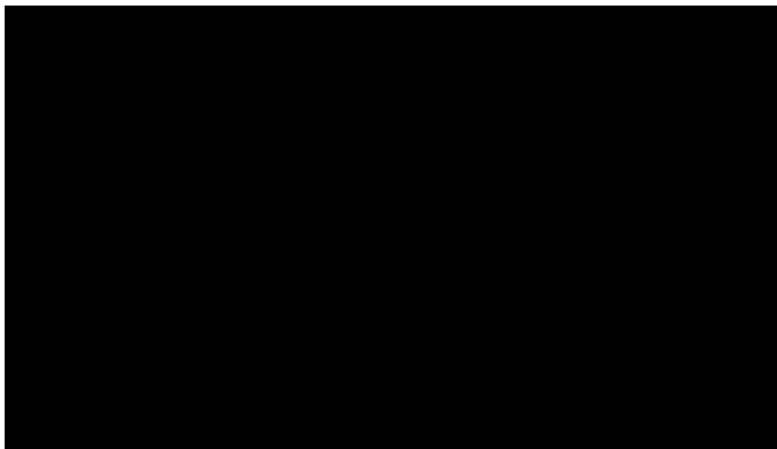
PO16 Green Belt

15. We **OBJECT** to the omission of any reference in section C to: Retirement Schemes and Continuing Care Schemes where required to meet a local community need and where no other suitable alternatives are available outside the Green Belt; and development which would protect and enhance a Listed Building or its setting and allow a viable use.

Conclusion

16. It is apparent from the case put forward in this letter of representation that the Preferred Options Local Plan is not sound and does not satisfactorily meet the tests of soundness in paragraph 182 of the NPPF in that it is not justified. There is a strong case for reasonable alternative housing land to be identified adjacent to the Kenilworth urban area and considered as additional or alternative housing allocations.
17. Oaks Farm is in a sustainable location adjacent to the urban boundary within easy reach of services and facilities. The need to protect and enhance heritage assets, such as the Grade II Oak Farm Listed Building, for future generations by permitting viable alternative uses and enabling development should be promoted through appropriately worded policies.
18. We also advocate a more proactive response to the identified need for additional accommodation to serve the retirement age population which is predicted to rapidly increase over the next twenty years, including on suitable Green Belt sites.
19. For all these reasons, we formally request that land be allocated for housing development adjacent to the town boundary and including the farm building complex at Oaks Farm, Oak Road, Kenilworth, as proposed in this submission.

Yours sincerely,



Preferred Options Response Form

2012

For Official Use Only

Ref.

Rep. Ref.

Please use this form if you wish to support or object to the Preferred Options version of the new Local Plan.

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

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 for members of the public. You can also respond online using the LDF Consultation System, visit: www.warwickdc.gov.uk/newlocalplan

Part A - Personal Details

1. Personal Details

2. Agent's Details (if applicable)

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

Address Line 1

Address Line 2

Address Line 3

Address Line 4

Postcode

Telephone number

Email address

Would you like to be made aware of future consultations on the new Local Plan? Yes No

About You: Gender

Ethnic Origin

Age

Under 16

16 - 24

25 - 34

35 - 44

45 - 54

55 - 64

65+

Part B - Commenting on the Preferred Options

If you are commenting on multiple sections of the document you will need to complete a separate sheet for each representation

Sheet of

Which document are you responding to?

e.g. Preferred Options (Booklet) Preferred Options (Full Version)

Which part of the document are you responding to?

Preferred Option Box (e.g. PO1)

Paragraph number / Heading / Subheading (if relevant)

Map (e.g. Preferred Development Sites – Whole District)

What is the nature of your representation?

Support

Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (Use a separate sheet if necessary).

For Official Use Only

Ref:

Rep. Ref.

Part B · Commenting on the Preferred Options

If you are commenting on multiple sections of the document you will need to complete a separate sheet for each representation

Sheet * of * PLEASE REFER TO ATTACHED LETTER OF REPRESENTATION

Which document are you responding to?
e.g. Preferred Options (Booklet) Preferred Options (Full Version)

PREFERRED OPTIONS FULL VERSION

Which part of the document are you responding to?
Preferred Option Box (e.g. PO1)

PO3, PO4, PO6, PO11, PO16

Paragraph number / Heading / Subheading (if relevant)

Map (e.g. Preferred Development Sites – Whole District)

What is the nature of your representation?

Support



Object

Please set out full details of your objection or representation of support. If objecting, please set out what changes could be made to resolve your objection (Use a separate sheet if necessary).

PLEASE REFER TO ATTACHED LETTER OF REPRESENTATION.

Guidance on Making Representations

- Please use the attached response form as it will help the Council to keep accurate and consistent records of all the comments on the Plan, alternatively complete online at www.warwickdc.gov.uk/newlocalplan
- If you wish to make comments on more than one aspect of the Plan, please use a separate copy of Part B of this form for each
- You may withdraw your objection at any time by writing to Warwick District Council, address below
- It is important that you include your name and address as anonymous forms cannot be accepted. If your address details change, please inform us in writing.
- All forms should be received by **4.45pm on Friday 27th July 2012**.
- 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.
- To return this form please drop off at one of the locations below, 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.

Location	Opening Times
Warwick District Council Offices Riverside House, Milverton Hill, Royal Leamington Spa	Mon – Thurs 8.45am – 5.15pm Fri 8.45am – 4.45pm
Leamington Town Hall Parade, Royal Leamington Spa	Mon – Thurs 8.45am – 5.15pm Fri 8.45am – 4.45pm
Warwickshire Direct Whitnash Whitnash Library, Franklin Road, Whitnash	Mon – Weds 10.30am – 5.00pm Thurs Closed Fri 10.30am – 4.00pm Sat 10.30am – 1.30pm
Leamington Spa Library The Pump Rooms, Parade, Royal Leamington Spa	Mon – Weds 9.30am – 6.00pm Thurs 10.00am – 7.00pm Fri 9.30am – 6.00pm Sat 9.30am – 4.30pm Sun 12.00am – 4.00pm
Warwickshire Direct Warwick Shire Hall, Market Square, Warwick	Mon to Thurs 8.00am – 5.30pm Fri 8.00am – 5.00pm Sat 9.00am – 4.00pm
Warwickshire Direct Kenilworth Kenilworth Library, Smalley Place, Kenilworth	Mon and Tues 9.00am – 5.30pm Wed 10.30am – 5.30pm Thurs and Fri 9.00am – 5.30pm Sat 9.00am – 1.00pm
Warwickshire Direct Lillington Lillington Library, Valley Road, Royal Leamington Spa	Mon 9.30am – 12.30pm & 1.30pm – 6.00pm Tues and Fri 9.30am – 12.30pm & 1.30pm – 5.30pm Weds Closed Thurs 9.30am – 12.30pm & 1.30pm – 7.00pm Sat 9.30am – 12.30pm
Brunswick Healthy Living Centre 98-100 Shrubland Street, Royal Leamington Spa	Mon - Thurs 9.00am – 5.00pm Fri 9.00am – 4.30pm
Finham Community Library Finham Green Rd, Finham, Coventry, CV3 6EP	Mon 1.00pm – 7.00pm Tues, Thurs and Fri 9.00am – 7.00pm Sat 9.00am – 4.00pm

Warwick District Council strives to ensure that all people regardless of ethnic origin or disability can access its services. Where possible, information can be made available in other formats, including large print, cassette tape, CD & other languages if required. Telephone 01926 450000.