

Warwick District Local Plan (Publication Draft) 2011- 2029

Representations on behalf of:

Gleeson Developments Ltd

June 2014

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1.0 Introduction

- 1.0 Savills is instructed by Gleeson Developments Ltd (Gleeson) to submit the following response to the Council's current consultation concerning the Publication Draft Warwick District Local Plan 2011-2029.
- 1.1 Gleeson controls the land at Southcrest Farm, to the east of Kenilworth. Representations have previously been submitted to the Council highlighting the lack of constraints on this land, its suitability for residential development and its deliverability. A full set of technical surveys has been produced for the site which demonstrates its deliverability.
- 1.2 Gleeson has submitted representations on earlier versions of the Plan (see copy of letter of 29 July 2013 on the Revised Development Strategy – Appendix 1) raising issues. As summary of these points is:
- The disproportionate, low, level of residential growth at Kenilworth which failed to take account of local need;
 - Raising concerns about the capacity of land at Thickthorn to accommodate the proposed level of housing, due to the constraints on the site (noise, amenity, employment provision, woodland and primary school provision);
 - The need to re-provide the sports fields proposed to be lost as part of the Thickthorn development;
 - Concerns regarding deliverability, in that the land at Thickthorn is in multiple ownerships and at that time there was no collaboration agreement in place; and,
 - That land at Southcrest Farm was available and deliverable to accommodate residential development without any of the above issues and should be either allocated or at the very least, removed from the Green Belt and safeguarded for future development in accordance with the requirements of the NPPF.
- 1.3 Gleeson is pleased to see that the Council has sought to take on board a number of the concerns raised above in the Publication Draft Plan, namely:
- The level of housing in Kenilworth has been increased from 750 to 1,230 dwellings, albeit still lower than the 2012 SHMA identified need of 111 dwellings a year; and,
 - That the land at Southcrest Farm is proposed to be allocated for development and removed from the Green Belt.
- 1.4 The other issues identified above remain outstanding and should be addressed in the Plan in order to make it Sound (ie deliverable and effective) in accordance with the requirements of the NPPF.
- 1.5 Gleeson has been in discussions with the Council regarding land at Southcrest Farm. It has been agreed, in principle between the parties, to enter in to a land swap in respect of the land at Kenilworth School and the Kenilworth VI Form College for the land at Southcrest Farm. This

would assume collocation of the secondary school and 6th form in Kenilworth and allow for their expansion to cope with the level of growth expected from the increased housing in the town.

- 1.6 The proposed new school at Southcrest Farm is identified within the draft Infrastructure Delivery Plan and is proposed to be funded via a Community Infrastructure Levy on future developments. In principle, Gleeson supports this approach and is seeking to confirm delivery arrangements prior to the Local Plan Examination.
- 1.7 The representations, set out below, are submitted in the context of the above position. Gleeson, reserves it's right to amend its stance should discussions not progress with the District and County Council in this regard.

2.0 Comments on the Publication Draft Local Plan, April 2014

Chapter 1: Introduction, Vision and Objectives

2.1 The overall vision and objectives of the Plan are supported. The Plan has been positively prepared and its spatial strategy has been developed over a number of years following extensive public consultation. The plan period covers an 18 year period (2011 – 2029). The NPPF (paragraph 157) refers to a need for plans to be drawn up over an appropriate timescale “preferably a 15 year time horizon” and also to “take account of longer term requirements.” The Council has sought to set out a robust framework over a reasonable time period.

Policy or Paragraph Reference	Legally Compliant?	Sound?
Vision, Strategy and Objectives, paragraphs 1.39-1.59	Yes	Yes

2.2 The Council's vision to deliver sustainable development by balancing social, economic and environmental imperatives is compliant with the NPPF and is supported. The Publication Draft document aligns with the Warwick District Sustainability Community Strategy which seeks to improve the quality of life across the District. The Council's following objectives are positively prepared and consistent with the NPPF:

- Sustainable levels of growth;
- Well-designed new developments; and,
- Improvements and growth to the District's infrastructure.

Chapter 2: Development Strategy

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS1 – Providing the Homes the District Needs	Yes	No – not positively prepared or effective and not consistent with nation policy.

2.3 Strategic Policy DS2 refers to the need to provide in full for the objectively assessed housing need. However, it does not plan for any un met need in the surrounding areas. The Plan goes on to recognise a potential un met need in Coventry and Birmingham. The Strategic Policy should recognise the potential need in this regard.

Suggested Change to Make Plan Legally Compliant or Sound?

Add an addition sentence to state:

“We will provide in full for the objectively assessed housing need and any unmet need arising from outside of the District...”

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS4 - Spatial Strategy	Yes	Yes

2.4 Gleeson supports the spatial strategy out in the Plan, concentrating the majority of growth to the most sustainable locations, namely Warwick, Leamington Spa and Kenilworth. The Proposed Publication Draft Plan is in accordance with the “golden thread” running through the planning system of sustainable development. Moreover, the Plan seeks to utilise brownfield or previously developed sites prior to building on Greenfield sites. Development on the two existing school sites in Kenilworth accords with this advice given their brownfield nature.

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS5 – Presumption in Favour of Sustainable	Yes	Yes

2.5 Policy DS5, is entirely consistent with paragraph 14 of the NPPF. The Council’s presumption in favour of sustainable development and the need for sustainable economic growth is entirely consistent with paragraph 14 of the NPPF and is supported.

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS6 – Level of Housing Growth	Yes	No – not positively prepared or effective and not consistent with nation policy.

2.6 The Council has prepared a Joint Strategic Housing Market Assessment (SHMA) (November 2013), in accordance with paragraph 159 of the NPPF. In addition, the NPPF states at paragraph 47:

“To boost significantly the supply of housing, local planning authorities should:

- *Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as consistent with the policies set out in this Framework...”*

2.7 Paragraph 156 of the NPPF also states that policies should deliver:

“the homes and jobs needed in the area.”

2.8 The 12,860 dwellings figure set out at DS6 meets the full objectively assessed need for housing in the District as identified in the Council’s SHMA. The SHMA concludes that: *“We (GL Hearn) consider that an appropriate level of provision based on the evidence presented thus far in the report would be for around 720 homes a year, representing 1.2% growth per annum in the housing stock.”*

2.9 However, the Plan recognises that other authorities in the Housing Market area are at differing stages of the Plan preparation. There may be a need to take unmet need from other planning authority areas, most noticeably from Coventry and Birmingham. Indeed, the earlier versions of the Core Strategy proposed accommodating a significant proportion of housing from Coventry within Warwick District. The Council proposes to deal with this potential unmet need via a possible early review.

2.10 However Policy DS6 is considered unsound as it fails to acknowledge the need to potentially accommodate an element of unmet need from nearby districts.

Suggested Change to Make Plan Legally Compliant or Sound?

Add an addition sentence to policy DS6 acknowledging the potential to accommodate an element of *“unmet need arising from outside of the District...”*

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS10 – Broad Location of Allocated Housing Sites	Yes	Yes

2.11 The distribution of housing across the District and especially to Kenilworth on both urban Brownfield sites and Greenfield sites on the edge of the town reflects the identified need/demand findings of the SHMA. It also accords with the “golden thread” of sustainable development set out in the NPPF.

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS11 – Allocated Housing Sites	Yes	No – not positively prepared or justified and not consistent with nation policy.

2.12 Gleeson supports the general allocations set out in Policy DS11 (Allocated Housing Sites), including site H09, Kenilworth School and H12 Kenilworth VI Form College.

2.13 Whilst the proposed allocation of site ED02 - Southcrest Farm for a new Secondary School and 6th Form Centre is supported, the site should not appear in the list under Policy DS11 because it is not a Housing Site. It is correctly allocated under policy DS12.

2.14 In addition, site H06 – East of Kenilworth (Thickthorn) must also include references to the other infrastructure requirements for the site as set out at paragraph 2.52 of the Plan, namely:

- Primary School
- GP Surgery
- Local Centre
- Open Space

2.15 It should also be noted that the allocation at Thickthorn is dependant on finding replacement playing fields to offset those that will be lost to the development. Standing advice from Sport England is to object to the loss of such facilities unless suitable and convenient replacement facilities can be provided. Sport England requires Local Plans to be justified with appropriate evidence. This would be in the form of an up-to-date Playing Pitch Strategy. No such strategy exists to inform the loss of the playing fields at Thickthorn. We are aware a Playing Pitch Strategy is currently being prepared. A draft is currently being reviewed internally with a view to publish the Strategy by the end Summer 2014. No informed decision can be taken on whether to include the playing fields until such a Strategy has been prepared and/or replacement facilities are provided in close proximity to meet the Sport England tests.

2.16 The Publication Draft document and the Garden Suburbs prospectus encourage sports



pitches/playing fields as part of a well planned, integrated, mixed use urban extension (Policy BE2). It seems illogical to therefore move established facilities that are both convenient for local residents and ideally located to help plan a sustainable urban extension for Kenilworth. The above stance is contrary to national policy.

Suggested Change to Make Plan Legally Compliant or Sound?

Remove site ED2 from policy DS11.

Add additional Infrastructure requirements to Site H06 – primary school, GP Surgery, Local Centre and open space.

2.17 Gleeson also notes that there are discrepancies within the Publication Draft Local Plan and supporting evidence base in relation to the provision of a primary school at Southcrest Farm (ED2). These discrepancies are between Policies DS11, DS12, DS15 and paragraphs 2.52 and 2.56 of the Publication Draft document and References E1 and E19 of the Draft Infrastructure Delivery Plan, as set out below:

- Policy DS11: this states that Site ED2 should be a “*Site for new Secondary School and 6th Form Centre*” only;
- Policy DS12: this states that Southcrest Farm should include “*provision of a secondary school, 6th form centre and primary school*”;
- Paragraph 2.52: refers to the development at Thickthorn and states that it will require supporting facilities, including a “*primary school*”.
- Paragraph 2.56: acknowledges that “*the additional housing allocated in the Kenilworth area requires the provision of a new primary school*”
- Policy DS15: this policy sets out the need for a masterplan/development brief for each of the strategic allocations. The table contained in the policy sets out the minimum levels of infrastructure and services that are needed. In relation to the Thickthorn site, this only refers to a community meeting place and retail facilities. There is no mention of a primary school, GP surgery, open space or wider Local Centre.
- Draft Infrastructure Delivery Plan Reference E1: “*1 x 1 form entry, located either on Thickthorn allocation or alternative option at Glasshouse Lane (Southcrest Farm)*”
- Draft Infrastructure Delivery Plan Reference E19: “*New secondary school and 6th form centre provided on land at Southcrest Farm. Potential to co-locate primary school on this site*”

2.18 These discrepancies should be rectified. If the intention is to provide a primary school on the Southcrest Farm site, then the provision of housing at Thickthorn and the two school sites is wholly dependant on delivery of Southcrest Farm for the educational requirements of Kenilworth. Delivery of the new “educational hub” at Southcrest Farm needs to take place early in the plan period in order to ensure housing growth can be achieved, given its importance to the growth

strategy set out in the Plan. This must be recognised in the Local Plan and the reference at paragraph 2.52 of the Plan to being delivered “later in the plan period” should be amended accordingly.

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS19 – Green Belt	Yes	Yes

2.19 Inline with Policy DS19, the Council has identified that Southcrest Farm will be removed from the Green Belt in accordance with the exceptional circumstances set out in the NPPF. This is entirely in accordance with NPPF policy. However, should the land swap between Southcrest Farm and the two Kenilworth school sites not take place, the land at Southcrest Farm should be “safeguarded” in accordance with paragraph 85 of the NPPF to meet longer term development needs both within the current plan period and beyond in accordance with the NPPF. This would either be to meet unmet needs for housing and/or educational uses arising out of the failure to deliver the proposed level of housing at Thickthorn and the two existing school sites.

Policy or Paragraph Reference	Legally Compliant?	Sound?
DS20 – Accommodating Housing Need Arising from Outside the District	Yes	No – not positively prepared or effective and not consistent with nation policy.

2.20 Policy DS20 picks up on the potential for meeting any un met housing need arising outside of Warwick District. There is a high potential that such a situation will exist, for example to meet the housing needs of Coventry, Stratford-upon-Avon and Birmingham. Indeed, Coventry had previously been considering around 3,500 houses on a strategic site to the north of Warwick District. Having progressed a Core Strategy with significantly reduced housing figures than the RSS figures, the Plan was withdrawn partly due to lack of a joint Strategic Housing Market Assessment. Similarly Stratford-upon-Avon is currently proposing a housing figure around 700 houses short of its objectively assessed need figure. Birmingham City Council has indicated a need for between 80,000 to 105,000 houses over a plan period up to 2031, but with an identified capacity to accommodate only 43,000 houses, with a further 6,000 if a review of Green Belt was undertaken.

2.21 The NPPG states at paragraph 12-008-20140306 that “*Local planning authorities should also consider whether a plan making activity by other authorities has an impact on planning and the Local Plan in their area. For example, a revised Strategic Housing Market Assessment will affect all authorities in that housing market area and potentially beyond, irrespective of the status or stage of development of particular Local Plans.*”

2.22 Given the above, the first sentence of Policy DS20 “*The existence of unmet housing need arising outside of the District will not render this Plan out of date....*” conflicts with the advice in the

NPPG.

Suggested Change to Make Plan Legally Compliant or Sound?

Delete the first sentence of policy DS20.

Chapter 4 - Housing Policies

Policy or Paragraph Reference	Legally Compliant?	Sound?
H0 – Housing	Yes	No – not positively prepared or effective and not consistent with nation policy.

2.23 Criteria a) should include reference to not only meeting the Objectively Assessed Need for housing in the District, but also, where necessary, any unmet need arising from outside of the District.

Policy or Paragraph Reference	Legally Compliant?	Sound?
H2 – Affordable Housing	Yes	No – not effective

2.24 Policy H2 refers to a need for a minimum of 40% affordable housing to meet the local needs. However, the evidence base does not justify this level of affordable housing. Indeed, the Base Line Market Position in the Viability Assessment Final Report (Nov 2011 DTZ) which pre-dates the NPPF and NPPG confirms that no development was viable at 40% (paragraph 10.6). Paragraph 10.8 of the Affordable housing Viability Assessment states: “....DTZ would suggest Warwick District Council consider producing a zoned affordable housing policy which has different affordable housing percentages by area.”

2.25 This stance should be considered in policy H2. Policy H2 should therefore be re-written to ensure that the level of affordable housing renders development viable.

Chapter 5 – Sustainable Communities

2.26 Policy BE2 refers to “Strategic Housing Sites”, which is justified as being sites allocated for over 200 dwellings. The term Strategic should be deleted from the policy as it can be confused with the larger allocated sites set out in Policy DS11.

3.0 Sustainability Appraisal Report

3.1 Gleeson has no comments on the Sustainability Appraisal Report

Appendix 1: Copy of Representations on Revised Development Strategy



29 July 2013
L 130720 RL Revised Development Strategy Reps



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Dear Sir/Madam

**Local Plan – Revised Development Strategy
Representations on behalf of Gleeson Developments Ltd and The Sundial Group Ltd**

Savills is instructed by Gleeson Developments Ltd (Gleeson) and the Sundial Group Ltd (Sundial) to submit the following representations in relation to the above consultation.

Background:

Gleeson and Sundial control the land at Southcrest Farm (K17) and Woodside Training Centre (K19), to the east of Kenilworth. Representations have previously been submitted to the Council highlighting the lack of constraints on this land, its suitability for development and its deliverability. We previously submitted comments on the Preferred Options document, May 2012. The comments below raise similar issues to our previous submissions. The Council has failed to take on board or address the issues raised in our previous submissions which are fundamental to the soundness of the Local Plan.

The assessment of K17/K19 by the Council has assumed that the land will come forward separately to land at Thickthorn. This is not the case. K17/K19 should be seen as an extension to the land at Thickthorn and not separate from it. Our main issue is that the capacity of the Thickthorn land is unable to accommodate the extent of development proposed. This is clearly demonstrated in the Revised Development Strategy (RDS) as will be set out below.

These representations maintain our view that a wider, long term, approach to development at Kenilworth should be taken, including the land at Thickthorn and K17/K19. This will enable a comprehensive approach that will meet the aims and objectives of Garden Suburbs. It will provide better linkages into the town, provide improved services and maintain the existing playing fields/sporting facilities in the area.

In addition, the whole area of land should be taken out of the Green Belt and safeguarded in accordance with the advice in the National Planning Policy Framework (NPPF) paragraph 85.

The comments that are set out below specifically relate to Kenilworth and are informed by in depth technical work that has been undertaken on sites K17 and K19, including archaeology, highways, drainage/flood risk, landscape, air quality, noise and ecology.



Comments on the Revised Development Strategy, June 2013

Paragraph 1.2 - Comment

This paragraph confirms the importance of taking account of the evidence and representations submitted on the Local Plan. To date the Council has failed to consider the fundamental issues that our Client's have raised regarding the deliverability of the land at Thickthorn. This includes issues regarding land ownership, collaboration, alternative playing field provision, the capacity of the land to deliver the required development at appropriate densities to reflect the Garden Suburbs approach and the site's identified technical constraints.

Paragraph 1.3 - Comment

It is noted that Warwick along with other Council's in the Coventry and Warwickshire sub-region are preparing a new Strategic Housing Market Assessment (SHMA). This is in response to the comments made by the Inspector examining the Coventry Core Strategy that the Council had failed in its duty to co-operate. The preparation of an up to date SHMA is fully supported.

In addition, the Localism Act 2011 and the National Planning Policy Framework (NPPF) sets out a formal "duty to cooperate" on planning issues and strategic priorities that cross administrative boundaries. The duty requires these issues to be coordinated and reflected in individual Local Plans. Indeed, Inspector's at recent Local Plan and Core Strategy examinations, most noticeably Coventry, have attached considerable weight to the duty to cooperate with neighbouring authorities and have found plans unsound where the evidence is lacking of such cooperation. In addition, the Inspector considering the North London Waste Plan recently set out a clear distinction between consultation and engagement (see attached note). The Council should take account of the Inspector's findings regarding active engagement rather than simply consulting.

This is an important aspect of preparing the Local Plan and one which should be adequately addressed.

In this context it is encouraging to see that the Revised Development Strategy acknowledges this issue. However, paragraph 181 of the NPPF reiterates a need for ongoing dialogue stating "*Cooperation should be a continuous process of engagement*". Most of the surrounding authorities are also in the process of producing or updating their development plans. As such whilst, cross boundary issues may not have been identified thus far, the situation may change over the period up to and including the submission of the Local Plan. Indeed, the ongoing update to the Strategic Housing Market Assessment that is due to be published shortly may raise cross boundary issues that should be taken into account. We would encourage the Council to be proactive in meeting the Duty to Cooperate and be flexible enough to respond to issues as and when they may arise.

Given the above, we are concerned by the statement at paragraph 1.3 of the Strategy that the "*housing growth requirements are unlikely to change substantially as a result of the new assessment*." Whilst changes to housing requirements in Warwick District may not change, the need to accommodate housing growth from neighbouring authorities may. Under the Duty to Cooperate on going dialogue and active engagement is required. The implication of this may be a need to consult further, either on the updated housing figure or a completely revised development strategy. The Council should maintain a flexible and open mind to deal with any issues that may arise.

Strategic Vision - Support

Gleeson and Sundial general support the Council's Vision for Warwick District and the aim of the Strategy to "*ensure that by the end of the Plan period, the District will be known as a place of sustainable "Garden Towns, Suburbs and Villages" with a successful, dynamic broad based economy, catering for the needs of its growing and diverse communities.*"

However, whilst supporting the need to meet the housing requirement of the existing and future population of the District they do not support the specific principle of only identifying land for around 683 new homes per year. This issue will be discussed in more detail below.

In addition, it is noted that there is no reference in any of the specific principles to the need to maintain and improve the quality and provision of sporting and leisure facilities in the District. This was a key theme set out in the previous Preferred Options document and one that should be taken forward in the updated Local Plan as it is in line with advice produced by the Government and Sport England to improve the general health of communities through improvements to sport and recreation facilities and protecting playing fields.

Section 4 - Revised Development Strategy - Object

Interim Housing Figure – Policy RDS1 – Object

It is noted that the document refers to the revised housing figures as an “*interim*” level. We therefore question why the Council has consulted on this Revised Development Strategy at this stage, rather than waiting for the updated SHMA to be completed? The comments below relate to the housing figure currently proposed. We reserve our right to comment on the revised housing figure when the new SHMA is published later in 2013 and encourage the Council to formerly consult once again at that time.

Level of Housing Growth 2011-2029

Policy RDS1 refers to an interim level of growth of 12,300 homes between 2011-2029. Paragraph 47 of the NPPF states that local planning authorities should:

“use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including key sites which are critical to the delivery of the housing strategy over the plan period.”

Our previous representations on the Preferred Options Local Plan commented on the low level of housing proposed in the District. It is therefore encouraging to see that the Revised Development Strategy has proposed a higher (albeit interim) housing figure of 12,300 homes over the plan period. However, we maintain our objection to this level of housing growth in that it fails to accord with the requirements of the NPPF to meet the “*full, objectively assessed needs for market and affordable housing in the housing market area.*”

Indeed, the Council’s Strategic Housing Market Assessment (SHMA), May 2012, concludes that:

“Forecast employment growth in the District is for 11,860 jobs over this period. Should the District wish to support this level of economic and employment growth, the projections indicate that provision of 14,300 homes would be required (2011-31), equivalent to 715 per annum.”

The SHMA also indicates a need for an annual supply of 698 affordable housing units alone over the plan period. Whilst it is accepted that affordable housing can be addressed through increased private sector accommodation, it will still have a significant impact on housing provision in the district.

Paragraph 4.1.5 of the RDS refers to ONS Sub-national Population & Household Projections. The value of these statistics is questioned in the context of paragraph 47 of the NPPF that refers to the need for consideration at the housing market area level and not just at District level.

Paragraph 4.1.6 of the RDS refers to the 2012 SHMA. The paragraph concludes “*The SHMA projections showed that between 11,300 and 14,300 new homes could be required between 2011 and 2028, depending on whether or not existing levels of commuting remained the same.*” Furthermore, demographic projections set out in the RDS (paragraph 4.1.8) which were based on more up to date economic forecasts than

considered in the SHMA have shown a need for between 13,300 and 13,800 new homes over the plan period.

The 'interim housing figure' set out in the RDS policy RDS1 fails to meet the full need in the housing market area. There is also no rationale or evidence as to how the housing figure has been arrived at and why the higher figures set out above and in the evidence base have been rejected. Such evidence is needed to ensure that the Local Plan is found sound by an Inspector. Moreover the 2012 SHMA is not NPPF compliant in that it only assesses housing and employment growth within Warwick District and not the wider housing market area. The final housing figure should await the findings of the 2013 update to the SHMA.

The housing numbers fail to refer to the need for a 5% or 20% buffer on the overall housing figure and as such is contrary to the requirements of paragraph 47 of the NPPF. Such a requirement is to provide "a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land." (Paragraph 47 NPPF). Choosing a housing figure that fails to meet the identified housing need in the area, along with the current five year land supply shortfall will result in an unsound plan. The NPPF requires a flexible approach in such instances to boost significantly the supply of housing.

Plan Period:

The plan period is confusing in that the 2012 SHMA refers to a 20 year period (2011 – 2031), the RDS document refers to an 18 year period (2011-2029) whilst the introduction to the RDS refers to a 15 year time period. The NPPF (paragraph 157) refers to a need for plans to be drawn up over an appropriate timescale "preferably a 15 year time horizon" and also to "take account of longer term requirements." This approach is supported by the evidence in the SHMA that refers to evidence of growth over the longer time period up to and post 2031. Given the on-going delays in the production of the Local Plan consideration should be given to extending the plan period accordingly. As such the housing figure would need to be increased to reflect the longer time period.

RDS3 - Broad Location of Development – Support/Object

Gleeson and Sundial generally support the Council's broad location of development in so far as it seeks to accommodate growth within and on the edge of the existing urban areas. However, whilst there is a need to protect the Green Belt it should be accepted that a large proportion of the District is Green Belt. In order to accommodate housing where it is needed there will be a requirement to review Green Belt boundaries, especially around key sustainable settlements for example, Kenilworth.

Furthermore, paragraph 85 of the NPPF states there is also a need to identify in the Local Plan "areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet the longer-term development needs stretching well beyond the plan period." This issue has not been addressed in any of the evidence base documents or the RDS. In the case of Kenilworth, which is recognised as one of the most sustainable centres in the District, there will be a need to accommodate further growth beyond the current plan period. For the reasons set out in the current SHLAA and at paragraph 4.3.12 of the RDS it is accepted that there are limited opportunities for growth within the existing built up area of the Town. As such growth will have to take place on edge of the Town within the Green Belt. In such circumstances the NPPF requires that land be 'safeguarded' to avoid further reviews at the end of the development plan period (paragraph 85 NPPF).

Paragraph 4.3.12

No Evidence that Thickthorn is the Least Harmful in Green Belt Terms

As set out above this paragraph recognises the need to expand in to the Green Belt in Kenilworth due to the lack of non-Green Belt options. No justification has been set out as to why the "Land at Thickthorn" is the "least harmful alternative in terms of the purposes of Green Belt land." Indeed, in the Joint Green Belt Review, January 2009, all of the land to the east and north-east of Kenilworth is identified as being 'least constrained'. Table 6 of the Joint Green Belt Review assesses the various sites and the land at Thickthorn is

given the same score (8.5) as sites K17 and K19, referred to in the report as site K4. The Landscape Assessment in the Green Belt Review gives the same score (1 – low value) to both Thickthorn and K17/K19 in landscape impact terms recognising that the A46 forms a definitive boundary to built development in this part of Kenilworth. The more recent landscape assessment commissioned by the Council does not refer to land around Kenilworth at all. Therefore there is no evidence that the land at Thickthorn is the least harmful alternative in terms of the purposes of Green Belt land.

Is Thickthorn the Most Sustainable Option?

In terms of whether Thickthorn is the most sustainable site is questionable. Indeed, the Initial Sustainability Appraisal, May 2012 appraised the two options of Thickthorn and land off Glasshouse Lane/Crewe Lane. The results came out with a score of 3 and 2, respectively. However, when the matrix is examined in more detail, the land at Thickthorn had more negative impacts (5) compared to Glasshouse Lane/Crewe Lane (3). The only criteria which differentiates the two sites, was that it showed the Glasshouse Lane/Crewe Lane site scored one + in response to being able to meet the needs of the whole community compared to two + with Thickthorn. This is purely a function of its limited site area and could be easily addressed by assessing a wider development area, including all or part of Thickthorn.

In the Final Interim SA Report, June 2013, the appraisal of the two options (Thickthorn and Glasshouse Lane/Crewe Lane) has been amended, with the only difference being that K18 (the enlarged area, including Southcrest (K17) and Crewe Gardens) and K19 is shown to have a negative in relation to sustainable transport and reducing the need to travel. This is questionable and the ability exists to easily enhance these aspects through development of the land. Such a stance is accepted in the assessment of the Thickthorn land which states “*proposed development at the site has the potential to support new and improve existing public transport infrastructure.*”

Being on the edge of Kenilworth and abutting the proposed allocated site at Thickthorn it is surprising that a different stance has been taken in this regard. Both sites are equally as sustainable with regard to the criteria set out in the NPPF. Transport and highway issues have been fully researched by highway consultants acting for Gleeson and has been found not to be a constraint to bring sites K17 and K19 forward.

RDS4 – The Broad Location of Development - Object

The broad location of housing set out at table RDS4 does not accord with the objectively assessed need evidence set out in the SHMA, May 2012 document. Table 1 below, sets out the need/demand distribution from the SHMA compared to that in table RDS4:

Location	SHMA (%)	Preferred Options (%)
Warwick, Leamington & Whitnash	63%	68.6%
Kenilworth	19%	10.6%
Rural Settlements	18%	15.1%

It should be noted that the percentage of housing to Kenilworth has increased from the Preferred Options document (9%) whilst the actual number has been reduced from 770 to just 700. The increase in the percentages is due to the removal of committed housing numbers which reduces numbers at Warwick, Leamington and Whitnash to a significantly higher degree than at Kenilworth. Proportionally, Kenilworth is receiving the lowest level of housing compared to its identified need. The SHMA, 2012 concludes that there is a need/demand for 111 dwellings a year at Kenilworth (78 market and 22 affordable). The strategy, set out in the Preferred Options document, resulted in only 42 dwellings per year at Kenilworth compared to only 38 dwellings a year in the RDS. This approach and spatial distribution is unsound.

The spatial distribution should be amended to reflect the findings of the SHMA, 2012 and as more appropriately set out under the distribution Option 3 as considered in the housing evidence and Sustainability Appraisal, ie 1,260 dwellings to Kenilworth.

RDS5: Allocated Sites & Section 5.4 – Thickthorn, Kenilworth – Support/Object

Gleeson and Sundial support the principle of the distribution of housing to the east of Kenilworth. This in part reflects the need/demand findings of the SHMA. It also accords with the “golden thread” of sustainable development set out in the NPPF and the findings of the Joint Green Belt Review.

However, Gleeson and Sundial object to the proposed allocation of land at Thickthorn, Kenilworth and also to the 700 dwellings proposed. This objection is based on a number of reasons that have been set out in previous representations submitted to the Council and are summarised below:

Housing Number:

For the reasons set out above we object to the number of 700 dwellings to Kenilworth. The final distribution should await the publication of the NPPF compliant update to the SHMA and joint working with neighbouring authorities. For this reason alone, the site area should be increased to include land at sites K17 and K19.

Capacity at Thickthorn:

The land at Thickthorn (confirmed at 46.5 ha) is constrained by a number of factors that have been identified in detailed technical surveys that we have undertaken, including:

- the need for noise bunding due to proximity of the A46;
- ancient woodland;
- heritage assets – the Manor & Stables and Scheduled Ancient Monument;
- the need to replace two large areas of playing fields/sports grounds;
- the need for areas for water attenuation;
- proximity to existing housing; and,
- the presence of two local wildlife sites and the need to have 50m buffers around the sites and woodland.

In addition, the Draft Infrastructure Plan, May 2012, identifies the need for a one form entry primary school, employment and local convenience facility on the site. The RDS also identifies a need for 8 Ha of employment land on the site.

Paragraph 5.4.3 of the RDS refers to an estimate that 45% of the site should be set aside for “*open space, community facilities, primary school and grey and green infrastructure.*” It goes on to state that “*In accordance with the densities set out in the ‘Garden Towns, Villages and Suburbs’ prospectus (May 2012), it is considered that the site could be developed in accordance with the ‘Neighbourhood General’ density of 30-35 dph.*” Thickthorn should more accurately be considered as a ‘Neighbourhood Edge’ as defined in the Garden Towns Prospectus, where densities of 20 -25 dph are recommended.

On the above basis the following capacity of the site can be deduced:

Item	Area (Ha)
Total Site Area	46.5
Open space, community facilities, primary school and green infrastructure (45% of the site)	21
Employment uses	8
Total area available for housing development	17.5
Capacity at 20 dph (17.5 x 20)	350 homes
Capacity at 25 dph (17.5 x 25)	437 homes
Capacity at 30 dph (17.5 x 30)	525 homes
Capacity at 35 dph (17.5 x 35)	612 homes

It is clear from the above that the land at Thickthorn is not capable on its own of accommodating the proposed 700 homes. We would also stress that we believe the above capacity figures are significant over estimates as many of the constraints on the site are greater than currently stated and the density figures are more likely to be around 25 - 30 dph for this site.

Furthermore, the clear view coming out of the public consultation carried out by Kenilworth Town Council on its Area Action Plan was that development should stop at Rocky Lane and that the current playing fields should either remain or the land given over for open space. This would further reduce the capacity of the site.

Playing Field/Sports Pitches:

The proposed allocated site currently accommodates three playing fields/sports pitches used by local sports clubs. This is acknowledged at paragraph 5.4.24 of the RDS as a potential constraint to the development coming forward in its entirety.

Standing advice from Sport England is to object to the loss of such facilities unless suitable and convenient replacement facilities can be provided. Sport England requires Local Plans to be justified with appropriate evidence. This would be in the form of an up-to-date Playing Fields Strategy. No such strategy exists to inform the loss of the playing fields at Thickthorn. We are aware that work on a Playing Field Strategy is on going but no timetable is in place for its conclusion. No informed decision can be taken on whether to include the playing fields until such a Strategy has been prepared and/or replacement facilities are provided in close proximity to meet the Sport England tests.

Encouragement for Sports Facilities

The Garden Suburbs prospectus encourage sports pitches/playing fields as part of a well planned, integrated, mixed use urban extension. It seems illogical to therefore move established facilities that are both convenient for local residents and ideally located to help plan a sustainable urban extension for Kenilworth.

Deliverability

Paragraph 173 of the NPPF confirms that “*pursuing sustainable development requires careful attention to viability and costs in plan-making and decision taking. Plans should be deliverable.*” This is a function of viability and land ownership. The Thickthorn land is owned by several different landowners. There is no certainty that the land will come forward for development as a collective whole. Such an approach is required in order to deliver the well planned and phased approach to development that is supported in the RDS and essential for delivery of the key infrastructure required for the site (primary school, employment, access roads and open space). No assessment of the viability of the scheme has been made. Indeed, there are inconsistencies between the requirement for 40% affordable housing on the site and the findings of the Warwick District Council Affordable Housing Viability Assessment Final Report, Nov 2011 that concludes that no development was viable at 40% affordable housing provision. The findings of the Viability Assessment should be taken in to account in taking forward the local plan.

For the above reasons the allocation of the site at Thickthorn is uncertain and as currently drafted is unsound. Given the need to provide land for policy we consider PO4 as it relates to Thickthorn is unsound.

Landscape Impact

Paragraph 5.4.22 of the RDS states that the Joint Green Belt review landscape assessment “*recognised the Thickthorn area as being of relatively less quality than other areas on the fringe of Kenilworth*”. Whilst this is true in relation to sites to the north, west and east of the Town, the land at K17 and K19 was found to be of equally low landscape value in the assessment (1 – low value). The paragraph should be corrected accordingly.

Changes proposed to address the objection

It is proposed that rather than looking at land at Southcrest and Woodside Training centre as different to Thickthorn, a comprehensive approach to the future growth at Kenilworth should be taken including all of the land to the east of the town. This will enable the principle of a Garden Suburb to be advanced. It will provide for retention and enhancement of the playing fields and provide expansion for employment uses close to the A46 junction. This approach will also enable greater mitigation in terms of noise and buffers around the ancient woodland and Scheduled Ancient Monument.

The above stance accords with the aims and objectives of sustainable development set out in the NPPF, that encourage longer term planning and the Garden City approach to development. The increased area of land would also enable the proposed housing numbers to be delivered and increase flexibility in the Plan. These changes would result in a sound strategy for development at Kenilworth.

Comments on the Final Interim SA Report June 2013

The consideration of the Options for the Distribution of Sites for Housing refer to the potential impact on heritage to the east of Kenilworth. However, in the options with less development at Kenilworth the SA report states that the impact on the heritage assets will be less. This is not necessarily the case and will depend on the layout and location of the proposed housing not just the quantum.

Paragraph 4.58 of the SA Report refers to Thickthorn and confirms the potential long term negative impact on Thickthorn Manor and Stables which are Grade II listed buildings. Parts to the north-east of the site are also within a Scheduled Ancient Monument. The document identifies the need for buffer strips around the woodland and along the edge of the A46.

Paragraphs 4.107 – 4.109 refer to sites K18 and K19. The SA should refer more precisely to sites K17 and K19 which is in the control of Gleeson and the Sundial Group and is available for development. Land at Crewe Gardens Farm is not being actively promoted. As set out in the above representations, sites K17 and K19 should be assessed in the SA report as an extension to the land at Thickthorn and not as an alternative to it. The current SA wrongly appraises the land.

In addition, concerns are raised regarding visibility at the existing entrance to and from the site. It is not mentioned where such an assessment has been taken from. Our own highways report has demonstrated that good visibility can be provided to a number of access solutions to the land to serve a development scheme. The site should not be marked down for having poor visibility at an existing access point when this will be resolved in any new layout.

Draft masterplan layouts for the site that have been circulated to Officers and Members clearly demonstrate that the site can be developed without any impact on the Scheduled Ancient Monument or its setting.

Table 4.1 in the SA Report rejects Glasshouse Lane/Crewe Lane on the basis of “*updated landscape and transport evidence suggests more development could be delivered to the south of the district on non-Green Belt Land.*” The site has not therefore been rejected on any site specific grounds. If it is shown that further housing growth is required at Kenilworth either now or in the next plan period the land should be taken out of the Green Belt now and safeguarded in accordance with the advice in the NPPF.

Comments on the site assessments have been made above.

Community Infrastructure Levy – Charging Schedule

Comments on the Preliminary Draft Charging Schedule are being made in a separate statement.

Conclusions

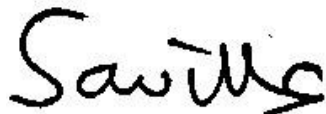
Whilst the housing level has increased from the Preferred Options it does not meet the objectively assessed need for housing in the housing market area nor reflect the spatial need in the District, particularly in the case of Kenilworth. The consultation on the strategy is premature, and should await the publication of the SHMA update report later in 2013.

In relation to Kenilworth we maintain our concerns that the land at Thickthorn is not deliverable or developable in isolation. We urge the Council to look at a wider, long term, approach to development at Kenilworth, including all of the land to the east of the town. This will enable a comprehensive approach that will meet the aims and objectives of Garden Suburbs. It will provide better linkages into the town, provide improved services and maintain the sporting facilities.

As a minimum land to the east of Kenilworth should be safeguarded for the future expansion of the town and removed from the Green Belt in accordance with the findings of the Joint Green Belt Review, spatial distribution set out in the SHMA and the policy in the NPPF.

We would welcome the opportunity of discussing the above issues with you in more detail. Should you have any questions please contact Robert Linnell at the above address.

Yours faithfully

A handwritten signature in black ink, appearing to read "Savills", written in a cursive style.

Savills

Enc

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Rep ID:

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Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	<small>* 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.</small>	
Title		Mr
First Name		Robert
Last Name		Linnell
Job Title (where relevant)		Director
Organisation (where relevant)	Gleeson Developments Ltd	Savills (UK) Limited
Address Line 1		Wytham Court
Address Line 2		11 West Way
Address Line 3		Oxford
Address Line 4		
Postcode		OX2 0QL
Telephone number		01865 269042
Email address		rlinnell@savills.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"/>

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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:	<input type="text" value="Local Plan"/>
Paragraph Number:	<input type="text" value="1.39-1.59 Introduction, Vision and Objectives"/>
Policy Number:	<input type="text" value="N/A"/>
Policies Map Number:	<input type="text" value="N/A"/>

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.3 Sound?	Yes <input checked="" type="checkbox"/>	No <input 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:	<input type="checkbox"/>
Justified:	<input type="checkbox"/>
Effective:	<input type="checkbox"/>
Consistent with National Policy:	<input type="checkbox"/>

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Please refer to relevant section in Cover Letter.

Continue on a separate sheet if necessary

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

Yes, I wish to participate at the oral examination

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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.

MR R LINNELL

Signed:

27/06/14

Date :

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Postcode		OX2 0QL
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Local Plan or SA:

Local Plan

Paragraph Number:

N/A

Policy Number:

DS1

Policies Map Number:

N/A

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

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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Paragraph Number:	<input type="text" value="N/A"/>
Policy Number:	<input type="text" value="DS4"/>
Policies Map Number:	<input type="text" value="N/A"/>

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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.

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MR R LINNELL

Signed:

27/06/14

Date :

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First Name		Robert
Last Name		Linnell
Job Title (where relevant)		Director
Organisation (where relevant)	Gleeson Developments Ltd	Savills (UK) Limited
Address Line 1		Wytham Court
Address Line 2		11 West Way
Address Line 3		Oxford
Address Line 4		
Postcode		OX2 0QL
Telephone number		01865 269042
Email address		rlinnell@savills.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"/>
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The adoption of the Local Plan.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

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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:

Local Plan

Paragraph Number:

N/A

Policy Number:

DS5

Policies Map Number:

N/A

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.

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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:	Local Plan
Paragraph Number:	N/A
Policy Number:	DS6
Policies Map Number:	N/A

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes	<input checked="" type="checkbox"/>	No	<input 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:	<input checked="" type="checkbox"/>
Justified:	<input type="checkbox"/>
Effective:	<input checked="" type="checkbox"/>
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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" value="Local Plan"/>
Paragraph Number:	<input type="text" value="N/A"/>
Policy Number:	<input type="text" value="DS10"/>
Policies Map Number:	<input type="text" value="N/A"/>

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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5.3 Sound?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

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Justified:	<input type="checkbox"/>
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Local Plan or SA:

Local Plan

Paragraph Number:

N/A

Policy Number:

DS11

Policies Map Number:

N/A

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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MR R LINNELL

Signed:

27/06/14

Date :

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First Name		Robert
Last Name		Linnell
Job Title (where relevant)		Director
Organisation (where relevant)	Gleeson Developments Ltd	Savills (UK) Limited
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Address Line 2		11 West Way
Address Line 3		Oxford
Address Line 4		
Postcode		OX2 0QL
Telephone number		01865 269042
Email address		rlinnell@savills.com

3. Notification of subsequent stages of the Local Plan

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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:

Local Plan

Paragraph Number:

N/A

Policy Number:

DS19

Policies Map Number:

N/A

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.

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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" value="Local Plan"/>
Paragraph Number:	<input type="text" value="N/A"/>
Policy Number:	<input type="text" value="DS20"/>
Policies Map Number:	<input type="text" value="N/A"/>

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes <input checked="" type="checkbox"/>	No <input 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:	<input checked="" type="checkbox"/>
Justified:	<input type="checkbox"/>
Effective:	<input checked="" type="checkbox"/>
Consistent with National Policy:	<input checked="" type="checkbox"/>

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Local Plan

Paragraph Number:

N/A

Policy Number:

H0

Policies Map Number:

N/A

5. Do you consider the Local Plan is :

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Yes

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No

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Justified:

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Paragraph Number:

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Policy Number:

H2

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Gleeson Developments Limited controls land at Southcrest Farm which is fundamental to the Local Plan strategy in relation to Kenilworth. Therefore we wish to take an active part in the examination.

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.

MR R LINNELL

Signed:

27/06/14

Date :

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: