

27th June 2014

Mr D. Barber
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

By Email only: newlocalplan@warwickdc.gov.uk

Dear Mr Barber

Warwick District Local Plan 2011 – 2029 Publication Draft

These representations are submitted on behalf of Catesby Estates Ltd and Kenilworth Wardens Cricket Club, in respect of their land interests at Kenilworth Wardens Sports Club, Glasshouse Lane, Kenilworth.

Catesby Estates Limited was formed in 1996 (part of the Catesby Property group PLC) and specialises in the promotion of land through the planning system for sustainable residential and commercial development.

The land available extends to approximately 5 hectares and currently comprises a pavilion building with associated parking and access from Glasshouse Lane, together with part of Glasshouse Wood and the sports pitches. The land is broadly bounded by residential development to the north and the A46 and Kenilworth Rugby Club to the south. The land is currently identified as being within the Greenbelt, however it has been allocated for residential development, as part of a larger allocation at Tickthorn (H06), in the Publication Draft Local Plan.

We have reviewed the Publication Draft Local Plan and would offer the following comments. We confirm that we would wish to attend the Examination in Public to discuss the content of these representations and any other relevant topics.

Duty to Cooperate and Strategic Planning

We note that the Publication Draft Plan confirms that the Council has worked cooperatively with a range of organisations in the region and sub-region in respect of cross boundary, strategic issues. This extends to the Evidence Base and the Coventry and Warwickshire SHMA (CWSHMA) is of particular importance to the overall strategy of the Plan and the quantum of housing to be delivered within each district in the sub-region.

The draft Plan goes on to confirm that each of the authorities within the sub-region are at a different stage in preparing plans and, as a result, the capacity of the other districts to deliver their full objectively assessed housing requirement in full is not known. Whilst we recognise the difficulties involved with multiple authorities seeking to work together on strategic issues, we are particularly concerned in respect of Coventry City Council's ability to meet its full objectively assessed needs within its own administrative boundaries and the likely knock on effect for Warwick District, resulting in the need to identify additional sites for development. There is a risk therefore that the Plan is not *positively prepared* in that it does not make an allowance (without a further review of the Plan) for accommodating unmet needs from neighbouring authorities.

DS6 Level of Housing Growth

We note that the Council will provide for 12,860 new homes between 2011 and 2029. Paragraph 2.20 of the draft Plan makes reference to the CWSHMA and that Warwick District aims to meet its objectively assessed need. We support the Council in seeking to meet its objectively assessed need for new market and affordable housing, however the CWSHMA indicates that the overall assessed need for Warwick District amounts to 720 dwellings per annum over the period 2011 – 2031, equivalent to 12,960 for the period 2011 – 2029. In light of this, we would query why the draft Plan proposes a lower requirement of 714 dwellings per annum.

The Plan is unlikely to progress to adoption until mid-2015, at best, and given this we would suggest that the Council extends the Plan period to 2031 so that it aligns with the CWSHMA, as the relevant evidence base, and more importantly, ensures that the Plan will have a 15-year life span in accordance with paragraph 157 of the NPPF.

In view of the above, and in order to ensure that the Plan is *consistent with national policy*, we would recommend that the plan period is extended to cover the period 2011 – 2031, and consequently in order to ensure that the Plan is *positively prepared* and *justified* the draft Policy DS6 should be amended to increase the housing requirement to at least 14,400 (720 dwellings per annum).

Paragraph 4.12 of the draft Plan makes it clear that there is a serious affordability problem in Warwick District and paragraph 4.13 goes on to confirm that delivering 268 affordable homes per annum is challenging and that a large proportion will need to be provided on private development sites. Given that the primary route for the delivery of affordable housing is via private development sites, consideration should also be given to further increasing the overall housing requirement as a lever to secure the delivery of more affordable housing.

DS7 Meeting the Housing Requirement

Draft Policy DS7 sets out the various categories from which the overall housing requirement will be delivered. We note that the breakdown includes sites with planning permission at 1st April 2013 and sites with planning permission granted between 1st April 2013 and 31st December 2013. It is not clear from the supporting text, and we would therefore query, whether any discount has been applied to this figure or whether there is an assumption that all of the sites with planning permission will be delivered in full within the plan period. It would be normal practice to apply a 10% reduction to committed sites for non-implementation and to ensure robustness.

We note that there is a substantial allowance for deliveries from windfalls, small urban sites assessed in the SHLAA and a consolidation of existing employment areas. We would query whether there is any 'double-counting' of sites and how robust including a windfall allowance is if allowances are being included for small SHLAA sites and the consolidation of existing employment sites, given that these categories are likely to make up a large proportion of what would normally be regarded as windfall sites.

In this respect, we are concerned that the Plan may not be *effective* in that it does not ensure the delivery of the full housing requirement within the Plan period.

DS11 Allocated Housing Sites

We support the identification of land at the Kenilworth Sports Club, Glasshouse Lane as part of the draft allocation for residential development at Thickthorn (H06). We confirm that the land is available for development and that there are no substantial constraints which would prevent the land coming forward in the short term.

We can confirm that Kenilworth Wardens Cricket Club Ltd is in advanced discussions in respect of relocating the sports facilities to Castle Farm and at the same time acquiring further land from the adjoining landowner to extend and improve the range of sports facilities available. This would remove the principle constraint to development, by ensuring the transfer of the sports facilities to the Castle Farm site. The transfer would also secure an extension and improvement of the sports facilities thus providing additional benefits to the wider community.

We are mindful that the land has been assessed by the Council in the 2014 and it is considered potentially suitable. Having considered the potential constraints to development, we are conscious that the extent of land available would allow significant landscape buffers to be introduced to both the A46 to the south, in order to protect occupiers from potential noise disturbance, and to Glasshouse Wood to the north, in order to protect the integrity of the Scheduled Ancient Monument and the Ancient Woodland.

Initial feasibility work suggests that approximately 3 hectares of net developable land could be available on land controlled by Catesby Estates and Kenilworth Wardens, which could accommodate between 90 - 100 dwellings together with associated open space, landscaping, access arrangements and sustainable drainage features. Whilst we recognise that the site forms part of a larger allocation for residential development, and therefore there is an expectation that there will be a comprehensive masterplanning exercise to include the balance of the Thickthorn site, we confirm that the site could come forward for development individually if required.

Access to the site can be provided from Glasshouse Lane and the extent of frontage to Glasshouse Lane provides flexibility in the location of the access point to ensure that the necessary visibility splays can be achieved. Whilst this would result in the removal of hedgerow and trees, this would be kept to a minimum and would make use of existing breaks and gaps where appropriate. Any new development could incorporate walking and cycling links to the existing residential development to the north, improving the sustainability of the site and providing alternative modes of travel.

The site is currently identified as being within the Green Belt, however we do not consider that the site makes a positive contribution to the purposes of the Green Belt. We are aware of the conclusions drawn in the 2009 Green Belt Review, and it is our view that the A46 acts as a defensible barrier to the south east and prevents the unrestricted sprawl of Kenilworth. In addition, the A46 also acts as a barrier to the wider countryside and prevents development from encroaching in to the countryside. In light of this, and very limited availability of non-Green Belt land within the District, we consider that it is entirely appropriate to remove the land at Tickthorn from the Green Belt for and to allocate it for residential development.

H2 Affordable Housing

In general terms we support draft Policy H2 which seeks to secure affordable housing as part of new development. In particular, we support the recognition that the location and means of delivery will be the subject of negotiation and will account of site specific factors such as viability, in accordance with paragraphs 173 and 174 of the NPPF. We would also support a policy which provides flexibility in terms of the sizes, types and tenures of affordable homes provided and which does not seek to set out a prescribed mix. The affordable housing mix needs to respond to the evolving requirements of Registered Providers and allow for flexibility to assist with delivery to meet housing need and align with their funding constraints.

H4 Securing a Mix of Housing

We welcome the flexibility in the wording of this policy and would recommend that it is not amended to include the specific percentage splits. The NPPF seeks to ensure that a wide choice of high quality homes are provided and requires local planning authorities to *"plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community"* (paragraph 50, bullet 1). It therefore recognises the importance of allowing flexibility to adapt to market trends through development. As drafted, the policy would provide the flexibility to ensure the Plan remains consistent with paragraph 50 of the NPPF over the course of the plan period.

CC3 Building Standards Requirement

We object to the inclusion of a policy which requires all new dwellings to be constructed to meet the requirements of the Code for Sustainable Homes. The Code for Sustainable Homes (CfSH) was introduced in 2007 and, whilst at the present time remains the national standard for the sustainable design and construction of new homes in England and Wales, there are some imminent changes which are likely to render such a policy out of date.

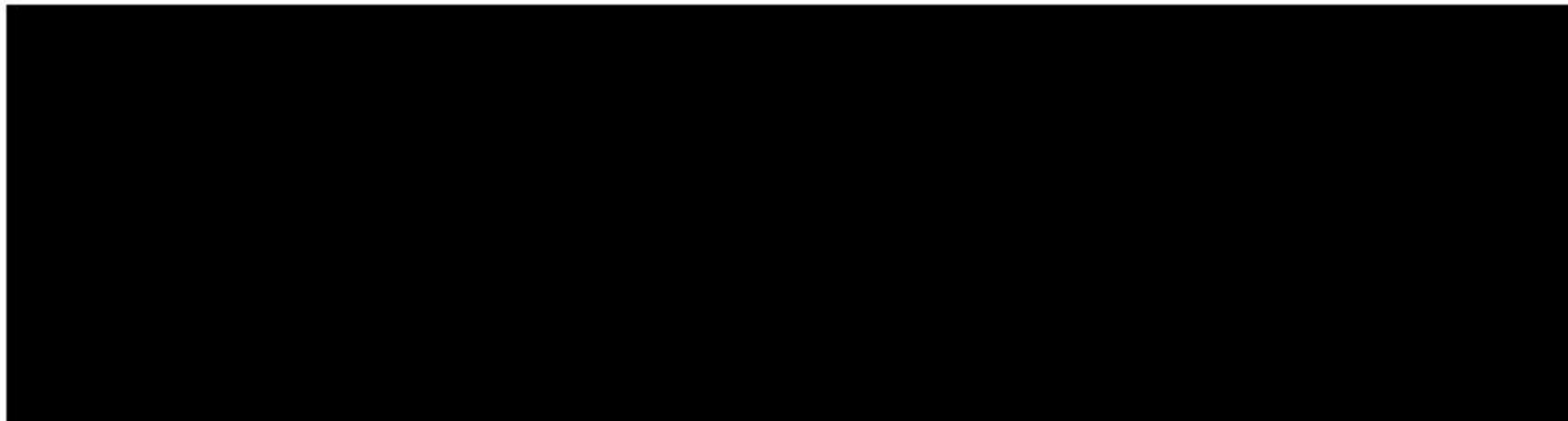
Following the publication of the Harman Review into local housing standards in 2012 a Technical Housing Standards Review Group was established to look into existing sustainability standards applied to new housing, including the Code for Sustainable Homes. In August 2013 the Government published the Housing Standards Review Consultation in relation to the rationalisation of the framework of building regulations and local housing standards. The overall aim of this policy is to prevent local and national housing standards being unnecessarily complex and overlapping or contradicting each other, or parts of the Building Regulations. With regard to the Code for Sustainable Homes, the Government proposed to wind down the role of the Code.

In March 2014 the Government announced the results of the consultation and issued a Ministerial Letter outlining proposals for simplification of residential sustainability standards. This involves consolidating requirements into the Building Regulations with amendments to the Planning and energy Act 2008 to remove local authority's ability to set energy standards above Building Regulations. The announcement confirmed the Government's intention to wind down the Code.

In light of the above, any policy which seeks to control the sustainable design and construction of homes by reference to the Code for Sustainable Homes, will both be quickly out of date and a repetition of the requirements of Building Regulations. Policy CC3 should therefore be deleted from the Local Plan.

We trust that these representations will be considered by the Council and look forward to being kept informed of the progression of the Local Plan. We would be pleased to meet with Officers to discuss the content of our representations and the delivery of residential development on land at Glasshouse Lane and would propose to contact you shortly in this regard. In the meantime, please do not hesitate to contact me if you have any queries.

Yours sincerely,



Senior Planning Manager