

---

**CHAPTER 5: SUSTAINING COMMUNITIES**

---

**5.1 Overview**

**5.1.1** The policies in this chapter of the Local Plan apply to development proposals across the the District. By promoting sustainable projects they aim to build and strengthen communities through new developments. I recommend modifications to some of the policies and/or their reasoned justification, including those relating to affordable housing. In respect of the housing land supply position I consider that, in the context of this Plan, 2011 is the appropriate time horizon. I support the District Council’s supply calculations and the SPD ‘Managing Housing Supply’. I recommend that a revised Appendix 2 be substituted and conclude that there is no need for this Plan to allocate additional sites for housing or to safeguard land for longer term housing needs. Additional policies relating to canals, allotments, a new prison and nursing/care homes are not supported.

\*\*\*\*\*

**5.2 Paragraphs 5.1 - 5.2 Introduction to Chapter 5**

Objections to First Deposit Version

- 37/AE Sport England
- 109/AL Warwickshire County Council (Planning, Transport & Economic Strategy)

Objections to Revised Deposit Version

- 191/RAQ Robin A Richmond
- 195/RAQ The Leamington Society
- 349/RAQ Mr. D. G. Goodyear
- 350/RAV Tesco Stores Ltd

**Key Issues**

- 5.2.1** (1) Whether it is appropriate that policies in this Chapter are negatively worded.
- (2) Whether Paragraph 5.41 should make reference to sports and recreational facilities.
- (3) Whether a reference to inclusive communities and environmental objectives should be included within Paragraphs 5.1 and 5.2.

**Inspector’s Appraisal and Conclusions**

**5.2.2 Issue 1:** I consider that clarity and lack of ambiguity are important elements essential to the utility of the Plan. Where policies seek to retain, protect or enhance, the Plan indicates that development that fails to respect specific attributes will not be

permitted. I consider this to be the appropriate approach in circumstances where it might be difficult to identify a wide range of planning considerations through a positively worded policy. I note that the objection by the County Council has been conditionally withdrawn.

**5.2.3 Issue 2:** Paragraph 5.41 has been amended in the Revised Deposit version of the Plan to make reference to sports and recreational facilities. On that basis the objection from Sport England has been conditionally withdrawn.

**5.2.4 Issue 3:** The District Council acknowledges that policies in Chapter 5 support environmental as well as social and economic objectives of the Plan. It is proposed therefore to amend the first bullet point of Paragraph 5.2. I support that proposed change. As regards a specific mention of inclusive communities in accordance with Paragraph 10 of PPG3, I agree with the Council that this is not strictly necessary given the references to mixed communities and strengthening communities in Paragraph 5.1. Furthermore, as the planning authority points out in its response, social inclusion is referred to in Paragraph 3.33 supporting Objective 4C (to improve the health and well-being of communities).

### **Recommendations**

**5.2.5 (a) That the Revised Deposit Plan be modified as follows:**

**amend the first bullet point in Paragraph 5.2 to read:**

**“contribute towards achievement of the core strategy, specifically in relation to the economic, social and environmental objectives, by protecting....”**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

### **5.3 Paragraphs 5.3 - 5.5A Policy SC1 Securing a Greater Choice of Housing**

#### **Objections to First Deposit Version**

117/AF	Langstone Homes Ltd
120/AE	Miller Homes (West Midlands)
195/AD	The Leamington Society
200/AK	Taylor Woodrow Strategic Developments
201/AJ	Home Builders' Federation
221/AM	Kenilworth Society
228/AO	West Midlands RSL Planning Consortium
239/AK	Mr D Austin
294/AC	British Waterways

#### **Objections to Revised Deposit Version**

66/RAQ	The Warwick Society
--------	---------------------

195/RAR      The Leamington Society  
335/RAA      Gordon Fyfe

### **Key Issues**

- 5.3.1** (1) Whether the Policy should be more flexible and only apply to developments above a certain size.
- (2) Whether Policy SC1 should also refer to a range of affordability and tenure.
- (3) Whether there is a contradiction in seeking to avoid large areas of housing of similar character while trying to preserve the homogeneity of Regency terraces and Victorian streets.
- (4) Whether the Policy should resist further proposals for conversion to flats.
- (5) Whether residential moorings can assist the choice of housing types.
- (6) Whether all new housing should comply with ‘lifetime homes’ standards.
- (7) Whether existing communities should be protected from a concentration of houses in multiple occupation/student accommodation.

### **Inspector’s Appraisal and Conclusions**

- 5.3.2 Issue 1:** It is acknowledged in Paragraph 5.5 that this Policy may not be relevant to all developments. Nevertheless, in order to clarify the matter the words ‘in all appropriate circumstances’ were added to the Policy at Revised Deposit stage. I note that in consequence the objection by Langstone Homes Ltd has been conditionally withdrawn. I support that amendment.
- 5.3.3 Issue 2:** The District Council has accepted that ‘affordability’ is a relevant factor in terms of housing choice. PPG3 indicates at Paragraph 11 that local authorities should ‘secure an appropriate mix of dwelling size, type and affordability in both new developments and conversions to meet the changing composition of households in their area in the light of the assessed need’. A reference to affordability was included in Paragraph 5.4 at Revised Deposit stage and as a result the objection by the West Midlands RSL Planning Consortium has been conditionally withdrawn.
- 5.3.4** I agree with the planning authority that ‘tenure’ is not appropriate for inclusion within the Policy. Circular 6/98, setting out the Government’s position on affordable housing, states that ‘planning policy should not be expressed in favour of any particular form of tenure.’ Tenure is, in any event, an aspect of affordability. Nevertheless, it seems to me that the supporting text would benefit from inserting the message ‘different types of housing and tenure do not make bad neighbours’, as suggested by the Leamington Society.
- 5.3.5 Issue 3:** Addition of the words ‘in all appropriate cases’ at Revised Deposit stage also addresses the concern that Policy SC1 conflicts with the District Council’s commitment to conserving historic terraces that possess a uniform architectural style. Paragraph 5.5 outlines those circumstances where it may not be appropriate to apply the Policy - that is, on small sites or sites within areas of a distinctive residential character. I see no need for further amendment.

- 5.3.6 Issue 4:** It would not be appropriate, in my view, to resist further conversion schemes to flats in the ‘blanket’ manner suggested. Policy SC1 is a generic policy that provides a framework for assessing all housing schemes in terms of the mix of dwellings. Where development fails to achieve a satisfactory mix and does not reflect the changing composition of households, such a scheme might be resisted but that would depend upon the strength of the evidence. This objection by the Leamington Society has, I note, been withdrawn.
- 5.3.7 Issue 5:** The Council points out that the District has no history of significant numbers of residential moorings. While they offer a particular lifestyle to a few, I see no need to single out this specialised form of housing in this Policy. I consider that the reference in Paragraph 5.3 to the importance of creating mixed and inclusive communities which can offer a choice of housing and lifestyle is sufficient.
- 5.3.8 Issue 6:** It is beyond the scope of this Plan to require all new homes to be constructed to ‘lifetime homes’ standards. I note, though, that in response to an objection from the West Midlands RSL Planning Consortium to objective 4B, the District Council inserted a new Paragraph 5.5A into the Revised Deposit Plan. This indicates that the District Council will actively support the inclusion of a suitable proportion of housing built to ‘lifetime homes’ standards.
- 5.3.9 Issue 7:** The objector argues that concentrations of rented houses in multiple occupation and/or student accommodation threaten the social mix of an area creating demographic and tenure imbalances. They force out other occupiers eroding the established community and weakening the community’s capacity to forge neighbourly relationships. Policy DP2 (Amenity) is held to be inadequate in this regard because it focuses on technical and building matters rather than on issues of tenure and community balance. It is pointed out that other local authorities have recognised the need for regulation and Charnwood BC (Loughborough University) has issued SPD on the subject.
- 5.3.10** The District Council relies upon Policy DP2 to address any harm to local residential amenity arising from change of use to a house in multiple occupation or to student hostel accommodation through, for example, noise nuisance or visual intrusion. Research into shared dwellings in the District shows that of the 2,125 known properties about 1,036 are shared student houses. Planning permission is not required for up to 6 people living together as a single household. There are also 5 managed student halls of residence. The majority of students in the District attend Warwick University, with much of the student accommodation being located in Leamington Spa.
- 5.3.11** I note that the District Council’s Private Sector Housing Unit does not consider student housing to be a particular problem in terms of either anti-social behaviour or unsatisfactory housing conditions. It has no intentions at present to further regulate student housing using additional powers under the Housing Act 2004. I agree with the planning authority that there is no justification for introducing SPD at this point in time to restrict student accommodation through, for example, the application of neighbourhood thresholds. The situation in Leamington Spa appears to be quite different from the much greater concentrations of students experienced at, for example, Loughborough, Leeds and Newcastle-upon-Tyne. As regards other issues, the forthcoming SPD on parking will address matters in relation to change of use to houses in multiple occupation and self-

contained flats. In these circumstances, I see no need to augment either the Policy or its supporting text.

### Recommendations

#### 5.3.12 (a) That the Revised Deposit Plan be modified as follows:

insert the following text after the first sentence of Paragraph 5.3:

**“Different types of housing and tenure do not make bad neighbours.”**

#### (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

\*\*\*\*\*

### 5.4 Paragraphs 5.6 – 5.11 Policy SC2 Protecting Employment Land and Buildings

#### Objections to First Deposit Version

2/AA	British Telecommunications plc
69/AB	Linda Forbes
110/AC	Government Office for the West Midlands
148/AM	Campaign to Protect Rural England (Warwickshire Branch)
166/AA	Mr D & Mrs M A Hunter
190/AB	Countrywide Homes Limited
195/AE	The Leamington Society
201/AK	Home Builders' Federation
219/AF	Deeley Properties Limited <sup>1</sup>
220/AM	Cala Homes (Midlands) Ltd
221/AN	Kenilworth Society
225/AB	WM Morrisons Supermarkets plc
228/AP	West Midlands RSL Planning Consortium
229/AC	Gallagher Estates Limited
253/AA	John Myers
289/AC	Taylor Woodrow Developments Ltd <sup>2</sup>
293/AC	Oldhams Transport Limited <sup>3</sup>
295/AC	B&Q plc

#### Objections to Revised Deposit Version

168/RAN	Advantage West Midlands
201/RAA	Home Builders' Federation
212/RAA	IBM United Kingdom Ltd
226/RAL	Environment Agency
345/RAB	Church Commissioners for England
348/RAF	Merrill Lynch Investment Managers

<sup>1</sup> Addressed jointly with related objections (Chapter 10, Policy SSP1, Issue 2)

<sup>2</sup> Addressed jointly with related objections (Chapter 10, Section 10.11, Issue 1)

<sup>3</sup> Addressed jointly with related objections (Chapter 10, Section 10.11, Issue 1)

## Key Issues

- 5.4.1** (1) Whether the Policy is contrary to Paragraphs 42 and 42a of PPG3 which support the review of non-housing allocations in Local Plans for housing or mixed use development.
- (2) Whether the Policy should recognise and support the role of mixed use schemes and ‘non-Class B’ employment uses on employment sites.
- (3) Whether Policy SC2 is unduly negative and restrictive, and should support proposals unless they are important to the overall supply of employment land.
- (4) Whether the Sydenham industrial area should be allocated for mixed residential/industrial use, and Class B2 uses resisted.
- (5) Whether the Policy should allow affordable housing on employment sites as an exception to the norm.
- (6) Whether the Policy should give greater support to the protection of employment land in Kenilworth.
- (7) Whether criterion b) of Policy SC2 should also refer to the economic viability of the existing use.
- (8) Whether Paragraph 5.8 should refer to proposals coming forward for the redevelopment of employment sites ‘for employment purposes’.
- (9) Whether Policy SC2 is incompatible with the sequential test outlined in Policy UAP2 (Directing New Employment Development).
- (10) Whether the Policy allows the possibility of affordable housing in areas of potential flood risk.
- (11) Whether the District Council is using Policy SC2 as a tool to restrict housing development as a means of solving its housing land issues.
- (12) Whether the District Council should be seeking to protect allocated sites only and not existing employment sites.
- (13) Whether the Policy should be augmented by additional criteria to address transport issues.

## Inspector's Appraisal and Conclusions

- 5.4.2 Issue 1:** The District Council accepts that the Policy set out in the First Deposit Plan did not fully reflect the more positive approach outlined in national planning policy guidance. The purpose of Paragraph 42 of PPG3 is to avoid land allocated for employment purposes being a wasted resource. Councils are urged to ‘review all their non-housing allocations when reviewing their development plan and consider whether this land might better be used for housing or mixed use developments.’ The only allocations from the previous Local Plan that have not been fully taken up are those at

South West Warwick (Tournament Fields) and Warwick Gates. Both are still considered suitable for employment uses and are being actively marketed. Policy SC2 covers all existing and committed employment land and buildings. It does, though, provide flexibility, ensuring that redundant or surplus employment land is not wasted. The circumstances identified are where an existing employment activity has an unacceptable impact on residential amenity, where it may not be viable to retain a site in employment use, or where it would not limit the provision and quality of land available to meet strategic targets. A further specific exemption is made for affordable housing through criterion c).

**5.4.3** Paragraph 42a of PPG3 goes further. It requires local planning authorities to consider favourably planning applications for housing or mixed use developments on land allocated for industrial or commercial use, or on sites comprising redundant industrial or commercial land and buildings, unless any of 3 criteria apply. Two of these are particularly relevant here. Firstly, housing development would undermine the planning for housing strategy set out in RSS and lead to an over-provision of new housing. In the case of Warwick District, there is clear evidence from annual monitoring of an oversupply of housing in relation to the strategic housing target. The RSS is up-to-date and this has provided the basis for the District Council's SPD on Managing Housing Supply which has been supported by the Regional Assembly. By over-providing housing in Warwick District, this could divert investment away from the Major Urban Areas of the West Midlands making it more difficult for them to achieve their regeneration targets including areas of low demand within their boundaries. Secondly, there is a realistic prospect of the allocation being taken up in the Plan period. Criterion b) of Policy SC2 allows for this to be tested through a viability assessment.

**5.4.4** With these points in mind, I am satisfied that Policy SC2 does respond positively to the requirements of PPG3 to be more flexible in the approach to the reallocation of employment land. It follows that I do not support the objections made by the Home Builders' Federation and others.

**5.4.5 Issue 2:** Policy SC2 is primarily concerned with maintaining a supply of Class B employment land. However, where an applicant can satisfy criteria a), b) or d) then non-Class B uses are permissible on existing and committed employment sites. To broaden the Policy beyond this would lead to land being lost to employment use. This could undermine the strategy of the Local Plan which is to recycle employment land and reduce pressure on greenfield sites.

**5.4.6 Issue 3:** I am satisfied that the Policy seeks to achieve an appropriate balance between protecting existing and committed employment land while recognising that there are a number of circumstances where use for other purposes might be acceptable. The amendments made to the Policy in the Revised Deposit Plan go some way towards meeting the objection by Oldhams Transport Ltd.

**5.4.7 Issue 4:** I see no legitimate reason to restrict use of the Sydenham Industrial Estate in the manner suggested. It has the benefit of planning permission and is an established employment area. Where existing occupiers wish to expand or vary their business activities and this requires planning permission, planning and environmental health powers are available to the District Council to control noise and other sources of pollution.

- 5.4.8 Issue 5:** The Council has accepted that the need for affordable housing in the District is so acute that it should be allowed as an exception to Policy SC2 and to the restriction placed by the Policy on market housing on existing employment land. Criterion c) has, in consequence, been added to the Revised Deposit Plan. I support that amendment and note that the West Midlands RSL Consortium has confirmed that its objection has been met.
- 5.4.9 Issue 6:** Kenilworth has fairly low levels of employment land in relation to its size. Policy SC2 is therefore of particular significance. There is concern that if affordable housing is allowed on employment land, this may result in losses leading to further imbalance between homes and jobs and therefore less sustainable communities. However, in view of the relative values of employment land and residential land, with many employment sites also having contamination issues and clean-up costs, I would not expect to see significant areas of employment lost to affordable housing either in Kenilworth or elsewhere in the District.
- 5.4.10 Issue 7:** Criterion b) was amended in the Revised Deposit Plan in the manner suggested by the objector. The objection has therefore been met.
- 5.4.11 Issue 8:** The District Council has again amended the First Deposit Plan. The objection has been satisfied by addition of the words ‘for employment purposes’ to Paragraph 5.8. I endorse that clarification.
- 5.4.12 Issue 9:** Paragraph 2.3A explains that Plan users should have regard to all relevant policies when considering development on a particular site. I see no conflict between Policy SC2 and the sequential test outlined in Policy UAP2. In assessing any scheme, an appropriate balance needs to be struck. While Policy SC2 seeks to protect existing employment land for employment uses, if these can be shown to be exhausted then other uses may be considered.
- 5.4.13 Issue 10:** The Environment Agency points out that much of the District’s employment land is located within a floodplain. There is concern that criterion c) introduced at Revised Deposit stage implies that affordable housing proposals, which are a more flood risk sensitive use, need only refer to Policy SC9. However, it is made quite clear in Paragraph 2.3A of the Plan that all relevant policies need to be read together. Any scheme would therefore also have to be considered in relation to Policy DP10 (Flooding). The District Council confirms that the Environment Agency would be consulted and sites that are deemed unsuitable for certain uses would be considered for alternative uses. I accept it is highly unlikely that residential development would be allowed to take place on a site that was liable to flood.
- 5.4.14 Issue 11:** Given the housing land supply position in the District, Policy SC2 has quite properly been drafted to preclude housing development (other than affordable housing) on employment land. This approach is, I believe, in accord with PPG3. Its primary purpose, though, is not to restrict housing growth but to provide protection for employment sites. There are other policies in the Plan as well as the SPD on Managing Housing Supply that seek to control, direct and restrict housing supply.
- 5.4.15 Issue 12:** I concur with the District Council that it is entirely appropriate for Policy SC2 to seek to protect existing employment land. This will ensure that a range of employment opportunities is provided close to where people live, will help provide a balanced portfolio of employment sites to meet a range of employment needs, and will

serve to maximise the use of previously developed land. The ‘Employment Land Reviews – Guidance Note’ encourages local planning authorities ‘to identify a robust and defensible portfolio of both strategic and locally important employment sites in their LDFs and, where appropriate, to safeguard both new and existing employment areas for employment rather than other uses’.

**5.4.16 Issue 13:** I believe there is no need to refer here to transport issues. These are dealt with by Policies DP6, DP7, DP8, SC3 and SC4 and, as Paragraph 2.3A explains, all Plan policies need to be read together.

### **Recommendations**

**5.4.17 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.5 Paragraphs 5.12 - 5.17 Policy SC3 Supporting Public Transport Interchanges**

### Objections to First Deposit Version

6/AC	Chiltern Railways
66/AL	The Warwick Society
109/AS	Warwickshire County Council (Planning, Transport & Economic Strategy)
148/AN	Campaign to Protect Rural England (Warwickshire Branch)
187/AG	The Countryside Agency (West Midlands Region)
193/BG	Coten End and Emscote Residents’ Association
197/AC	Norton Lindsey Parish Council
199/BG	James Mackay
221/AO	Kenilworth Society

### Objections to Revised Deposit Version

354/RAK	Roger Higgins
---------	---------------

### **Key Issues**

- 5.5.1** (1) Whether the Policy should be more pro-active in encouraging the development of public transport interchanges.
- (2) Whether the Policy should support measures to improve access to public transport interchanges, including car parking at key railway stations like Leamington Spa and Warwick Parkway.
- (3) Whether reference should be made to the need for car drop off space and school bus termini.
- (4) Whether Policy SC3 should rule out all transport interchanges in the Green Belt.

- (5) Whether the Policy should make reference to the importance of interchanges for rural populations.
- (6) Whether, in the event of Kenilworth railway station being built, the public transport interchange at Abbey End should be relocated.
- (7) Whether there should be a clear distinction drawn in the Plan between Warwick Station and Warwick Parkway, with car interchange only at the parkway station to avoid further town centre traffic movements.

### **Inspector's Appraisal and Conclusions**

- 5.5.2 Issue 1:** Coten End and Emscote Residents' Association and another objector argue that the second part of Policy SC3 should be amended to indicate that: 'Development of transport interchanges will be pursued, ensuring that their location and design avoids any adverse impact and maximises the use of sustainable means of transport.' While I see no objection to that wording it would not, in my opinion, significantly improve the Plan. To my mind, the Policy as it stands is sufficiently supportive of public transport interchanges. It protects those that already exist while permitting new facilities. I note that Paragraph 5.15 of the reasoned justification has been augmented at Revised Deposit stage to emphasise the opportunity for the development of existing and new interchanges to improve access between different forms of transport, particularly public transport such as bus to rail. I support that revised text but see no compelling argument for amending the Policy itself. I note that an objection along similar lines from Warwickshire County Council has been conditionally withdrawn in light of the District's Council response.
- 5.5.3 Issue 2:** The Warwickshire Local Transport Plan 2006 supports measures to improve access to public transport interchanges. The amended wording in Paragraph 5.15 of the Revised Deposit Plan reflects this. It refers specifically to the provision of adequate and appropriate levels of car parking. I endorse that additional text.
- 5.5.4 Issue 3:** The Local Transport Plan 2006 puts forward a substantial number of measures to improve interchanges. I agree with the District Council that it is not necessary to list them all in this Local Plan. Instead, the Council has included a general reference in Paragraph 5.13 of the Revised Deposit version to the role of the LTP in promoting ease of access to public transport interchanges. I consider that to be appropriate.
- 5.5.5 Issue 4:** It would not be appropriate to preclude transport interchanges in the Green Belt. This would be contrary to national planning policy guidance. I note that, in respect of park and ride proposals, Paragraph 5.16 quite properly refers to the criteria set out in Annex E of PPG13.
- 5.5.6 Issue 5:** The words 'both in urban and rural areas' were added to Paragraph 5.12 of the Revised Deposit Plan to acknowledge the importance of public transport interchanges for all sections of the District's population. I see no need to amend the Policy to give special emphasis to the rural dimension.
- 5.5.7 Issue 6:** Policy SSP4 sets out proposals for a new Kenilworth railway station. It will have to be accessible by bus. Whether this involves relocating the existing bus focal point from Abbey End or providing an additional interchange at the station is a matter to

be considered as the scheme evolves. The proposal is at too early a stage for such detail to be covered in this Plan.

- 5.5.8 Issue 7:** Like the District Council, I see no need to draw a distinction between the 2 railway stations serving Warwick. Policy SC3 is concerned with public transport interchange between rail and bus services and applies equally to both stations.

### **Recommendations**

- 5.5.9 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.6 Paragraphs 5.18 - 5.22 Policy SC4 Supporting Cycle and Pedestrian Facilities**

### Objections to First Deposit Version

66/AO	The Warwick Society
69/AC	Linda Forbes
109/AQ	Warwickshire County Council (Planning, Transport & Economic Strategy)
135/AE	Bishops Tachbrook Parish Council
193/BH	Coten End and Emscote Residents' Association
199/BH	James Mackay
256/AC	T & N Limited
294/AE	British Waterways
296/AE	CLARA
296/AJ	CLARA

### Objections to Revised Deposit Version

135/RAE	Bishops Tachbrook Parish Council
352/RAA	Jean Fawcett
354/RAL	Roger Higgins

### **Key Issues**

- 5.6.1** (1) Whether all cycle and pedestrian routes should be shown on the Inset Maps.
- (2) Whether the Policy should be amended so that it does not just permit the development of cycling and walking routes but takes steps to positively achieve them - with first priority being given to continuous safe cycle routes to meet local journey needs between residential areas and employment sites, shopping centres, recreation venues and schools.
- (3) Whether the Plan should acknowledge the particular hazards experienced by pedestrians in central Leamington Spa.

- (4) Whether the Plan should contain an additional policy encouraging new routes and specifically a new footpath and cycle route between Radford Semele and Sydenham/Leamington Spa.
- (5) Whether the cycle parking facilities referred to in Paragraph 5.18 should be expanded to cover provision within existing properties and 'shop mobility' type scooters.
- (6) Whether the supporting text should refer to the need to provide for and protect existing pavements, footpaths and cycle ways in rural, as well as urban, areas.
- (7) Whether Paragraph 5.22 should indicate that cycle routes will not be allowed to impact adversely on established green areas and that both footpaths and cycleways should be well designed.
- (8) Whether the Policy should seek to link new cycle and pedestrian development to existing routes.
- (9) Whether the Policy should recognise canal tow paths as sustainable transport and recreation routes.

### **Inspector's Appraisal and Conclusions**

**5.6.2 Issue 1:** Bishops Tachbrook Parish Council argues that all proposed cycle and pedestrian routes should be indicated on the relevant Inset Maps to acknowledge the intent and commitment of Warwickshire County Council. Not to show such routes until they are finalised and implemented is, in the Parish Council's view, contradictory to the approach taken in Policy SSP5 in respect of the Warwick and Leamington Spa Park and Ride proposals. It is felt that information from the Warwickshire County Council drawing 'Warwick and Leamington Spa Cycle Route Network', made available to the Planning Forum on 16 February 2006, should either be incorporated into the Inset Maps or attached as an appendix to the Plan.

**5.6.3** The advice from the County Council is that until the route of any proposed cycle and pedestrian corridor is finalised it would be inappropriate to include it either on the Proposals Map or as an appendix to the Plan. This is because it could blight the areas affected or prevent the take up of more suitable proposals. I have some sympathy with this view. I note that the Local Transport Plan 2006, which has only just been finalised, does not map the proposed new and improved links. The Cycle Network Plan referred to by the Parish Council is described in the Cycling Strategy (Annex 2 of the LTP) as a working document "likely to be amended in the light of further audits and reviews, new development opportunities and consultations". Clearly, these strategic future routes may be subject to change within the lifetime of the Local Plan following more detailed investigation. I note that the Inspector at the Stratford upon Avon Local Plan inquiry in 2004 commented that such routes cannot sensibly be safeguarded until they have been identified and at least some kind of preliminary appraisal carried out.

**5.6.4** I consider that the Warwick and Leamington Spa Park and Ride proposals are of a dissimilar nature to the pedestrian and cycle links under discussion here, warranting a very different form of treatment. They involve a major allocation of land which needs to be considered through the Local Plan process and safeguarded from alternative

development. In contrast, proposed pedestrian and cycle links involve neither an allocation of land nor are they put at serious risk by other development.

- 5.6.5** I support the District Council's wish to bring Policy SC4 into line with the recently issued Local Transport Plan 2006. This involves removing references to 'Quality Cycle and Pedestrian Corridors' (used in the LTP 2000 but no longer current) and referring instead to the nature of the links to be supported and a list of specific measures. The revised wording of the Policy and reasoned justification put forward by the District Council does, I believe, go some way towards meeting the Parish Council's objection. In particular, it demonstrates a commitment to the cycle link between Bishops Tachbrook and Leamington Spa. This Safer Routes to School link is identified as a specific measure in the LTP 2006. It is required to connect the village and other development at Warwick Gates to the main urban centres where most people work and study.
- 5.6.6** In my opinion, there is no need to add new Paragraphs 5.21a and 5.21b suggested by the District Council. That information simply repeats the wording in the LTP 2006. I feel there is merit, though, in the further minor alterations discussed at the hearing whereby Parish/Town Councils would be added to the list of consultees and it is clarified that the new or improved links set out in the LTP 2006 also include those between the urban areas and neighbouring villages. I recommend accordingly.
- 5.6.7 Issue 2:** The initiative for developing continuous cycle and pedestrian routes rests with the County Council through the Local Transport Plan 2006. This sets out proposals for the County and establishes priorities for transport investment. The proposed change to the Revised Deposit Plan put forward by the District Council would ensure that the new or improved cycle and pedestrian routes identified in the LTP are suitably cross-referenced in the Local Plan. As regards the 'safety' aspect, the District Council acknowledges the importance of all routes being safe. I note that additional text was inserted in Paragraph 5.18 of the reasoned justification at Revised Deposit stage to indicate that "The provision of safe footpaths, cycleways and canal towpaths all have an important role as part of a sustainable transport strategy".
- 5.6.8 Issue 3:** The difficulties experienced by pedestrians in the centre of Leamington Spa are not unique. I agree with the District Council that it would be inappropriate to specifically refer to them within the Policy. Paragraph 5.18 of the reasoned justification emphasises the importance of protecting existing cycle and pedestrian routes, creating new ones and providing associated infrastructure. The latter includes such things as crossings and shelters.
- 5.6.9 Issue 4:** I am satisfied that the Local Plan does support the provision of new cycleways in the District. While PPG12 urges integration of the local transport plan and the development plan it also indicates that scheme proposals should only be included where there is a strong commitment from the relevant delivery agency - for instance, if the local transport authority has included the scheme as a priority in its LTP. The particular cycle/pedestrian route suggested in this objection, between Radford Semele and Sydenham/Leamington Spa (serving trips between Radford Semele and Champion School, Sydenham Industrial Estate and Leamington town centre), does not feature in the LTP 2006. Even if it was supported it would not be illustrated in the LTP nor would it be appropriate, in my opinion, to include it on the Proposals Map for reasons I have set out above.

- 5.6.10 Issue 5:** As the District Council points out, cycle parking provision within existing properties falls outside the remit of planning control, and the requirements of users of ‘shop mobility’ type scooters are considered elsewhere in the Plan through Policy DP14. That Policy ensures new development takes into account the needs of disabled vehicle users. It encourages new development to be designed so that it is accessible to all.
- 5.6.11 Issue 6:** Paragraph 5.18 of the reasoned justification addresses existing and new cycle and pedestrian routes in all areas. It does, though, place particular stress on urban areas and where journeys are likely to be less than 5km. Those emphases are appropriate in my view given the sustainability/accessibility gains of concentrating the population into urban centres.
- 5.6.12 Issue 7:** I consider that the statement made in Paragraph 5.22 of the supporting text that the Council will be mindful of any adverse impacts on the character and appearance of the area when considering new cycle and pedestrian facilities is sufficient to address this objection. As regards the need to ensure that footpaths and cycle ways are well designed, this point is adequately covered by Policies DP1 (Layout and Design) and DP6 (Access).
- 5.6.13 Issue 8:** I note that, on reflection, WCC is satisfied that the wording of Paragraph 5.21 which expects proposals to protect and where possible enhance existing cycle and pedestrian routes is sufficient to satisfy its concern.
- 5.6.14 Issue 9:** The Council accepts, and I concur, that canal tow paths are part of a sustainable transport strategy. To reflect this, Paragraph 5.18 of the reasoned justification was amended in the Revised Deposit version of the Plan. I note that British Waterways have, in consequence, withdrawn their objection.

### **Recommendations**

- 5.6.15 (a) That the Revised Deposit Plan be modified as follows:**
- (i) amend the first Paragraph of Policy SC4 to read:**  
  
**“Development will not be permitted which would have an unacceptable adverse impact upon, or prejudice the implementation of, new or improved cycle and pedestrian routes identified in the Warwickshire Local Transport Plan 2006, or the continuity of any existing cycle and pedestrian routes.”**
  - (ii) amend Paragraphs 5.19 and 5.20 to read:**  
  
**“5.19 Government policy supports this approach and urges development and local transport plans to work together to deliver these objectives. For cycle route investment, the Warwickshire Local Transport Plan (LTP) 2006 focuses on further developing the cycle route networks within the main urban areas and working with Sustrans to complete the National Cycle Network. For pedestrians, the LTP focuses on the provision of safe and convenient crossing points to facilitate easy pedestrian movement and address safety issues.**

**5.20 The Council, in consultation with Parish and Town Councils, will work alongside the County Council to support the development of the cycle and pedestrian network. The following are identified as priorities:**

- **National Cycle Network: The Council is working in partnership to implement the National Cycle Network within Warwick District. Two routes run through the district: route 41 between Rugby and Stratford upon Avon (of which the completed sections are shown on the Proposals Maps) and the proposed line of route 52 between Derby and Stratford upon Avon. In addition to those sections already implemented, the County Council, together with Sustrans, has identified other sections to link up the route in its entirety. The Council will continue to help secure the sections of these routes which are yet to be implemented.**
- **New or improved links within the urban areas, and between the urban areas and neighbouring villages, as set out in the Warwickshire Local Transport Plan 2006.”**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.7 Paragraphs 5.23 - 5.27A Policy SC5 Protecting Open Spaces**

### Objections to First Deposit Version

66/AM	The Warwick Society
117/AG	Langstone Homes Ltd
120/AF	Miller Homes (West Midlands)
148/AP	Campaign to Protect Rural England (Warwickshire Branch)
189/AE	Warwickshire Gardens Trust
193/BJ	Coten End and Emscote Residents' Association
199/BJ	James Mackay
200/AJ	Taylor Woodrow Strategic Developments
210/AK	English Nature
221/AP	Kenilworth Society
303/AB	Racecourse Holdings Trust

### Objections to Revised Deposit Version

66/RAT	The Warwick Society
154/RAF	National Farmers' Union
199/RAE	James Mackay
221/RAD	Kenilworth Society
283/RAJ	The Ancient Monuments Society
303/RAB	Racecourse Holdings Trust

## Key Issues

- 5.7.1**
- (1) Whether open spaces should be listed in the text and shown on the Proposals Map.
  - (2) Whether impacts on visual amenity and wildlife should be included as criteria in the assessments that developers must make.
  - (3) Whether, for clarity, the first and last sentences of the Policy should be amended to refer to 'leisure' uses in addition to 'sport and recreation'.
  - (4) Whether criterion a) should be expanded in accordance with Paragraph 12 of PPG17 so that where an alternative open space is provided the overall aim should be to improve the quality of open space.
  - (5) Whether the Policy should recognise that it might be appropriate to make a contribution towards improving existing open space of limited value rather than providing an alternative open space area.
  - (6) Whether the definition of open space has been drawn too widely, capturing domestic gardens where there might be development potential.
  - (7) Whether the Policy should make reference to the importance of accessible green space to people's health and well being.
  - (8) Whether the Policy puts too much emphasis on organised sport and fails to recognise the importance of the passive recreational role of open space.
  - (9) Whether Sport England is afforded a disproportionate role in informing the District Council's decisions.
  - (10) Whether the Policy is sufficiently clear in terms of the role of visual amenity.
  - (11) Whether the reasoned justification should include an additional sentence to require the long term conservation and maintenance of open spaces.
  - (12) Whether the construction of buildings for indoor sporting activities is inconsistent with the objective of protecting open spaces.
  - (13) Whether there is inconsistency between Policy SC5 and the supporting text, and in particular between Paragraphs 5.27A and 5.23.
  - (14) Whether it is appropriate to refer in Paragraph 5.23 to 'river and canal corridors' when public rights of way may not exist.
  - (15) Whether the Policy should protect all existing sports grounds and new open spaces from the construction of new buildings or large structures.
  - (16) Whether applications for small buildings on open spaces should provide detailed proof of need at the time of application.

- (17) Whether the Policy should commit to enhancement schemes to reinstate railings removed from public open spaces.

### **Inspector's Appraisal and Conclusions**

- 5.7.2 Issue 1:** The Kenilworth Society considers that all land in the District that meets the Plan definition of open space should be listed and marked on the Proposals Map, as per the 1995 Local Plan and the practice of other planning authorities including Rugby BC and North Warwickshire BC. Paragraph 5.24 of the Revised Deposit version of the Plan confirms that for the purposes of the Policy open space includes land in both public and private ownership. The Society believes that identification of such open spaces would give greater certainty as to which sites are subject to Policy SC5. It would avoid leaving a large number of blanks on the Proposals Map, with privately owned open spaces being particularly vulnerable to development pressures.
- 5.7.3** The Council is in the process of carrying out a District-wide audit, in accordance with PPG17: Planning for Open Space, Sport and Recreation, with the intention of preparing a supplementary planning document on open space that is scheduled for adoption in early 2008. I agree with the District Council that it would be inappropriate to identify which open spaces are protected by Policy SC5 prior to completion of that work. It is not simply a matter of updating information from the previous Local Plan given the changes that have occurred in national guidance since the last audit was carried out in 1992. In the interim, Policy SC5 protects all open spaces across the District. The work is being undertaken by the Council's Leisure Department. To date all publicly accessible open space in Warwick, Leamington Spa and Kenilworth has been surveyed, with the next phase being to extend the audit to the rural areas of the District. The District Council has indicated that the Local Plan will set out the most up-to-date position regarding the audit at the time of adoption. I note that other open spaces such as allotments and playing fields will be identified as part of the Council's Greenspace Strategy but since they do not fall under the definition of publicly accessible open space used for the purposes of the audit they will not be subject to the same assessment.
- 5.7.4 Issue 2:** As regards the potential impact of development of open space on visual amenity and wildlife, I consider that these matters are adequately addressed elsewhere in the Plan through Policies DP2 and DP3. I see no need for their inclusion in Policy SC5 which would only serve to duplicate those provisions.
- 5.7.5 Issue 3:** Concern regarding use of the terms 'recreation' and 'leisure' in the Policy has been recognised by the District Council. I note that in the Revised Deposit Plan an additional paragraph (5.27A) has been added to the reasoned justification making it clear that in the context of this Policy 'sports and recreation facilities' refers to facilities for indoor or outdoor sports as contained within Use Class D2.
- 5.7.6 Issue 4:** I agree with the District Council that this matter is already covered under criterion a) in that alternative open space should be at least equivalent to the existing open space in terms of size, quality, accessibility, usefulness and attractiveness. Paragraph 5.25 of the reasoned justification goes on to indicate that the expectation will be that replacement open space enhances provision in the local community. In my view, this accords with the advice in PPG17 that wherever possible the aim should be to achieve qualitative improvements.

- 5.7.7 Issue 5:** In advance of the findings of the District Council’s open space audit and the preparation of a supplementary planning document on open space, Policy SC5 seeks to protect all open spaces from development for non-sport and recreation uses. The District Council acknowledges that there could be circumstances where it might be appropriate to improve the quality of existing open space, either on the site or elsewhere, rather than providing an alternative site. I agree with the planning authority, though, that in seeking flexibility to accommodate such situations there is a risk that it could dilute or weaken the principle behind the Policy. Notwithstanding the desirability of a plan-led system, it is better in my view to deal with such occurrences on individual merit as and when they arise rather than adding a third policy criterion. The District Council has referred me to Policy SC11. I agree with the objector that this has limited relevance to the arguments before me. I conclude on this issue that the modifications sought by the objectors would not improve the Plan.
- 5.7.8 Issue 6:** Paragraphs 5.23 and 5.24 of the reasoned justification define open spaces for the purposes of Policy SC5 and explain that such areas include both public and private land with visual amenity. The objector contends that this definition is too broad making it difficult for parties to determine whether a site falls within the ambit of the Policy.
- 5.7.9** Policy SC5 is not without qualification. The Policy applies to any open space of public value that offers important opportunities for leisure, recreation and visual amenity. A number of specific examples are given. In my opinion, these qualifications set sufficiently close parameters to ensure that the Policy would not necessarily preclude development in normal domestic situations. Consequently, I see no reason to modify the Policy.
- 5.7.10 Issue 7:** Paragraph 5.24 has been amended in the Revised Deposit Plan to explain why it is important to maintain an adequate supply of open space, namely for the well being and quality of life of the local community. I agree that it is not necessary to replicate all of the planning objectives set out in PPG17. To do so would be contrary to Government guidance that directs against duplicating national planning advice.
- 5.7.11 Issue 8:** I do not accept the thrust of this objection. Policy SC5 recognises that open spaces offer “important opportunities for leisure, recreation and visual amenity”. Those opportunities include a passive recreational role. The Policy makes it clear that any development scheme coming forward for sport would have to be assessed as being of sufficient benefit to outweigh the loss of open space.
- 5.7.12 Issue 9:** This concern was recognised by the District Council. Paragraph 5.27 of the Revised Deposit Plan was amended to indicate that the advice of Sport England will be sought ‘where appropriate’.
- 5.7.13 Issue 10:** Visual amenity is one of the elements used to determine whether open space has public value and offers important opportunities for leisure and recreation. I see no reason to modify the Plan in this regard.
- 5.7.14 Issue 11:** Paragraph 13 of PPG17 requires that any new facilities be capable of being maintained adequately through management and maintenance agreements. The District Council recognises this and has put forward a proposed change to the Revised Deposit Plan. I support the insertion of an additional sentence in Paragraph 5.25 which

indicates that: “in addition applicants will be required to demonstrate that the long term management and maintenance of open space is assured.” This meets the objection.

**5.7.15 Issue 12:** I am satisfied that Paragraph 5.27A does not conflict with the overarching objective of Policy SC5. There could be situations where the benefits of new indoor sports or recreation facilities in Use Class D2 would outweigh the loss of open space. The District Council has cited the example of sports facilities to complement existing playing fields. In all cases the Policy ensures that full consideration would be given to the loss of open space before permission is granted.

**5.7.16 Issue 13:** I see no inconsistency. As the District Council points out in its response to this objection, Paragraph 5.23 outlines what is defined as open space for the purposes of Policy SC5, while Paragraph 5.27A sets out the types of sports and recreation facilities which might be acceptable in accordance with the second part of the Policy.

**5.7.17 Issue 14:** Paragraph 5.24 makes it clear that the Policy refers to land in both public and private ownership. It does not imply that all river and canal corridors are publicly accessible. I agree with the planning authority that even if there is no public right of way to a river or canal it can still provide valuable open space in terms of visual amenity that is deserving of protection.

**5.7.18 Issue 15:** Policy SC5 protects all open spaces from development, regardless of ownership, unless an equivalent open space can be provided or there is a robust assessment demonstrating a lack of need for the open space. The exception to this is the provision of complementary sports and recreation facilities where the benefit of such development outweighs the loss of open space. In my view, this approach is more appropriate than introducing a blanket prohibition on the erection of new buildings or large structures.

**5.7.19 Issue 16:** I consider that irrespective of whether the small buildings referred to by the objector are ancillary facilities (like changing rooms or storage buildings for grounds maintenance equipment), or unrelated to the open space use, Policy SC5 provides an appropriate basis for assessing acceptability. I see no advantage in introducing a separate requirement that planning applications be supported by detailed proof of need. That element would be addressed in consideration of the overall merits of the proposal.

**5.7.20 Issue 17:** While the District Council supports schemes to enhance the quality of open spaces, it indicates that it does not have the resources to commit to reinstatement of features like railings. In my view, it would not be appropriate to include this matter either in the Policy or reasoned justification when there is little prospect of fulfilment other than by grant funding in conservation areas. Any proposals for such works would, I note, be assessed against other Plan policies, in particular Policy DP1.

## **Recommendations**

**5.7.21 (a) That the Revised Deposit Plan be modified as follows:**

**insert the following text in Paragraph 5.25, after ‘...in the local community’:**

**“In addition applicants will be required to demonstrate that the long term management and maintenance of open space is assured.”**

- (b) **That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.8 Paragraphs 5.28 - 5.30A Policy SC6 Protecting Sport and Recreation Facilities**

### Objections to First Deposit Version

37/AD	Sport England
37/AM	Sport England
110/AD	Government Office for the West Midlands
117/AH	Langstone Homes Ltd
120/AG	Miller Homes (West Midlands)
200/AH	Taylor Woodrow Strategic Developments
218/AB	Antony Butcher
303/AC	Racecourse Holdings Trust

### Objections to Revised Deposit Version

No objections

### **Key Issues**

- 5.8.1**
- (1) Whether it is necessary for the methodology of an independent assessment carried out by an applicant to be agreed in advance by the District Council.
  - (2) Whether criterion a) should be amended so that where an alternative open space is provided, the overall aim should be to improve the quality of open space.
  - (3) Whether there should be a strategic view to increase the provision of leisure facilities in line with the increase in local population.
  - (4) Whether it might be more appropriate in some circumstances to make a financial contribution rather than provide alternative facilities.
  - (5) Whether the Policy criteria are appropriate and adequately worded.
  - (6) Whether the Policy would be more compliant with PPG17 if it referred to the local community and to the need for management plans to ensure long term viability.
  - (7) Whether Paragraph 5.30 should only refer to instances where facilities have been found to be redundant in light of the open space assessment, and require marketing for a period of 12 months, rather than 6 months.

### **Inspector's Appraisal and Conclusions**

- 5.8.2 Issue 1:** PPG17 does not require an assessment methodology to be agreed in advance. Nevertheless, I concur with the District Council that it is reasonable to request

this to ensure compatibility with other assessments across the District and with the standards employed in the District Council's open space audit.

- 5.8.3 Issue 2:** Criterion a) indicates that alternative facilities should be provided 'which are at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness' to existing provision. Notwithstanding this, the District Council took the opportunity at Revised Deposit stage to include an additional paragraph (5.30A) in the supporting text. This explains that in cases where an alternative facility is proposed the overall aim in accordance with PPG17 should be to improve the quality of the facility. I endorse that alteration to the Plan which satisfies the objection made by Racecourse Holdings Trust.
- 5.8.4 Issue 3:** The Local Plan provides, through Policy SC6, a framework to direct new sports and recreation facilities and to protect existing facilities. I agree with the District Council that strategic objectives are more appropriately addressed through the Council's Sport and Recreation Strategy<sup>4</sup>.
- 5.8.5 Issue 4:** The District Council accepts, and so do I, that there may be circumstances where improving the quality of existing sport and recreation facilities through financial contributions would be more appropriate than providing new or alternative facilities. The example is given of the improvement of sports pitches at St Nicholas Park, Warwick which was accepted in lieu of on-site provision at the South West Warwick housing allocation. Policy SC11 allows for such contributions to 'provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs'. These would be identified through the District Council's open space audit. Given these provisions, I see no need to modify the Plan. On this basis, Langstone Homes Ltd have conditionally withdrawn their objection.
- 5.8.6 Issue 5:** The accessibility of alternative facilities to current and potential future users is addressed through criterion a). This expects such facilities to be at least equivalent in terms of accessibility (amongst other matters). The second point of objection has been dealt with through alterations made at Revised Deposit stage. Criterion b) now refers to an assessment 'as defined by PPG17' and to the needs of the local community. Criterion c) was deleted in the Revised Deposit Plan in recognition that it could facilitate the loss of a redundant sport or recreation facility for which there is a need but where no organisation is willing to acquire or manage it. I support those alterations which improve the Policy. I note that the objections by GOWM and Sport England have been conditionally withdrawn.
- 5.8.7 Issue 6:** In response to this objection, and to accord more closely with PPG17, criterion a) was amended in the Revised Deposit Plan and an additional paragraph (5.30A) added to the reasoned justification. These require developers to submit a management plan to demonstrate how the proposed development would be maintained and managed. I endorse those alterations which satisfactorily address the issue of long-term sustainability/viability.
- 5.8.8 Issue 7:** Paragraph 5.30 of the supporting text was amended in the Revised Deposit Plan to reflect the deletion of Policy criterion c) and to require applicants to have actively marketed the facility for 12 months where the open space assessment shows that it is redundant. The objection has therefore been met.

---

<sup>4</sup> CD702

## Recommendations

### 5.8.9 That no modifications be made to the Revised Deposit Plan in respect of these objections.

\*\*\*\*\*

## 5.9 Paragraphs 5.31 - 5.34B Policy SC7 Directing Community Facilities

### Objections to First Deposit Version

37/AN	Sport England
109/AP	Warwickshire County Council (Planning, Transport & Economic Strategy)
126/AB	2nd Warwick Sea Scouts
195/AN	The Leamington Society
218/AC	Antony Butcher
228/AQ	West Midlands RSL Planning Consortium
303/AD	Racecourse Holdings Trust

### Objections to Revised Deposit Version

256/RAA	T & N Limited
303/RAC	Racecourse Holdings Trust

### Key Issues

- 5.9.1**
- (1) Whether the Policy should refer to ‘edge of town centre’ locations as suitable sites for community facilities.
  - (2) Whether it is appropriate to ‘require’ use to be made of previously developed land or buildings.
  - (3) Whether the Policy should recognise that affordable housing constitutes an appropriate use of former community buildings.
  - (4) Whether there should be a strategic objective to increase the provision of leisure facilities in line with the local increase in population.
  - (5) Whether the aims set out in Policy SSP2 (Stoneleigh Business Park) contradict the objectives of Policy SC7 in terms of accessibility.
  - (6) Whether the Policy should support proposals to improve the quality of existing community facilities in their existing location.
  - (7) Whether the Policy is sufficiently strong and detailed to protect community facilities.

- (8) Whether the exclusions from the definition of previously developed land mentioned in Paragraph 14 of PPG17 should be reflected in the Policy.
- (9) Whether Policy SC7 should be amended to take account of the lack of suitable sites in historic town centres like Warwick.
- (10) Whether the Policy: (a) should differentiate between large scale commercial facilities which meet a wider market and small scale community facilities that meet the needs of the local community in rural areas; and (b) should allow community facilities both within and adjacent to existing settlements to take account of competing land uses and values.

### **Inspector's Appraisal and Conclusions**

- 5.9.2 Issue 1:** Adopting a sequential approach, Policy SC7 directs community facilities first and foremost to town centres which are the locations most likely to be accessible without the use of a car. Where no suitable sites are available, consideration is then given to sites adjacent to the town centre and finally, sites within or adjacent to local shopping centres. I consider this sequence to be appropriate. For the purposes of this Policy, I see no significant difference between the term 'edge of town centre' and 'adjacent to the town centre'.
- 5.9.3 Issue 2:** I note that the Policy has been amended in the Revised Deposit Plan by deleting criterion c) and adding a new sentence. Instead of requiring the use of previously developed land where a site is outside the sequentially preferred locations, Policy SC7 now indicates that: 'Facilities should be located *where possible* on previously developed land.' I support that amendment which makes the Policy more flexible.
- 5.9.4 Issue 3:** The need for, and provision of, affordable housing is addressed through Policy SC9. I believe it is not central to the matter of directing community facilities.
- 5.9.5 Issue 4:** I concur with the District Council that strategic objectives are more appropriately set out in other documents such as the Community Plan or Corporate Strategy.
- 5.9.6 Issue 5:** Redevelopment of Stoneleigh Business Park (Policy SSP2) involves employment/industrial floorspace rather than any of the uses subject of Policy SC7. The objection by the Leamington Society has been withdrawn.
- 5.9.7 Issue 6:** This objection has been addressed in the Revised Deposit Plan. A sentence has been added to Paragraph 5.31 to indicate that: 'The Council will support proposals to enhance the quality of existing facilities which meet a local need.' However, the 2<sup>nd</sup> Warwick Sea Scouts point out that the Policy itself still directs proposals to the town centres in preference. While this is accepted to be a sensible approach in general, it appears to preclude the provision of local facilities where there is a specific locational requirement. I agree that criterion b) of Policy SC7 could usefully be improved in this regard. I adopt the suggestions made by the objector with minor amendments. (NB A proposal by the 2<sup>nd</sup> Warwick Sea Scouts for a new site specific policy in respect of Charter Bridge Meeting Hall [Option 2] is considered later in my report.)

- 5.9.8 Issue 7:** Warwickshire County Council objected to Policy SC7 on the basis that it should be more strongly worded to clarify the evidence required to justify the change of use or redevelopment of a community facility to another purpose. In response, the District Council has added a new Paragraph 5.34A to the Revised Deposit Plan. This requires applicants to produce evidence that the facility has been actively marketed for a community use for a period of at least 12 months. On that basis, the objection has been conditionally withdrawn. I support that alteration.
- 5.9.9 Issue 8:** Policy SC7, as amended in the Revised Deposit Plan, indicates that community facilities should be located *where possible* on previously developed land. I note that Paragraph 14 of PPG17 excludes parks, recreation grounds, playing fields and allotments from the definition of previously developed land. Paragraph 5.34B explains that in cases proposing the development of greenfield land the Council will expect the applicant to demonstrate that all viable previously developed land options have been investigated. Even in those instances the proposal would need to meet the requirements of other Plan policies, including Policy SC5, to justify the loss of open space. The objection by Sport England has, I note, been withdrawn in light of the alterations made by the District Council to the First Deposit Plan.
- 5.9.10 Issue 9:** I see no need to amend the Policy to accommodate this objection. The sequential test means that if there are no suitable town centre sites available, the next most suitable location should be examined - that is, sites adjacent to the town centre, followed by sites within or adjacent to local shopping centres. The District Council confirms that in applying the sequential approach each case will be assessed on individual merit in order to ascertain the most appropriate location.
- 5.9.11 Issue 10:** T & N Ltd point out that national planning policy in PPS7 aims to improve the sustainability of rural areas to enhance the lives of their communities. This does not just mean that accessibility to the towns should be improved but, hand in hand with this, existing facilities and employment opportunities should be protected and new ones encouraged. Policy RA.1 of the Warwickshire Structure Plan reflects this advice, aiming to achieve a balance between protecting and enhancing rural life, meeting the needs of the local population, and supporting the wider rural community. Moreover, Structure Plan Policy I.8 supports the creation of jobs through the tourism and leisure sectors. The objector argues that Policy SC7 contradicts this policy stance by focusing community facilities within the larger urban areas and their town centres. While the Policy accepts development within the Limited Growth Villages, restricting this to the village boundaries creates a situation where community facilities are competing against housing and employment uses for scarce space within these settlements. In the objector's view, the sequential approach is relevant only to large scale leisure and retail proposals that serve a wider market in accordance with PPS6, and quite inappropriate for application to small scale community facilities serving a local need. T & N Ltd maintain that Policy SC7 should be more flexible, allowing community facilities to be located on the edge of settlements as well as within them. To that end, amended policy wording is suggested to offer a more supportive stance with regards to the provision of community facilities and meeting local needs in rural areas.
- 5.9.12** The sequential approach employed in Policy SC7 applies regardless of the size of project to ensure that development occurs in the most sustainable locations. In urban areas these are the town centres and in rural areas the Limited Growth Villages. The District Council recognises, though, in Paragraph 5.33 that community facilities may also serve a particular local need beyond these locations. The Policy allows for such development

where all other reasonable options have been considered provided it would be accessible by means other than the private car. It is clear, therefore, that community facilities in rural areas are not just confined to the Limited Growth Villages. Moreover, Paragraph 5.34B explains that there is also capacity for the development of greenfield sites where it can be shown that all other viable previously developed land options have been investigated. In these circumstances, I am satisfied that the sequential approach is relevant and appropriate and that the Policy is sufficiently flexible to accommodate developments of different scale and character.

**5.9.13** I turn now to the suggestion that community facilities should be allowed on the edge of Limited Growth Villages, as well as within those settlements. As the District Council points out, in line with Government guidance the Plan takes a restrictive approach to rural housing and employment development. On the other hand, Policy RAP11 is supportive of new community facilities where they meet local retail or service needs. And the flexibility to develop community facilities on greenfield sites also represents a significant benefit not given to employment proposals or most new housing in rural areas. Consequently, I see no significant disadvantage in terms of competition with other land uses for scarce resources. In my opinion, the amended version of Policy SC7 put forward by the objector would be inappropriate and would not improve the Plan.

### **Recommendations**

**5.9.14 (a) That the Revised Deposit Plan be modified as follows:**

**amend criterion b) of Policy SC7 to read:**

**“there is a need to enhance an existing facility or provide a new facility that has specific locational requirements that cannot be met in a town or local centre or village.”**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.10 Paragraphs 5.31 - 5.34B Policy SC7a Protecting Community Facilities**

Objections to First Deposit Version

No objections

Objections to Revised Deposit Version

66/RAU The Warwick Society

### **Key Issue**

**5.10.1** Whether public houses should be included in the list of community facilities in Paragraph 5.33.

## **Inspector's Appraisal and Conclusion**

**5.10.2** Where community facilities are very limited, such as in small villages, public houses can play an important role as a focus for the community providing a meeting place and social facilities. In that kind of situation the loss of the village pub could be sorely felt and could lead to people having to travel further afield thereby harming social and community cohesion. On the other hand, I accept that there will be circumstances where it would be more difficult to make a case for retention - where, for example, there are other public houses in the locality, in town centres, or where a poorly managed public house leads to issues of noise nuisance and disturbance for residents. With this in mind, I concur with the District Council that it would not be appropriate to give general protection to all public houses through this Policy. However, in recognition that there could be particular cases where public houses should be protected, I note that the District Council has, in the Revised Deposit Plan, augmented Paragraph 5.33 with additional text. This indicates that: 'In exceptional circumstances, the Council may apply this Policy to other facilities that meet a community need where the grant of permission would result in a demonstrable shortfall in the locality.' It has the additional advantage of potentially including other uses not in Use Class D1 that nevertheless serve a community function. That seems to me to be an appropriate solution to this issue and preferable to the blanket approach of including public houses in a list of community facilities.

### **Recommendations**

**5.10.3 That no modifications be made to the Revised Deposit Plan in respect of this objection.**

\*\*\*\*\*

## **5.11 Paragraphs 5.35 - 5.38A Policy SC8 Telecommunications**

### **Objections to First Deposit Version**

2/AB	British Telecommunications plc
13/AA	G.H. Browton
14/AA	Mr & Mrs H Furber
15/AA	H.J.C. Weighell
16/AA	John Foley
17/AA	Simon Bridge
18/AA	M.J. Hobday
44/AB	P Lloyd
46/AA	GT and EJ Bardell
69/AD	Linda Forbes
106/AA	Mobile Operators Association
108/AA	Ian & Christine Squire
148/AQ	Campaign to Protect Rural England (Warwickshire Branch)
152/AF	Royal Leamington Spa Town Council
162/AA	Vivien Jones
251/AA	Dr G and Mrs M Delfas
302/AO	English Heritage (West Midlands Region)

## Objections to Revised Deposit Version

106/RAA      Mobile Operators Association  
283/RAM      The Ancient Monuments Society

### **Key Issues**

- 5.11.1** (1) Whether the Policy should take a precautionary approach to new masts.
- (2) Whether emphasis should properly be placed on approval of such development.
- (3) Whether criterion b) admits environmental harm.
- (4) Whether the Policy should make reference to broadband services.
- (5) Whether Paragraph 5.36 should be redrafted to clarify that the local planning authority can only question the need for a specific development and not the need for the telecommunications system that the development will support.
- (6) Whether the Policy conflicts with other Plan policies (such as DP2, DP3, DP9, DAP6, DAP 10, DAP13).
- (7) Whether criterion d) is inappropriate and contrary to Government advice.
- (8) Whether ICNIRP should be stated in full or explained in the Glossary.
- (9) Whether the Policy is sufficiently clear in relation to health considerations and public concern.
- (10) Whether the Plan should acknowledge the continuing debate about the safety of telecommunications masts.
- (11) Whether the Policy should protect more populated residential areas and give preference to rural locations.
- (12) Whether the Policy should be reversed and specifically preclude development affecting conservation areas, listed buildings, ancient monuments, registered parks and gardens, Green Belt etc.
- (13) Whether criterion a) should refer to occasions where mast sharing is not the most desirable environmental option.
- (14) Whether the Policy should indicate that applications must be accompanied by plans showing the position of all other masts, and masts that could be shared.
- (15) Whether criterion e) should refer to 'other' operators.
- (16) Whether Policy SC8 should state that all masts should be removed within a specified time period of becoming redundant.
- (17) Whether the Policy should require all masts to be located on the least harmful site.

- (18) Whether Paragraph 5.37 should also make reference to listed buildings, ancient monuments and registered parks and gardens.
- (19) Whether the supporting text at Paragraph 5.38 in respect of Green Belts is appropriately worded.

### **Inspector's Appraisal and Conclusions**

- 5.11.2 Issue 1:** Paragraph 31 of PPG8: Telecommunications is unequivocal. It states that: 'In the Government's view, local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.' Policy SC8 accords with that advice.
- 5.11.3 Issue 2:** Policy SC8 is expressed in a positive manner. It indicates that new masts and antennae by telecommunications and code system operators will be permitted providing certain criteria are met. That is appropriate in light of Government policy which is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum, and protecting public health.
- 5.11.4 Issue 3:** The District Council recognises that telecommunications development can cause environmental harm. The Policy seeks to minimise this by ensuring that less sensitive sites are considered first. I am satisfied that this approach is both realistic and apposite.
- 5.11.5 Issue 4:** The requirements for providing fixed-link broadband services are very different from telecommunications masts. Because most of the necessary hardware is in cables that are usually buried, the land-use planning implications are fairly minimal. Consequently, Policy SC8 deals only with masts and antennae. Ground based infrastructure to support broadband services can be addressed through other Plan policies such as DP1, DAP1, and DAP2.
- 5.11.6 Issue 5:** The District Council has accepted that the first bullet point of Paragraph 5.36 should be amended to clarify that the local authority can only question the need for a specific development as part of a wider network and not the need for the telecommunications system per se, in accordance with the advice given in Paragraph 5 of PPG8. I support the amendment made through the Revised Deposit Plan.
- 5.11.7 Issue 6:** Paragraph 2.3A explains that it is a key principle of this Plan that users should have regard to all relevant policies when considering development on a particular site. Where policies overlap, they need to be weighed in the balance. The criteria set out in Policy SC8, taken in conjunction with other Plan policies, should ensure that the most appropriate site is selected.
- 5.11.8 Issue 7:** The objector argues that the Policy should consider the impact upon schools, hospitals, nurseries, residential areas and individuals, and should properly reflect concerns over public health. Paragraphs 29-30 of PPG8 make it clear that health considerations and public concern can, in principle, be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. The guidance goes on to indicate that it is the Government's firm view that the planning

system is not the place for determining health safeguards, and that if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. Planning case law has established that the perception of harm is a material consideration although the weight to be attached to health risks should be limited by the need to provide evidence of actual risk to health. With this in mind, I note that the District Council has added a sentence to Paragraph 5.36 of the Revised Deposit Plan to clarify the need to have regard to perception from local people about health risks. I support that amendment which improves the Plan.

**5.11.9 Issue 8:** ICNIRP is explained in the Glossary of the Revised Deposit Plan, thereby meeting this objection.

**5.11.10 Issue 9:** PPG8 states that it is for the decision maker (usually the local planning authority) to determine what weight to attach to health considerations and public concern. The District Council has indicated, though, that it would not wish to go beyond the ICNIRP standards. I am content that the additional text introduced into Paragraph 5.36 at Revised Deposit stage adequately sets out the District Council's position.

**5.11.11 Issue 10:** I see no need to specifically acknowledge in the Plan the continuing debate on health issues. Government policy is clearly stated. It follows from the results of a major study by the Stewart Group in 2000 which concluded that "the balance of evidence indicates that there is no general risk to the health of people living near base stations, on the basis that exposures are expected to be small fractions of the guidelines."

**5.11.12 Issue 11:** Many rural parts of the District have Green Belt status. To protect residential and other urban areas at the expense of the countryside would be contrary to PPG8 which makes specific reference at Paragraph 17 to protecting the openness of the Green Belt. Moreover, it is often less environmentally intrusive to site masts on buildings or disguised as street furniture rather than in open countryside. As the District Council points out, it is only able to respond to the needs of the industry and is not able to question the need for a mast to provide the service or the technical background to provision. In any event, many smaller masts constitute 'permitted development' not requiring planning permission and are subject only to a system of prior notification.

**5.11.13 Issue 12:** I see no need to alter the thrust of Policy SC8. I am satisfied that it adequately reflects Government policy which is to encourage telecommunications development, subject to environmental and other safeguards. Paragraph 5.37 indicates that applicants will be expected to demonstrate that every effort has been made to minimise the visual impact of the development. Furthermore, design principles should be fully taken into account when formulating proposals that would directly affect residential areas, and areas and buildings covered by a protective designation such as conservation areas, listed buildings, ancient monuments, registered parks and gardens, Areas of Restraint and Green Belt. While PPG8 requires English Heritage to be consulted where a listed building or ancient monument will be affected, it does not indicate that permission will necessarily be refused. The PPG points out that masts are subject to conservation area and listed building consent provisions in the same way as other development proposals.

**5.11.14 Issue 13:** In accordance with the advice in Paragraphs 66-73 of the Appendix to PPG8, the District Council acknowledges that a new mast should only be supported

where it represents the optimum environmental solution. Accordingly, criterion a) of the Policy has been amended in the Revised Deposit Plan to indicate that new masts will only be acceptable where mast sharing is not feasible and cannot be located on an existing building or structure where this represents the preferable environmental solution. I endorse that alteration.

**5.11.15 Issue 14:** There is no need, in my view, to specify that details of masts in the area, including those suitable for sharing, should accompany applications. The District Council confirms that as a matter of course it will ensure that all relevant information is provided to facilitate a full and proper assessment of the scheme.

**5.11.16 Issue 15:** The District Council has accepted through the Revised Deposit Plan that criterion e) ought to refer to 'other' operators. I support that alteration which improves the clarity of the Policy.

**5.11.17 Issue 16:** Paragraph 5.38A has been amended in the Revised Deposit Plan to indicate that: "in accordance with PPG8, all telecommunications apparatus should be removed from the land, buildings or other structure as soon as reasonably practicable after it is no longer required for telecommunications purposes. Such land, buildings or structure should be restored to its condition before the development took place." This mirrors the 'permitted development' provisions that apparatus be removed once it is no longer required and the land be restored to its previous condition. I endorse that alteration. There is no reason in my view to introduce a new policy making reference to planning guidelines, to removing 'permitted development' for telecommunications works by means of Article 4 Directions, or to a 14 day notification of intended works.

**5.11.18 Issue 17:** The aim of this Policy is to minimise the number of additional masts and to site them in the least harmful locations. With this in mind, I see no need to amend the Policy in the manner suggested. I do, though, support the change to Paragraph 5.37 put forward by the District Council. This confirms that if the proposal is to be sited on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact on the external appearance of the building.

**5.11.19 Issue 18:** The District Council has extended the list of protective designations in Paragraph 5.37 of the Revised Deposit Plan to include those identified by the objector. The objection has therefore been satisfied.

**5.11.20 Issue 19:** Paragraph 5.38 indicates that in Green Belt areas telecommunication development will be regarded as inappropriate development if it affects openness. Very special circumstances to outweigh this will only exist if it can be demonstrated that there is a lack of suitable alternative sites that would meet network coverage or capacity. This text accords substantially with the thrust of the advice set out in Paragraph 17 of PPG8. Paragraph 5.37 deals with the visual aspects of development and the possibility of employing camouflage techniques. The revised text suggested by the objector does not refer to 'inappropriateness' or 'very special circumstances' and does not, in my view, accord with either PPG8 or the parent guidance in respect of Green Belts set out in PPG2. I do not therefore support this objection. Having said this, I do feel that Paragraph 5.38 would benefit from some re-wording in order to more faithfully reflect established Green Belt policy. I recommend accordingly.

## **Recommendations**

**5.11.21 (a) That the Revised Deposit Plan be modified as follows:**

**(i) amend Paragraph 5.38 to read:**

**“Within Green Belt areas, telecommunications development will be considered inappropriate development if it adversely affects openness. Very special circumstances to outweigh the harm by reason of inappropriateness will be considered to exist if it can be demonstrated that there is a lack of suitable alternative sites that would meet network coverage or capacity. Ideally, such sites should be outside of Green Belt areas, but if this is not possible, alternative sites that are within Green Belt but do not adversely affect its openness may be considered.”**

**(ii) amend Paragraph 5.37 by adding a further sentence at the end, to read:**

**“If the proposal is to be sited on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact on the external appearance of the building.”**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

**5.12 Paragraphs 5.41A - 5.41B Policy SC8a (and Appendix 2) Managing Housing Supply**

Objections to First Deposit Version

4/RAB           Arlington Planning Services LLP  
66/RAV           The Warwick Society

Objections to Revised Deposit Version

118/RAB       Mr and Mrs G Bull  
119/RAD\*      Bloor Homes Ltd  
120/RAG\*      Miller Homes (West Midlands)  
136/RAB      George Wimpey Strategic Land  
137/RAB      Greyvayne Properties Ltd  
138/RAB      Laing Homes Midlands  
139/RAB      Coventry Diocesan Board of Finance Ltd  
140/RAB      Court Developments Ltd.  
141/RAB      Parkridge Homes Ltd.  
142/RAB      A C Lloyd Ltd  
143/RAB      Scottish Widows Investment Partnership  
144/RAB      Project Solutions  
167/RAB      Mrs E Brown  
201/RAB\*      Home Builders' Federation

208/RAB	Pettifer Estates Ltd
214/RAD	Mrs J Biles
222/RAB	John Burman & Family
228/RAE	West Midlands RSL Planning Consortium
229/RAA*	Gallagher Estates Limited
239/RAJ	Mr D Austin
266/RAE*	Warwick Town Council
283/RAL	The Ancient Monuments Society
288/RAA	Warwickshire Police Authority
322/RAD	J G Land and Estates
344/RAB	Greywell Property Ltd
345/RAC	Church Commissioners for England
348/RAG	Merrill Lynch Investment Managers
350/RAV	Tesco Stores Ltd

(\* denotes consideration at RTS. See also objections marked with\* at Paragraph 11.3 [Appendix 2].)

### **Key Issues discussed at the Round Table Session**

- 5.12.1** (1) Whether the housing figures properly interpret the housing requirement set out in RSS Policy CF3 (Table 1).
- (2) The period for which the Plan should make provision for housing.
- (3) Whether calculation of the housing supply figures is appropriate in terms of:
- o completions
  - o commitments
  - o windfalls
- (4) The adequacy of the Urban Capacity Study.
- (5) The need for the Plan to:
- o allocate sites for housing
  - o allow for flexibility in the event of a shortfall
- (6) Policy SC8a:
- o the need for the Policy given that the SPD has already been agreed
  - o whether the Policy should include the contents of the SPD
  - o whether the Policy should include the housing figures in Appendix 2

### **Other Key Issues**

- (7) Whether the Policy should be split into two parts.
- (8) Managing the oversupply of housing in terms of:
- o regulating programmed and planned housing
  - o including a percentage figure in the Policy
  - o reflecting the provisions of the SPD in the Policy
- (9) Whether the Policy should include detailed criteria for the regulation of windfall developments.

## Inspector's Appraisal and Conclusions

- 5.12.2 Issue 1:** Table 1 of RSS Policy CF3 sets the average annual housing requirement for Warwickshire for 3 periods (2001-07, 2007-11, and 2011-21). These annual average rates are to be applied as minima for the Major Urban Areas and maxima elsewhere (including Warwick District). The ODPM (Keith Hill) letter of 15 June 2004<sup>5</sup>, under cover of which RPG11 was issued, explains that the distribution of the County total amongst the Districts should be on the basis of the current Structure Plan proportions to 2011. It goes on to say that: "Beyond that, the proportions may not be appropriate. However, in the absence of any better information authorities should retain the Structure Plan proportions, and the PPG3 'plan, monitor and manage process' should address any issues which arise." Warwick District Council's share of the Warwickshire total is 25.7%.
- 5.12.3** Since the Revised Deposit version of the Local Plan was published, GOWM has issued guidance on interpretation of the RSS housing requirement figures in Table 1 of Policy CF3 (Ian Smith letter of 16 June 2005<sup>6</sup>). This clarifies that the housing allocation figures in the RSS apply from 2001, that given the change in strategy of the RSS it would not be appropriate to consider either allocations or provision before 2001, and that any previous under or over provision in relation to allocations prior to 2001 should not be taken into account in considering provision from 2001. In the light of that advice and monitoring information that has become available the District Council has amended the housing requirements for the District. I support those revised figures which more accurately reflect the intention of the RSS and establish the most up-to-date position. They are set out as 'Replacement Appendix 2' in both the 'Analysis of objections to Revised Deposit version and proposed changes to the Local Plan'<sup>7</sup> and in 'Core Topic Paper 2: Housing'<sup>8</sup>.
- 5.12.4** Objectors consider the Local Plan to be inconsistent with the direction of travel of national planning guidance in terms of draft PPS3, the ODPM's response to the Barker Report which aims to secure a step-change in housing supply in England from around 150,000 to 200,000 net additions per annum and stresses the importance of identifying housing sites at an early stage, and the recently released household projections that propose an increase of 18.65% for the West Midlands. As a result of these factors it is expected that the RSS housing requirement in the West Midlands will increase substantially and that the District shares and County totals will change when the partial review of RSS is completed in 2008. Objectors argue that Plans should look to the longer term, allow for market considerations and support a mix of housing to foster sustainable communities. In their view, simply rolling forward the Structure Plan proportions beyond 2011 is inappropriate. It gives a false perception of need and ignores market trends. Warwick District is an area of high demand with high levels of need for affordable housing (7,072 affordable homes required 1996-2011, against 800 completed thus far). Restricting housing supply to the proportions used in the Structure Plan will, they say, accentuate the problem. Moreover, it is argued that the District Council has not properly applied the 'plan, monitor and manage' approach. Despite annual monitoring indicating oversupply the authority did nothing until 2005. The knee-jerk reaction to managing supply displayed in the Local Plan is, according to the HBF, far too late to work.

---

<sup>5</sup> CD16 Appendix 1(2)

<sup>6</sup> CD 16 Appendix 1(3)

<sup>7</sup> CD28

<sup>8</sup> CD16 Appendix II

**5.12.5** Notwithstanding those concerns, I consider that the housing land supply in the District is more than adequate to meet requirements to 2011. At the present time there is a very significant oversupply which has led to fears that it would undermine the regional strategy if no action was taken. Following discussions with GOWM the District Council introduced in September 2005 a Supplementary Planning Document on ‘Managing Housing Supply’<sup>9</sup>. This SPD aims to severely restrict the level of urban windfall development to bring supply more into line with the strategic housing requirement between 1996 and 2011. Beyond 2011 there is currently no firm Government advice. The District Council’s intention is that housing and employment figures will be addressed by future Development Plan Documents. The Core Strategy DPD will take account of revised RSS (Phase Two Review) figures and the new household projections. Work will start on the Core Strategy DPD in 2007/08, after completion of the Local Plan, with a view to adoption in June 2010. Other DPD work, such as an Allocations DPD, will proceed in tandem. I am satisfied that this is the correct approach. I agree with Warwick Town Council that the District Council should adhere to the current Structure Plan proportions in the absence of clearer Government guidance on the shift to a market approach in assessing housing requirements.

**5.12.6 Issue 2:** This Local Plan was produced under the Town and Country Planning Act 1990, the Town and Country Planning (Development Plan) (England) Regulations 1999, and Planning Policy Guidance Note 12: Development Plans (published in 1999). It was prepared in the context of the Warwickshire Structure Plan 1996-2011 and covers the period to 2011. In June 2004 the First Secretary of State issued the West Midlands Regional Planning Guidance (RPG11) which became the West Midlands Regional Spatial Strategy (RSS) on commencement of the Planning and Compulsory Purchase Act 2004 in September 2004. The RSS looks to 2021.

**5.12.7** Objectors point out that while PPG12 still applies to this Plan, Planning Policy Statement 12: Local Development Frameworks (PPS12) is a material consideration. Core Topic Paper 1<sup>10</sup> confirms that in accordance with informal advice received from the ODPM and other bodies the Local Plan was prepared in a way that is LDF compatible. Paragraph 2.14 of PPS12 requires the core strategy DPD to have a time horizon of at least 10 years from the date of adoption and that it should aim to look ahead to any longer term time horizon which is set out in the relevant regional spatial strategy. Moreover, Keith Hill’s statement of 17 July 2003 requires local authorities to provide for at least 10 years potential supply of housing and indicates that the duration of a plan should be for a period of at least 10 years from the plan’s forecast adoption date. In a similar way, draft PPS3 requires a 15 year local plan time horizon in relation to the supply of housing land with sites specifically allocated to meet the first 5 years of the housing trajectory. While draft PPS3 is a consultation document the ODPM’s letter of 7 December 2005<sup>11</sup> indicates that regard should be had now to the direction of travel, and the ambition for a speedy turnaround in affordability. Finally, GOWM has commented that the Plan should set out the source of housing up until 2016 (or even 2021). As a bare minimum objectors argue that the Local Plan should allocate a supply of housing land for 10 years from its forecast adoption date to avoid a planning vacuum and ideally should look forward to 2021 to accord with the timescale of RSS if the thrust of the guidance in PPS12 is to be observed.

---

<sup>9</sup> CD202

<sup>10</sup> CD15

<sup>11</sup> CD16 Appendix 1(1)

**5.12.8** At the RTS the District Council reiterated its view that 2011 is the appropriate plan period. I concur that beyond 2011 the housing requirement is still very uncertain. I am therefore inclined to accept the District Council's position. The 'transitional' arrangements under which the Local Plan is being prepared means that its Policies will have only a very short shelf life of just 3 years or so from the date it is adopted. I note that work will start on a Core Strategy DPD in 2007/08 immediately following adoption of the Local Plan, with adoption of the Core Strategy anticipated in 2010. That DPD and any subsequent Allocations DPD will be able to take into account emerging housing and employment requirements to 2026 (housing) and 2021 (employment) at District level resulting from the RSS Phase Two Review and the new housing projections.

**5.12.9 Issue 3:** There is no dispute regarding the housing completions figures which are monitored on an annual basis by the District Council and accepted by objectors as being comprehensive and accurate. Completions between 2001 and 2005 totalled 3,324 dwellings.

**5.12.10** Commitments are sites where permission has been granted for housing or the principle of residential development has been formally agreed by the District Council. They include sites under construction, sites allocated in the adopted Local Plan, sites with permission (including those subject of a legal agreement) and sites subject of an approved development brief. Those dwelling numbers are then discounted by 10% to allow for the possibility that some dwellings may not proceed to completion.

**5.12.11** Objectors are concerned that the Local Plan has high numbers of commitments which include some residual greenfield sites. These have contributed to the current oversupply and suggest to the HBF that the District Council has not managed its supply effectively. Another objector considers that there is significant double counting between windfall permissions and the windfall allowance. While the District Council has applied a 10% discount for non-implementation, no evidence is presented in the Plan to support this. It is argued that the figure could be greater.

**5.12.12** Looking at the scale of commitments, I am satisfied that this is simply a reflection of large scale allocations made in the current Local Plan, some of which remain to be completed, and the rate at which brownfield urban windfalls have been coming forward in recent years prior to the SPD being put in place. To my mind it does not indicate mismanagement or any double counting. The District Council has conceded that there is no particular science behind the 10% discount. It is a figure commonly used by other local authorities and the development industry. Annual monitoring confirms that the number of planning permissions lapsing in the District is very low, with an average of just 18 units in 2004/05<sup>12</sup>. It provides support for this level of discount.

**5.12.13** Turning now to windfalls, these are the area where there is most disagreement. While accepting that the housing requirements of the RSS would be met to 2021, Miller Homes and Bloor Homes consider that if double counting is excluded and windfalls properly assessed then there is no need for the SPD and the moratorium on market housing. The District Council has placed a considerable reliance on windfalls and this becomes more important over a longer timeframe (beyond 2011). Most objectors believe that post-2011 the District Council's assumption that windfalls will immediately jump back up to the previous high levels encountered before the SPD was introduced is ill-founded. In their view it is unlikely that further large windfall sites will continue to emerge at the same

---

<sup>12</sup> CD303

rate or of the same character as before. Such sites are, they say, in diminishing supply with the best sites yielding the highest densities going first and saturation point reached in certain types of housing. Evidence of this is provided by the glut of apartments currently on the market.

**5.12.14** The District Council's response is that its windfalls estimate is, if anything, conservative. It is based on data going back to 1996/97, which smooth out the effects of the 2 large high density sites that came forward in 2004/05. Furthermore, windfalls are discounted by one year. I note that densities achieved on urban brownfield windfall sites have in fact increased in the District since 2003/04 because of the 'PPG3 effect'. I am satisfied that there is no evidence of double counting, the District Council having examined past completion rates simply as a means of estimating planning permissions on new sites and demonstrating that it can meet its housing requirement. Like the planning authority, I am content that other large windfall sites will continue to come forward. This is confirmed by a number of sites having already fallen under the SPD policy. As the District Council points out, even if the supply of windfall sites dried up altogether, there would still be an oversupply of housing. In any event, the SPD could be relaxed to allow sites to be developed if annual monitoring reveals that the surplus has reduced to less than 20% or the RSS Phase Two Review indicates that it should be lifted. While I acknowledge that draft PPS3 is seeking to move away from windfall allowances in favour of specific allocations chosen on the basis of viability, suitability and deliverability, it is my opinion that the particular circumstances applying in Warwick District at this time justify the District Council's approach.

**5.12.15 Issue 4:** I am content that the Urban Capacity Study<sup>13</sup>, published in July 2002, was carried out substantially in accordance with Government guidance in 'Tapping the Potential'. It involved statutory consultees and the development industry and estimated that the total urban capacity for the period 2001-11 was 2,545, an average of 254 dwellings per year. Monitoring of housing completions for the period 2001-05 revealed an annual level of urban brownfield windfall completions of 348. Consequently, the First Deposit version of the Local Plan used the UCS as part of its evidence base for not making any housing allocations. Subsequent monitoring has shown this approach to be correct with an oversupply of housing in relation to the strategic requirement. Of the 18ha (approximately) of potential housing land identified in the UCS, much of the potential of the larger sites has now been taken up or is committed. 14.1ha (78%) has been given planning permission, yielding a total of 1,077 dwellings, and 1.9ha has been identified for employment. The UCS provided a snapshot in time and is now out of date. The figures presented in Appendix 2 of the Local Plan do not, though, rely heavily on its results. While there would be benefit in further work being undertaken the latest guidance in draft PPG3 calls for 'Sub-Regional Housing Market and Housing Land Availability Assessments' to inform the emerging LDF.

**5.12.16 Issue 5:** Looking first at the need to allocate sites for housing, Tables 4.3, 4.4 and 4.5 of 'Core Topic Paper 2: Housing' show how the District Council will be able to meet the strategic requirements up until 2011, 2016 and 2021. Tables 4.4 and 4.5 assume a reduced level of windfalls between 2005 and 2011 to take into account the policy for managing housing supply in the SPD. Even with that assumption there is still an oversupply of housing and no need to allocate sites.

---

<sup>13</sup> CD403

- 5.12.17** Objectors accept the District Council's position to 2011 with the housing requirement more than met by completions and commitments. Beyond 2011 they suggest that broad areas of land for future growth should be identified as indicated in Paragraph 12(d) of draft PPS3 in order to deliver a step-change in housing provision. Government advice in 'Planning to Deliver' confirms that reserve sites are good practice in the event that windfall sites do not come forward as anticipated. Greater certainty would, they say, result if sites were to be identified. The Government response to the Barker Review recommends identifying 15 years housing supply with at least 5 years allocated.
- 5.12.18** I am mindful of the direction of travel of draft PPS3 and that the RSS Phase Two Review has commenced. Nevertheless, I concur with the District Council that DPDs are the appropriate vehicle for directing growth after 2011. Much more work needs to be done before allocations or areas of search can be drawn up and windfalls need to be brought under control. Tables 5 and 6 of proposed Replacement Appendix 2 show how the RSS housing requirement to 2021 could be met by completions, commitments and potential windfalls.
- 5.12.19** As regards flexibility in the event of a shortfall in housing supply, I acknowledge that this is important in the context of the changing regional position, Government guidance on moving away from a reliance upon windfalls, and the ever-worsening position regarding affordable housing provision. However, I do not believe there would be the vacuum between the Local Plan and the Core Strategy DPD feared by the HBF and other objectors. As the District Council points out, remnants of the 2 large sites at South-West Warwick and Sydenham will be available over the next 4 or 5 years and there is a generous bank of urban brownfield windfall sites to draw upon. The Core Strategy DPD, scheduled for adoption in 2010, will make provision for future needs with the housing requirement itself due to be reviewed by the Regional Planning Body in 2008. I consider that by 2011 developers should have a clear perception of where housing land will be allocated thereby providing the necessary degree of certainty. While sites can take a long time to come forward because of the delays involved in planning and providing essential infrastructure, as demonstrated by South-West Warwick which started in the early 1990s, brownfield land in urban areas can be developed first affording the necessary lead time for any subsequent greenfield development.
- 5.12.20** Warwick Town Council is concerned over the environmental implications of windfall sites and, in light of draft PPS3, is not content to see total reliance on windfalls to 2021. The Town Council supports the identification of housing sites or areas of search so long as they are planned. That, in my opinion, is a matter for subsequent DPDs which might well include an Allocations DPD.
- 5.12.21** There is, in any case, already an element of flexibility incorporated into the Plan. It is estimated that the SPD policy of restraint will reduce completions by about 254 dwellings per annum (90% of the annual urban windfall estimate of 282). Should a change of circumstances occur, the SPD will enable the District Council to respond quickly. Withdrawal of the SPD would allow a further supply of housing to come forward.
- 5.12.22 Issue 6:** The purpose of Policy SC8a, inserted into the Plan at Revised Deposit stage, is to provide the Local Plan policy context for the Managing Housing Supply SPD agreed by the District Council for development control purposes in September 2005. I accept that this 'parent policy' is necessary to accord with planning regulations that require SPD to supplement a policy in an adopted plan/DPD and to have a clear cross-reference to it. Indeed, this is the conclusion reached in a recent appeal decision for 22

flats at Whites Row, Kenilworth (Ref. APP/T37251/A/05/1193971), referred to by Warwick Town Council.

**5.12.23** Miller Homes/Bloor Homes argue, after analysis of the housing figures, that there is no need for the SPD. I do not agree for reasons set out earlier in my report. The HBF consider that the SPD should not have been introduced prior to the Local Plan inquiry. In their view this inquiry would have been the appropriate vehicle for testing the soundness and merits of the SPD. They contend that the moratorium was only introduced as an emergency measure because the housing land supply had not been properly managed. By way of alternative, objectors say that the District Council could have undertaken an alteration to the current adopted Local Plan by inserting a phasing policy of the kind used by Harborough DC, Coventry CC and Nuneaton & Bedworth BC.

**5.12.24** In response, the District Council has explained that its approach was determined after a meeting with GOWM. The problem of oversupply has arisen because the adopted Local Plan does not phase large urban brownfield sites. It was not feasible to amend that Local Plan because its housing figures have been superseded. I agree that it would not have been appropriate to wait until adoption of the replacement Local Plan. To have delayed a further 18 months for the outcome of this inquiry to be known would have meant an even greater oversupply of housing. The District Council points out that if annual completions continue to equate to around 700 dwellings per year then about 1000 extra dwellings could be built between September 2005 and adoption of the Local Plan putting the regional strategy at further risk. I agree with the District Council that production of the SPD was a faster and more appropriate means of tackling the problem.

**5.12.25** Most objectors accept that if the District's housing supply is to be managed in the way proposed by the Council then the SPD should not be incorporated into Policy SC8a but kept separate. Policy SC8a will last for the life of the Plan whereas the SPD will only be needed while housing monitoring demonstrates a significant over-supply of housing. I agree that greater flexibility is provided by separating the detail of the SPD from the parent policy. I believe this is the way forward in preference to the suggestion made by Warwick Town Council. The Town Council supports the aims of the SPD but considers that Policy SC8a should incorporate some of its basic framework and mechanisms.

**5.12.26** For similar reasons of flexibility I consider that Replacement Appendix 2 should be retained and the housing figures kept separate from the Policy. The information in Appendix 2 is time limited to the position at April 2005 and the RSS housing requirement is likely to be amended by 2008. Furthermore, Government advice is that local plans should be slimmed down and simplified. One way of achieving this is by placing supporting information in appendices to the Plan. I do not support the suggestion made by Warwick Town Council that Table 2 of Replacement Appendix 2 should be amended by reducing the urban brownfield windfalls estimate during the period 2005-11 to 10% of the trend. That is the purpose and function of the SPD. Nor do I favour the related amendment to the reasoned justification at Paragraph 5.41B. There is, however, a need to update that text to reflect the latest housing monitoring information.

**5.12.27 Issue 7:** I agree with the District Council that meeting the housing requirement and managing the supply of housing are intimately connected. Adding a greater number of policies to the Plan would not further the Government's aim of simplifying the planning system.

**5.12.28 Issue 8:** Where schemes already have the benefit of planning permission it is not possible to manage those ‘planned and programmed’ developments. I note that in the case of the 3 allocated sites of South West Warwick, South Sydenham and Whitnash Allotments, only the later phases of South West Warwick have not yet received consent. Even there an outline proposal has been agreed by the District Council, awaiting completion of a planning obligation.

**5.12.29** The 20% oversupply figure specified in Paragraph 5.41B, above which SPD will be issued to regulate the supply of housing, is intended to be a guide only. It needs to be treated with some caution. I note that GOWM considers the figure to be too high. Given the complexity of some permissions not proceeding to completions, I accept that it should include an element of flexibility and only be employed as a rule of thumb. With this in mind it would not be appropriate, in my opinion, to include the figure in the Policy itself. It is better relegated to the supporting text. I note that a ‘significant’ oversupply of housing is qualified with the words ‘likely to be in the region of’ 20%. I consider that to be appropriate.

**5.12.30** I do not believe Policy SC8a should reflect the provisions of the SPD. There is a separate role for each. While Policy SC8a establishes the context for managing the supply of housing in the District throughout the Plan period, the SPD sets out the criteria for managing housing supply only while there is an oversupply of housing in excess of 20% or thereabouts. Annual monitoring of housing supply and/or a review of regional housing requirements will determine whether the SPD should continue to operate. This may or may not be for the duration of the Plan. Future monitoring of the housing supply position needs to receive high priority/publicity. But in my opinion annual monitoring reports are sufficient, rather than the 6 month frequency suggested by the Warwick Society. In this regard, I see no need to amend the text of Paragraph 5.41B.

**5.12.31 Issue 9:** PPG3 indicates that local planning authorities should keep under regular review the housing requirement and the way in which it is to be met. Policy SC8a allows for a flexible approach whereby the housing requirement and the housing supply situation can be monitored. Where adjustments are needed to the supply position, SPD can be issued. As the District Council points out, inclusion of a set of criteria in the Policy to regulate windfall development would be inflexible. It would not allow, for instance, for a situation where a new housing requirement arising from a review of RSS would result in a different housing supply situation.

### **Recommendations**

**5.12.32 (a) That the Revised Deposit Plan be modified as follows:**

- (i) substitute Replacement Appendix 2 set out in Core Document 28.**
- (ii) amend the text of Paragraph 5.41B of the reasoned justification to reflect the latest housing monitoring information.**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

### 5.13 Paragraphs 5.42 - 5.58 Policy SC9 Affordable Housing

#### Objections to First Deposit Version

2/AC	British Telecommunications plc
4/AA	Arlington Planning Services LLP
39/AB	NHS West Midlands Division
66/AN	The Warwick Society
72/AA	Saville Estates
109/AC	Warwickshire County Council (Planning, Transport & Economic Strategy)
109/AT	Warwickshire County Council (Planning, Transport & Economic Strategy)
109/AU	Warwickshire County Council (Planning, Transport & Economic Strategy)
110/AE	Government Office for the West Midlands
117/AJ	Langstone Homes Ltd
118/AC	Mr and Mrs G Bull
119/AD	Bloor Homes Ltd
120/AH	Miller Homes (West Midlands)
123/AC	Robin Hedger
137/AA	Greyvayne Properties Ltd
138/AB	Laing Homes Midlands
140/AA	Court Developments Ltd
141/AB	Parkridge Homes Ltd
142/AH	A C Lloyd Ltd
143/AB	Scottish Widows Investment Partnership
144/AA	Project Solutions
148/AR	Campaign to Protect Rural England (Warwickshire Branch)
155/AA	Punch Taverns
158/AA	Tyler-Parkes Partnership
170/AD	Mr Martin Wood
190/AA	Countrywide Homes Ltd
200/AQ	Taylor Woodrow Strategic Developments
201/AM	Home Builders' Federation
208/AE	Pettifer Estates Ltd
213/AP	Warwickshire Rural Community Council
217/AA	McCarthy and Stone (Developments) Ltd
220/AN	Cala Homes (Midlands) Ltd
221/AR	Kenilworth Society
228/AR	West Midlands RSL Planning Consortium
229/AD	Gallagher Estates Ltd
239/AH	Mr D Austin
240/AF	George Wimpey Strategic Land
256/AB	T & N Ltd
258/AD	Sainsburys Supermarkets Ltd
266/AC	Warwick Town Council
288/AE	Warwickshire Police Authority
291/AE	George Wimpey UK Ltd

#### Objections to Revised Deposit Version

52/RAB	Barford, Sherbourne & Wasperton Joint Parish Council
66/RAW	The Warwick Society
118/RAC	Mr and Mrs G Bull
119/RAE	Bloor Homes Ltd
148/RAL	Campaign to Protect Rural England (Warwickshire Branch)
167/RAC	Mrs E Brown
191/RAR	Robin A Richmond
195/RAS	The Leamington Society
214/RAE	Mrs J Biles
223/RAD	Kenilworth Town Council
228/RAF	West Midlands RSL Planning Consortium
239/RAH	Mr D Austin
283/RAN	The Ancient Monuments Society
322/RAE	J G Land and Estates
344/RAC	Greywell Property Ltd
345/RAA	Church Commissioners for England
349/RAR	Mr. D. G. Goodyear

### **Key Issues**

- 5.13.1** (1) Whether Policy SC9 is unduly prescriptive in requiring affordable housing to be provided on qualifying sites.
- (2) Whether the definition of affordable housing is the most appropriate, up-to-date definition.
- (3) Whether the Policy relies upon an outdated needs assessment.
- (4) Whether the Plan's site size thresholds are appropriate.
- (5) Whether the minimum 40% requirement for affordable housing is appropriate.
- (6) Whether the provisions of the Policy in respect of tenure accord with Government policy.
- (7) Whether the Plan fails to properly explore alternative sources of affordable housing.
- (8) Whether the Policy adequately addresses off-site provision and commuted sums.
- (9) Whether there should be different affordable housing provisions for urban and rural areas.
- (10) Whether it is reasonable to require affordability 'in perpetuity' in all cases.
- (11) Whether the Plan should define, and provide for, key worker housing.
- (12) Whether design standards for social housing should be included in the Plan.
- (13) Whether joint commissioning arrangements are appropriate.

- (14) Whether there is commitment to the preparation of SPD on affordable housing.
- (15) Whether the Policy should encourage affordable houses with small gardens suitable for families and outside refuse areas.
- (16) Whether Policy SC9 and its reasoned justification are otherwise appropriately worded.

### **Inspector's Appraisal and Conclusions**

**5.13.2 Issue 1:** Circular 6/98<sup>14</sup> states that where there is evidence of need for affordable housing, local plans should include a policy for seeking an element of such housing on suitable sites. The Home Builders' Federation and a number of other objectors argue that to require affordable housing on qualifying sites is contrary to that advice.

**5.13.3** Policy SC9 is expressed in a negative rather than a positive manner. It first indicates that residential development will not be permitted on certain sites unless provision is made for affordable housing to meet local needs. The Policy then goes on to say that the form of that provision, its location on the site and the means of delivery will be subject to negotiation at the time of a planning application. It continues by laying down a number of principles to ensure that satisfactory arrangements are made to secure affordable housing. While the wording of the Policy does not exactly follow that used in the Circular, I am content that the end result is not dissimilar. A necessary element of flexibility is introduced into Policy SC9, reflecting the spirit of Government guidance.

**5.13.4** The last sentence of Paragraph 5.55 (Working with affordable housing providers) indicates that Section 106 agreements will usually be 'required'. This should, in my view, read 'sought' in order to comply with Government advice on planning obligations.

**5.13.5 Issue 2:** Paragraph 5.52 of the Revised Deposit Plan defines affordable housing as "both low cost market and subsidised housing (irrespective of tenure, ownership or financial arrangements) that will be available to people who cannot afford to rent or buy houses generally available on the open market." This reflects the definition in Circular 6/98. The definition in the Warwickshire Structure Plan is that agreed by the regional authorities in 1999. The Structure Plan EiP accepted that this was in accord with Circular 6/98. RPG11 (now RSS), adopted in June 2004, does not specifically define affordable housing other than in the glossary. This is expressed in similar terms to Circular 6/98.

**5.13.6** When PPS3 is published in its final form it will supersede Circular 6/98. The definition of affordable housing in draft PPS3 has been amended from that in the Circular. It reads as follows:

"Non-market housing, provided to those whose needs are not met by the market for example homeless persons and key workers. It can include social rented housing and intermediate housing. Affordable housing should:

- meet the needs of eligible households, including availability at low enough cost for them to afford, determined with regard to local incomes and local house prices; and
- include provision for the home to remain at an affordable price for future eligible households, or if a home ceases to be affordable, any subsidy should generally be recycled for additional affordable housing provision."

<sup>14</sup> CD1132 'Planning and Affordable Housing'

Intermediate housing is defined as:

“ Housing at prices or rents above those of social-rent but below market prices or rents. This can include shared equity products (for example HomeBuy) and intermediate rent (ie rents above social-rented level but below market rents). Intermediate housing differs from low cost market housing (which Government does not consider to be affordable housing - see definition of affordable housing above).”

**5.13.7** I agree with the District Council that although PPS3 has not yet been published in its final form (at the time of writing), this new definition of affordable housing would improve the Plan. It represents latest Government thinking on the topic. Its substitution for the definition in the Revised Deposit Plan would provide greater support for the contents of Policy SC9. Similarly, I consider that the Glossary should be amended to include these definitions of affordable housing and intermediate housing. Such alterations to the Plan would also meet the objection that the definition of affordable housing set out in the Revised Deposit Plan does not reflect the need for affordability in perpetuity.

**5.13.8 Issue 3:** I note that since publication of the Revised Deposit Plan a Joint Housing Assessment has been carried out for Warwick and Stratford on Avon District Councils. This document entitled ‘Housing Assessment for South Warwickshire 2006’<sup>15</sup> was published in draft form in March 2006. Its main findings in respect of Warwick District are set out in the Council’s response statement. They are worth repeating:

- The entry-level price of a dwelling in the District was £179,856;
- The gross annual income required to be able to afford to purchase an entry-level house would be £62,019 for a two (or more) earner household and £51,387 for a single earner household;
- The price of an entry-level house would be outside the affordability range of 90% of two (or more) earner households and 95% of single earner households;
- A total of 821 additional affordable dwellings would need to be provided each year in order to meet housing need over the next 5 years;
- Up to 20% of new affordable homes could be provided as shared ownership dwellings;
- The priorities for new affordable dwellings in terms of size and type are two- and three-bedroom houses and two-bed flats;
- The distribution of need across the District is proportionate to population.

I am satisfied that this very recent housing assessment provides a sound evidence base underpinning Policy SC9.

**5.13.9** Criticism was made of the First Deposit Plan that the assessments of need were unclear and unjustified and there was a lack of relationship between targets and need. In response to that objection I note that Paragraph 5.46 was amended and augmented in the Revised Deposit Plan. In my opinion, those alterations to the reasoned justification address those shortcomings.

**5.13.10** The draft Housing Assessment examined housing need in 5 areas - Warwick, Leamington Spa, Kenilworth, Whitnash and the rural area. The sample surveys undertaken did not cover areas as small as parishes. The District Council recognises the need for housing assessments at parish or village level undertaken with the support of the

---

<sup>15</sup> CD307

communities themselves. I consider this to be appropriate. To this end, parish councils have been contacted inviting them to join with the District Council and the Warwickshire Rural Housing Association to carry out parish or village housing assessments. I note that the role of parish plans and surveys is referred to in Paragraph 8.7 of the Rural Area Policies chapter of the Plan.

**5.13.11** Objectors point out that the onus should be on the local authority to prove need for affordable housing in the immediate locality. The District Council accepts this. I am content that the 2006 draft Housing Assessment has been carried out in accordance with the latest Government guidance. It provides evidence of need within the towns and rural area generally. More localised need will be demonstrated through parish or village assessments. While the latter should be carried out with direct community involvement, the Plan would not rule out some contribution to the process from private developers.

**5.13.12 Issue 4:** A number of objectors maintain that the site size thresholds are too low, that the levels are insufficiently justified, and that they are contrary to Government guidance in Circular 6/98. Generally, objectors support increased levels of 15 dwellings in the urban area and 10 in the rural area. The threshold in the rural area in particular is considered to be commercially unrealistic and likely to deter any form of development. Objectors believe that Policy SC9 is too prescriptive and should take greater account of site size, suitability and the economics of provision, and the need to achieve a successful housing development.

**5.13.13** Paragraph 9 of Circular 6/98 sets a threshold for affordable housing provision of 25 dwellings or more or, in settlements with a population of less than 3,000, 15 dwellings or more. It indicates that while planning authorities may seek to justify thresholds below the recommended level of 25 dwellings, it would not be appropriate for this threshold to be lower than 15 dwellings. Lower thresholds may, however, be appropriate in settlements of less than 3,000 if this can be justified. Draft PPS3 sets a lower indicative national minimum threshold of 15 dwellings but again it goes on to say that local authorities may set a different threshold where this can be justified. When the final version of PPS3 is approved, the advice in Circular 6/98 will be formally superseded.

**5.13.14** The Plan sets a threshold of 10 dwellings in the urban area (or 0.25ha) and 3 dwellings in the rural area. While quite low, these figures are justified, I believe, by the acute shortage of affordable housing in the District confirmed by the 2006 draft Housing Assessment; by sites below the 'normal' Circular threshold making a useful contribution to the overall housing supply; and by emerging national guidance promoting a more flexible approach, recognising the contribution from small sites, and not referring to the need to demonstrate exceptional local circumstances. As regards the rural threshold in particular, this reflects housing need and the size of sites coming forward for development under the policies that apply to the rural area. These are generally for single or small groups of dwellings.

**5.13.15** RSS recognises that in rural areas generally across the region, reliance on relatively small windfall sites makes it difficult to secure affordable housing. Sub-section E of RSS Policy CF5 indicates that local planning authorities should consider whether there is a need for affordable housing to be sought on sites below the threshold set out in national guidance in areas where low income households have particular difficulty in affording local general market house prices. That is precisely the situation that applies in Warwick District. I do not consider the thresholds set out in the Revised Deposit Plan to be unnecessarily prescriptive. Government policy advocates the use of site size thresholds

and developers need to know with some degree of certainty whether the planning authority will be seeking affordable housing on any particular site. I am told by the District Council that Inspectors at Local Plan inquiries have recently supported thresholds of 10 dwellings at Oxford and 6 dwellings at Rugby.

**5.13.16 Issue 5:** Objectors argue that the percentage requirement for affordable housing should be a matter for negotiation on a site by site basis according to site characteristics and local need. I consider, though, that it is desirable for Policy SC9 to give developers baseline information as to the level of affordable housing that will normally be sought so that this can be factored in at site acquisition stage. The District Council accepts that there will sometimes be situations where unforeseen site development costs lead to additional constraints rendering a site commercially non-viable. In those exceptional circumstances the District Council indicates that it would be willing to negotiate for a reduced level of provision.

**5.13.17** The figure of 40% minimum specified in Policy SC9 reflects the high level of affordable housing need in the District, as evidenced by the 2006 draft Housing Assessment. I see no conflict with Government guidance in this regard. Circular 6/98 simply indicates at Paragraph 10 that care is needed in determining the proportion of affordable housing in the overall numbers on the site, while PPG3 states in Paragraph 16 that decisions about the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability.

**5.13.18** Evidence of the recent take-up of sites on previously developed land demonstrates that the requirement for a minimum of 40% affordable housing has not generally affected the viability of sites in the District or stifled housing development. There continues to be a buoyant housing market and even constrained sites are coming forward. The District Council cites the example of the former Potterton site on Emscote Road where clearance of large scale industrial buildings and a new road bridge over the River Avon were necessary. I note that a figure of 40% has been endorsed in recent Local Plan inquiries at Solihull, North Warwickshire and Rugby. I consider that the figures of 20% or 30% suggested by some objectors are too low and inappropriate in the context of Warwick District.

**5.13.19** Other objectors advocate a higher percentage. However, it seems to me that a figure of 50% minimum or more could be counter-productive. Rather than delivering more affordable housing it could potentially result in less as the commercial viability of any scheme becomes more marginal. No convincing evidence, other than the general level of affordable housing need in the District, has been submitted which would convince me otherwise. I note that at Revised Deposit stage the District Council simplified Policy SC9 in response to objections that it was too complicated. A single percentage of 40% minimum applicable to all sites was substituted for the two different percentages that applied to sites of different size. I endorse that amendment.

**5.13.20 Issue 6:** I do not believe that the Policy is biased in favour of social-rented tenure to the exclusion of other forms of affordable housing. Where the price of low cost housing is discounted and it can be shown to achieve weekly outgoings which are affordable to those in housing need, then the District Council has indicated that such housing will be accepted as affordable housing. I see no conflict with the PPG3 objective of achieving mixed communities with a balance of housing tenures and social mix.

- 5.13.21** As regards shared equity schemes, fixed equity leasehold schemes allow a form of shared equity where ‘staircasing’ is limited to a fixed percentage ensuring that the dwelling is retained as affordable in perpetuity. The District Council recognises the difficulties that exist because of market resistance from lenders to restricting the extent to which leaseholders can staircase out, but it says that it is working with partner registered social landlords to address this issue. The Policy was, I note, amended at Revised Deposit stage so that the requirement for such housing to be available in perpetuity is subject to the proviso ‘where practicable’.
- 5.13.22** I agree with the District Council that weekly outgoings that are only just below the maximum affordable to households in housing need will only meet the needs of a very small proportion of such households. The words ‘significantly below’ used in principle IV a) are, I feel, necessary and appropriate.
- 5.13.23 Issue 7:** The District Council maintains that it is continually exploring alternative ways to increase the supply of affordable housing. It cites the examples of the Empty Properties Fund which is currently being directed towards regeneration schemes in Old Town, Leamington Spa, and a Care and Repair Scheme which is utilised to bring older properties up to standard. Furthermore, a number of ‘Living Over The Shop’ schemes have been completed and a Single Regeneration Budget project in Old Town aims to bring back into use 20 dwellings over the next 3 years. I note that at Revised Deposit stage a further sentence was added to Paragraph 5.48 giving examples of alternative sources of affordable housing.
- 5.13.24** The suggestion has been made that smaller properties should be prevented from being extended. I concur with the District Council that this would not be appropriate. For some households this is the most affordable option to increasing the size of their home as family circumstances change. In rural areas, Policy RAP3 allows extensions providing they do not constitute disproportionate additions to the original dwelling. While primarily directed to preserving local identity, I can see that it also prevents the loss of many small and medium-sized dwellings.
- 5.13.25** The Council says that in Warwick District where there is high demand for affordable housing and high land values, it is not possible to identify sites that would be suitable and available to allocate for rural exception housing. It does, though, work with Parish Councils, the Warwickshire Rural Housing Enabler and the Warwickshire Rural Housing Association to bring forward sites wherever possible.
- 5.13.26 Issue 8:** I concur that off-site provision of affordable housing is unlikely to be practicable in either urban or rural situations because alternative sites are generally not available. In recognition of this, the Policy indicates that this option will only be considered in exceptional circumstances.
- 5.13.27** As regards commuted sums, the cost falling on the developer will be no different whether affordable housing is provided on site or a financial contribution made in lieu of that provision. It would not therefore push up the cost of market housing, as argued by one objector.
- 5.13.28** Where there is no demonstrable local need, then affordable housing or a commuted sum would not be sought. The District Council accepts that commuted sums would not necessarily be appropriate where a site is incapable of delivering affordable housing. Even where a commuted sum is considered appropriate, it would be necessary for both

the District Council and the developer to jointly agree this. I note that an addition was made to Paragraph 5.57 at Revised Deposit stage to confirm this.

**5.13.29 Issue 9:** Structure Plan Policy GD.3 steers most new housing development to towns with a population in excess of 8,000. Rural areas should only accommodate housing to meet local needs that are proportionate to population. This local needs housing to 2011 has already been exceeded in the District so that all new housing development is directed towards the urban areas, with the exception of affordable housing, rural workers' housing and housing to meet identified local needs in the Limited Growth Villages. Circular 6/98 allows for lower site size thresholds in rural areas to allow for the fact that most new developments will be on a small scale to meet local needs only. PPG3 also allows for 'exception housing' in rural areas where local planning authorities may grant planning permission for housing development on land within or adjoining existing villages which would not normally be released for housing in order to meet local needs in perpetuity. Policy RAP5 provides for this. Given the dissimilar planning policy approaches between the urban and rural areas, I am satisfied that it is necessary to reflect these differences in Policy SC9.

**5.13.30 Issue 10:** Paragraph 16 of Circular 6/98 states that both planning conditions and obligations may legitimately be used, where justified, to ensure that housing is occupied in perpetuity by those in genuine need of affordable housing. However, the District Council recognises that in most cases S106 agreements will need to include a clause exempting mortgagers in repossession in order to satisfy lenders. To accommodate this the words 'where practicable' were added to Policy SC9 principle IV b) in the Revised Deposit Plan. I support that pragmatism.

**5.13.31** Social rented housing provided by a registered social landlord (housing association), is normally available in perpetuity subject to Right to Buy provisions. I agree with the District Council that it would not be appropriate to apply criterion IV b) to such cases. Paragraph 16 of Circular 6/98 indicates that "local planning authorities should not normally impose additional occupancy controls where a registered social landlord is to be responsible for the management of the affordable housing." In other circumstances I accept the importance of ensuring that affordable housing remains genuinely available to those in housing need for the foreseeable future, well beyond the timescale of the first occupier.

**5.13.32 Issue 11:** The need for key worker housing has been examined in the 2006 draft Housing Assessment. When that report has been finalised the District Council says that it will consider its findings in the context of the Housing Strategy and the Local Plan. A supplementary planning document on affordable housing is programmed for preparation in the near future. It is included in the Local Development Scheme 2006 and is due for completion in mid-2007. In my view, it would be appropriate to consider the definition of key worker housing, and what provision should be made in the District, in the context of that SPD.

**5.13.33 Issue 12:** I consider it unnecessary to include the District Council's design standards for social housing in an appendix to the Plan. The standards are, I am told, those adopted by the Housing Corporation and are liable to change over time. Likewise, I believe that guidance on integrating affordable homes into private development schemes is too detailed a matter for inclusion in this Local Plan. I concur with the District Council that it would be better taken on board in the affordable housing SPD or in the residential design SPD, both of which are included in the Local Development Scheme 2006.

**5.13.34** Although houses for families are currently a priority in terms of affordable housing, needs and priorities do change over time. I consider that priorities are more appropriately set out in SPD.

**5.13.35 Issue 13:** The basis of the joint commissioning approach to selecting RSL partners on new development schemes is set out in Paragraph 5.55 of the Plan. I consider that no further explanation or detail is necessary. In my opinion, such arrangements are not in conflict with Circular 6/98 advice. While developers are free to choose to work with another RSL if they wish, the District Council encourages developers to work with the partnership as this ensures that resources are best targeted to meet the identified housing needs. Such partnership arrangements between local authorities and housing providers are supported by the National Audit Office and Audit Commission. In their December 2005 report on delivering more affordable housing in areas of high demand, the advantages of the preferred partner approach were identified. They included “better tracking of performance, improved housing management and more local commitment, as well as reduced risk and speedier negotiations for new contracts and new developments.”

**5.13.36 Issue 14:** SPD on Affordable Housing is included in the District Council’s Local Development Scheme 2006 and is due for completion in mid-2007.

**5.13.37 Issue 15:** The District Council says it will negotiate on a site by site basis to deliver the type of housing that is appropriate to a particular site and which meets the specific affordable housing need. In these circumstances, I consider it unnecessary and inappropriate to add to principle II of Policy SC9 the words “...in particular, such development must take into account demand for family houses with gardens and outside refuse areas.” - as suggested by the Leamington Society.

**5.13.38 Issue 16:** A number of miscellaneous criticisms have been made of the Policy and its supporting text. As previously indicated, the term ‘where practicable’ was inserted into sub-section IV b) of the Policy at Revised Deposit stage in recognition of the fact that it is not always possible to require occupation in perpetuity to form part of a planning condition or agreement.

**5.13.39** As regards the links between Policy SC9 and Policy RAP2 (Directing New Housing in Rural Areas), I concur with the District Council that those connections are no stronger than with many other policies, including the Plan’s development policies. I note, however, that there is already a reference to Policy SC9 in Paragraph 8.13 of the reasoned justification to Policy RAP2.

**5.13.40** An objector argues that in Paragraph 5.46 it should be stated that the District Council will seek affordable housing on allocations of land for new dwellings, in addition to existing allocated sites and windfall sites. I consider that such an amendment is not necessary for 2 reasons. Firstly, there are no new housing allocations in the Revised Deposit Plan; and secondly, Policy SC9 self-evidently relates to all sites over the thresholds.

**5.13.41** I do not agree that Paragraph 5.57, amended in the Revised Deposit Plan to indicate that it will be for the Council and the developer jointly to agree where a commuted payment is appropriate, should be deleted. Paragraph 22 of Circular 6/98 indicates that financial contributions should only be considered where both the local planning authority and the

developer consider that such an arrangement is preferable to the provision of affordable housing on site.

**5.13.42** Drawing together my conclusions on all of the issues in relation to Policy SC9, I consider that the Plan's supporting text at Paragraphs 5.45, 5.46 and 5.52, together with the definition of affordable housing in the Glossary, should be amended in accordance with the suggestions put forward by the District Council in its response statement. A new definition of intermediate housing should also be added to the Glossary.

### **Recommendations**

**5.13.43 (a)** That the Revised Deposit Plan be modified as follows:

(i) amend Paragraph 5.45 to read:

**“Warwick District Council carried out a Housing Needs Assessment in 1998 and this identified need within the District up to 2006. In 2001 this was updated to take account of guidance in PPG3: Housing and to roll forward the figure for housing need to 2011. This study has quantified a need for 7,072 affordable houses between 1998 and 2011 if all housing needs are to be met. The Housing Assessment for South Warwickshire, carried out in 2006, estimated a need for an additional 821 affordable dwellings a year over the five years 2006-2011. Between 1996 and 2005, a total of 800 affordable dwellings were built in the District.”**

(ii) amend Paragraph 5.46 to read:

**“Clearly, in the context of the overall housing situation (set out in the Core Strategy (Objective 1D) and Appendix Two) the unmet housing needs, as identified in the 2006 Housing Assessment, are impossible to meet. Consequently, the Council must look at all available means to increase the amount of affordable housing which comes forward as part of any further new developments. The evidence of unmet housing need in the District is sufficient to justify an approach which seeks to maximise the amount of affordable housing which is sought on new sites coming forward as allocations from the previous Local Plan or as windfall sites. In applying this approach, the Council will aim to meet a target of at least 100 new affordable homes a year. This target is a realistic assessment of the potential to deliver affordable housing through planning policies taking into account the likely supply of committed and future windfall sites.”**

(iii) amend Paragraph 5.52 to read:

**“Affordable housing is defined by Government as ‘non-market housing, provided to those whose needs are not met by the market for example homeless persons and key workers. It can include social-rented housing and intermediate housing. Affordable housing should:**

- meet the needs of eligible households, including availability at low enough cost for them to afford, determined with regard to local incomes and local house prices; and**

- include provision for the home to remain at an affordable price for future eligible households, or if a home ceases to be affordable, any subsidy should generally be recycled for additional affordable housing provision.’

This housing must also, by definition, be affordable to those in housing need. Following evidence provided by the Housing Assessment for South Warwickshire in 2006 the Council will require that to be affordable, housing for rent must be no more than Housing Corporation benchmark rents and be within the limits of those receiving housing benefit. The role for many forms of intermediate housing will be limited as it may be too expensive for many of those in housing need in the District. Where these intermediate tenures are allowed, the mortgage cost of this must be no more than 3.5 times the average household income of newly forming households in the District.”

- (iv) amend the Glossary by substituting a revised definition of affordable housing and inserting a new definition of intermediate housing, to read:

“Affordable Housing – non-market housing, provided to those whose needs are not met by the market for example homeless persons and key workers. It can include social-rented housing and intermediate housing. Affordable housing should:

- meet the needs of eligible households, including availability at low enough cost for them to afford, determined with regard to local incomes and local house prices; and
- include provision for the home to remain at an affordable price for future eligible households, or if a home ceases to be affordable, any subsidy should generally be recycled for additional affordable housing provision.”

“Intermediate Housing – housing at prices or rents above those of social-rent but below market prices or rents. This can include shared equity products (for example HomeBuy) and intermediate rent (ie rents above social-rented level but below market rents). Intermediate housing differs from low cost market housing (which Government does not consider to be affordable housing – see definition of affordable housing above).”

- (v) amend the last sentence of Paragraph 5.55 to read:

“Section 106 agreements will usually be sought in order to ensure certainty over the timing of the development and transfer arrangements for land.”

- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

\*\*\*\*\*

## **5.14 Paragraphs 5.59 - 5.64B Policy SC10 Sustainable Transport Improvements**

### Objections to First Deposit Version

117/AK	Langstone Homes Ltd
120/AJ	Miller Homes (West Midlands)
159/AA	Rail Property Ltd and Network Rail Infrastructure Ltd
187/AL	The Countryside Agency (West Midlands Region)
200/AG	Taylor Woodrow Strategic Developments
220/AJ	Cala Homes (Midlands) Ltd
228/AS	West Midlands RSL Planning Consortium

### Objections to Revised Deposit Version

119/RAF	Bloor Homes Ltd
199/RAG	James Mackay
214/RAF	Mrs J Biles
228/RAG	West Midlands RSL Planning Consortium
239/RAG	Mr D Austin
321/RAK	West Midlands International Airport Ltd
322/RAF	J G Land and Estates
350/RAW	Tesco Stores Ltd

### **Key Issues**

- 5.14.1** (1) Whether Policy SC10 should confirm that contributions towards sustainable transport improvements will be pursued only where they accord with Government guidance.
- (2) Whether planning obligations should be ‘sought’ rather than ‘required’.
- (3) Whether the phrase ‘material increase in traffic’ is imprecise and should be defined.
- (4) Whether the criteria used to assess the appropriateness of contributions are made sufficiently clear.
- (5) Whether the supporting text should refer to a wider range of sustainable rural transport initiatives.
- (6) Whether Policy SC10 should be relocated in the Plan to relate better to Policy DP6 (Access).
- (7) Whether RSLs should be exempt from having to make developer contributions.

### **Inspector's Appraisal and Conclusions**

- 5.14.2 Issue 1:** The District Council acknowledges that any developer contributions sought should be in accordance with national advice set out in Circular 5/05 (Planning

Obligations)<sup>16</sup>. Amongst other matters, they should be reasonable in scale and kind, and directly related to the development in question. Paragraphs 5.39-5.41 introduce the section of the Plan entitled 'Building Communities'. They explain that the same principles apply to all of the planning obligation policies (SC9-SC13). I note that additional wording was included in Paragraph 5.39 of the Revised Deposit Plan to indicate that: 'All planning obligations sought under the policies in this chapter should comply with the criteria in the following paragraph'. Paragraph 5.40 then proceeds to summarise Government guidance. In the interests of simplicity and avoiding duplication, I see no need to replicate that information in the text supporting Policy SC10. Neither do I consider it necessary to amend the Policy to confirm that planning obligations will be sought only 'where appropriate' (ie where they satisfy Government guidance). The trigger of a material increase in traffic on the road network makes this implicit.

**5.14.3** Paragraphs 5.40 and 5.64 refer to Circular 1/97. However, this document has now been superseded by Circular 5/05. The text of the Plan needs to be updated to reflect this more recent Government guidance.

**5.14.4 Issue 2:** The earlier version of Policy SC10 was amended in the Revised Deposit Plan to indicate that contributions towards sustainable transport improvements will be 'sought' rather than 'required'. I consider such alteration to be appropriate in the light of Government advice on planning obligations set out in Circular 5/05. This Circular continues to make it clear in Paragraph B5 that planning obligations may only be 'sought'. They are effectively private agreements. It follows that I do not support the counter-objection that the word 'required' should be reinstated. In my view, the Policy has not been weakened nor does it cease to reflect the 'polluter pays' principle. Policies SC11 and SC12 have, I note, also been amended in the Revised Deposit Plan in a similar fashion.

**5.14.5 Issue 3:** I agree with the District Council that it would be difficult, if not impossible, to define what is meant by a 'material increase' in traffic on the road network. What is considered to be significant will vary from situation to situation. It will depend upon such matters as the location of the development, the existing highway network and current traffic conditions. As the Council indicates, it is for the developer, the planning authority and the highway authority using whatever means are available, including traffic modelling, to make a case as to whether, in their opinion, there is a material impact.

**5.14.6 Issue 4:** I accept that the Warwickshire Local Transport Plan 2006 is the correct place for setting out the criteria that will be employed for assessing the appropriateness of any transportation contributions.

**5.14.7 Issue 5:** In response to this objection the District Council has added a further sentence to Paragraph 5.63 of the Revised Deposit Plan. This confirms that developments in rural areas may be asked to contribute towards a range of sustainable transport improvements such as community-based travel initiatives. I support that alteration.

**5.14.8 Issue 6:** Policy SC10 does relate to Policy DP6 but it also has a functional relationship with the other planning obligation policies (SC9-SC13). Given that the User

---

<sup>16</sup> CD1143

Guide directs the reader to all relevant policies, I am satisfied that the necessary linkages will be made without the need to re-order the Plan.

**5.14.9 Issue 7:** No form of development should, in principle, be exempt from making developer contributions. The District Council gives the example of a large development of affordable housing. This could have a similar impact in terms of traffic generation as a market housing scheme of equivalent size. I consider that it would be quite wrong to require one scheme to contribute to sustainable transport improvements but not the other - simply on the grounds that RSL funds are earmarked for housing purposes.

### **Recommendations**

**5.14.10(a) That the Revised Deposit Plan be modified as follows:**

(i) **amend the second sentence of Paragraph 5.40 to read:**

**“The framework for this is set out in ODPM Circular 5/05 and elaborated on in other guidance such as Circular 6/98 (regarding affordable housing).”**

(ii) **amend the second sentence of Paragraph 5.64 to read:**

**“Contributions will be secured through a Grampian condition or planning obligation in accordance with Circular 5/05 or any subsequent revision.”**

**(any other references in the Plan to Circular 1/97 should be amended in a similar way)**

(b) **That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.15 Paragraphs 5.65 - 5.70 Policy SC11 Open Space and Recreation Improvements**

### **Objections to First Deposit Version**

37/AO	Sport England
69/AE	Linda Forbes
109/AJ	Warwickshire County Council (Planning, Transport & Economic Strategy)
117/AL	Langstone Homes Ltd
120/AK	Miller Homes (West Midlands)
159/AB	Rail Property Ltd and Network Rail Infrastructure Ltd
195/AF	The Leamington Society
200/AF	Taylor Woodrow Strategic Developments
201/AL	Home Builders' Federation
210/AL	English Nature
220/AK	Cala Homes (Midlands) Ltd

228/AT West Midlands RSL Planning Consortium  
294/AF British Waterways

#### Objections to Revised Deposit Version

66/RAX The Warwick Society  
119/RAG Bloor Homes Ltd  
214/RAG Mrs J Biles  
228/RAH West Midlands RSL Planning Consortium  
239/RAF Mr D Austin  
283/RAK The Ancient Monuments Society  
321/RAL West Midlands International Airport Ltd  
322/RAG J G Land and Estates  
350/RAX Tesco Stores Ltd

#### Key Issues

- 5.15.1** (1) Whether the Policy should address contributions towards waterway improvements and accessible natural greenspaces.
- (2) Whether RSLs should be exempted from having to spend funds earmarked for housing purposes on other public funded facilities and services.
- (3) Whether Policy SC11 accords with Government guidance or is unduly restrictive, particularly in regard to small sites.
- (4) Whether the Policy should make reference to the Jephson Gardens project and other environmental improvements.
- (5) Whether it is appropriate for the Policy to refer to open space contributions from commercial developments.
- (6) Whether the Policy should set a minimum standard for open space.
- (7) Whether the Policy should recognise the needs of young people.
- (8) Whether Policy SC11 should indicate that contributions ‘may’ (not ‘will’) be required.
- (9) Whether the Policy should also refer to sport, as well as open space and recreation facilities.
- (10) Whether the Policy should seek to protect all existing sports grounds and open spaces.
- (11) Whether the word ‘required’ should be reinstated in place of the word ‘sought’ in the second line of the Policy.

#### Inspector's Appraisal and Conclusions

**5.15.2 Issue 1:** Waterway environments and accessible natural greenspaces are types of open space. They both therefore fall within the ambit of this Policy. However, I consider

it is not necessary to list all of the situations where this Policy could, potentially, be invoked. Open spaces are considered in broad terms in Policy SC5. They are defined in Paragraph 5.23. The list includes river and canal corridors, nature reserves and informal recreation areas. As the District Council indicates, the open space audit and subsequent SPD on open space will be able to examine potential improvements to waterways and natural greenspaces in greater detail. The objection by British Waterways has, I note, been withdrawn. It follows that I do not support the additional text put forward by English Nature in respect of natural greenspaces.

**5.15.3 Issue 2:** A similar objection has already been considered in relation to Policy SC10. In brief, I see no reason why any particular developer/form of development should be excused from having to make developer contributions where these are appropriate. I agree with the District Council that in fairness there needs to be a 'level playing field'.

**5.15.4 Issue 3:** The Plan makes it clear through the preface introducing the planning obligation policies (SC9-SC13) that contributions will be sought only where they are in accordance with Government guidance set out in Circular 5/05. That guidance is summarised in Paragraph 5.40 of the Plan. Policy SC11 specifically refers to meeting local needs. By indicating that provision should be made 'where appropriate', the Policy acknowledges that in some circumstances contributions may not be necessary. In other cases, it serves to prevent unreasonable requirements being made of small sites for a range of open space, recreation or sports facilities. In my opinion, the revised policy wording promoted by West Midlands International Airport Ltd is superfluous and would not improve the Plan.

**5.15.5 Issue 4:** I consider it inappropriate to set out details of Council or community aspirations in regard to particular sites or schemes where these are better addressed in other corporate documents. Policy SC11 applies to the whole of the District and should not, in my view, be burdened with site specific information or other excessive detail where this is not central to the policy provision. I note that the Jephson Gardens project referred to by the Leamington Society has now been completed.

**5.15.6 Issue 5:** I can see that there might be situations where it is appropriate for commercial developments to provide open space. The District Council has given examples of such planning obligations in its Employment Core Topic Paper<sup>17</sup>. Whether this will be required in any particular case will be informed by the open space audit currently in progress and the intended subsequent SPD on open space. To my mind no further clarification is necessary.

**5.15.7 Issue 6:** It is intended that minimum standards for open space will be established through the open space audit, as required by PPG17, in accordance with the framework set by Policy SC5. I agree with the District Council that to adopt standards in advance of that audit would be contrary to national planning policy guidance. The objection by Warwickshire County Council has been conditionally withdrawn.

**5.15.8 Issue 7:** While it is reasonable for the Policy to acknowledge the needs of young people for open space, sport and recreational facilities, I accept that it would not be practicable to list the range of facilities that could be contemplated. The amendment made to Paragraph 5.65 of the Revised Deposit Plan refers to meeting the demand for

---

<sup>17</sup> CD21

facilities ‘from all sections of the community, including young people’. In my view, that reference is adequate.

**5.15.9 Issue 8:** The District Council amended Policy SC11 in the Revised Deposit Plan to indicate that contributions will be ‘sought’ rather than ‘required’, in order to reflect Government advice in Circular 5/05. As a result of this, Sport England has confirmed that its objection has been met. I endorse that alteration.

**5.15.10 Issue 9:** Again, Sport England has confirmed that the amendment made by the District Council in the Revised Deposit Plan, by addition of the word ‘sport’ in the fourth line of the Policy has satisfied its objection. I support that alteration which makes Policy SC11 more inclusive.

**5.15.11 Issue 10:** There are other Plan policies (SC5 in particular, but also DAP1 and DAP2) that seek to protect open spaces. They lay down criteria for assessing development proposals. In these circumstances, I see no need to make further reference here.

**5.15.12 Issue 11:** This matter has also been addressed in respect of Policy SC10. In short, I consider that the word ‘required’ does not meet the guidance in Circular 5/05. Planning obligations may only be ‘sought’. They are private legal agreements and those with an interest in the land cannot be forced to take part. There is therefore no place for reinstatement of any requirement in Policy SC11.

### **Recommendations**

**5.15.13 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.16 Paragraphs 5.71 - 5.72 Policy SC12 Community Facilities**

### Objections to First Deposit Version

39/AC	NHS West Midlands Division
69/AF	Linda Forbes
117/AM	Langstone Homes Ltd
120/AL	Miller Homes (West Midlands)
159/AC	Rail Property Ltd and Network Rail Infrastructure Ltd
187/AM	The Countryside Agency (West Midlands Region)
188/AA	Marks and Spencer PLC
197/AD	Norton Lindsey Parish Council
200/AE	Taylor Woodrow Strategic Developments
220/AL	Cala Homes (Midlands) Ltd
228/AU	West Midlands RSL Planning Consortium
239/AG	Mr D Austin

### Objections to Revised Deposit Version

66/RAZ	The Warwick Society
119/RAH	Bloor Homes Ltd
214/RAH	Mrs J Biles
228/RAJ	West Midlands RSL Planning Consortium
322/RAH	J G Land and Estates
341/RAD	South Warwickshire Primary Care Trust
350/RAY	Tesco Stores Ltd

### **Key Issues**

- 5.16.1** (1) Whether the Policy accords with Government guidance.
- (2) Whether RSLs should be excused from having to expend resources earmarked for housing purposes on other public funded services and facilities.
- (3) Whether the Policy should be aimed at meeting local needs.
- (4) Whether Policy SC12 should be more closely linked with Policy SC7 (Directing Community Facilities).
- (5) Whether the Policy should cover the provision of new public conveniences as part of appropriate new development.
- (6) Whether the word 'required' employed in the First Deposit Plan should be reinstated in place of the word 'sought' used in the Revised Deposit version, and the words 'where appropriate' omitted.
- (7) Whether the Policy should refer directly to ODPM Circular 5/05.
- (8) Whether health care facilities should be specifically identified as falling within the scope of Policy SC12.

### **Inspector's Appraisal and Conclusions**

**5.16.2 Issue 1:** Similar objections have been addressed earlier in my report in respect of Policy SC10 (Issue 1) and Policy SC11 (Issue 3). The same general considerations apply. I am satisfied that the preface to the suite of planning obligation policies (SC9-SC13) makes it clear that all planning obligations should comply with the criteria set out in Government guidance, summarised in Paragraph 5.40. The District Council acknowledges that any contributions sought should be reasonable in scale and kind, directly related to the development in question and supported by evidence of local need.

**5.16.3 Issue 2:** Again, this objection is similar to others made in respect of Policy SC10 (see Issue 7) and SC11 (see Issue 2), and the same considerations are applicable. In order to ensure fairness and equity, I believe that no developer/development should be exempt from the principle that the local planning authority will seek developer contributions where these are deemed appropriate and supported by evidence of local need.

**5.16.4 Issue 3:** The basis on which planning obligations should be sought is set out in Paragraph 5.40 of the Plan. This confirms that Policy SC12 and other related policies will be directed to meeting local circumstances. This is made even clearer by the sentence added to Paragraph 5.39 in the Revised Deposit Plan.

**5.16.5 Issue 4:** This objection is similar to Issue 6 raised in respect of Policy SC10. I acknowledge that there is sense in co-locating policies SC7 and SC12, but equally there is logic in grouping together the various planning obligation policies (SC9-SC13). The User Guide refers readers to all relevant Plan policies enabling links to be established. In these circumstances I see no particular benefit in re-ordering the Plan.

**5.16.6 Issue 5:** I accept that public conveniences could be sought under Policy SC12 as part of a new development. As the District Council says, the relevant tests are those set out in Paragraph 5.40. In my view, there is no need to amend the Plan to accommodate this or other specialist types of community facility.

**5.16.7 Issue 6:** Once again, this matter has also been raised in respect of Policies SC10 (Issue 2) and SC11 (Issue 8). Government guidance indicates that planning obligations should only be sought and cannot be required. This is because they are private legal agreements voluntarily entered into. With that in mind it would not be appropriate to reintroduce a policy 'requirement' for contributions towards community facilities in conjunction with new development. As regards the words 'where appropriate' added at Revised Deposit stage, these provide a degree of flexibility recognising that not all schemes will warrant contributions. I consider that in this instance they make the Policy more robust rather than weakening it as feared by the Warwick Society.

**5.16.8 Issue 7:** DoE Circular 1/97 has been superseded by ODPM Circular 5/05 which was issued after the Revised Deposit Plan was prepared. The District Council has put forward a proposed change to address the matter. I support this updating of the reasoned justification. I see no need, though, to include the words '...and in accordance with ODPM Circular 05/2005' in the Policy itself as suggested by Tesco Stores Ltd.

**5.16.9 Issue 8:** While it is impracticable to list all potential community facilities that could be the subject of Policy SC12, I consider that health care is a major sector that should be recognised as falling within the scope of this Policy. I put forward an amendment to Paragraph 5.72 which substantially addresses the concern of NHS West Midlands Division.

## **Recommendations**

**5.16.10 (a) That the Revised Deposit Plan be modified as follows:**

**(i) amend the second sentence of Paragraph 5.72 to read:**

**“The approach that the Council will take in seeking obligations will be in line with Government policy, as set out in Circular 5/05.”**

**(any other references in the Plan to Circular 1/97 should be amended in a similar way)**

**(ii) amend the first sentence of Paragraph 5.72 to read:**

**“Within the scope of this policy are contributions towards libraries, education provision, health care facilities and other local community facilities.”**

- (b) **That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*

## **5.17 Paragraphs 5.73 - 5.75 Policy SC13 Public Art**

### Objections to First Deposit Version

66/RAY	The Warwick Society
117/AB	Langstone Homes Ltd
120/AA	Miller Homes (West Midlands)
188/AB	Marks and Spencer plc
200/AO	Taylor Woodrow Strategic Developments
201/AA	Home Builders' Federation
228/AV	West Midlands RSL Planning Consortium
239/AF	Mr D Austin

### Objections to Revised Deposit Version

217/RAA	McCarthy and Stone (Developments) Ltd
228/RAK	West Midlands RSL Planning Consortium
321/RAM	West Midlands International Airport Ltd

### **Key Issues**

- 5.17.1** (1) Whether the Policy accords with Government guidance.
- (2) Whether RSLs should be exempted from having to use funds earmarked for housing purposes for other public funded facilities and services.
- (3) Whether public art is inappropriate in residential areas and should be excluded from the provisions of the Policy.
- (4) Whether the Policy should refer to the need to involve urban designers and landscape architects as well as artists.
- (5) Whether the Policy should make clear the types of development where a public art contribution may be sought.

### **Inspector's Appraisal and Conclusions**

- 5.17.2 Issue 1:** The District Council accepts that contributions of this nature should only be sought where they are reasonable in scale and kind and directly related to be proposed development. Paragraph 5.40 of the introduction to the family of planning obligation policies (SC9-SC13) summarises Government policy in this regard, identifying a number of criteria. A further sentence added to Paragraph 5.39 at Revised Deposit stage confirms that all planning obligations sought under the policies of this chapter should comply with those criteria. In these circumstances, I am satisfied that there is no conflict with national

planning advice. [see also Issue 1, Policy SC10; Issue 3, Policy SC11; and Issue 1, Policy SC12 where similar matters are raised]

**5.17.3** Paragraph 5.74 of the supporting text explains that the District Council is keen to secure contributions from developers ‘on appropriate schemes and in appropriate locations’. This makes it clear that not all developments will be expected to contribute. It goes some way towards meeting the concerns of Marks and Spencer plc, West Midlands International Airport Ltd and the Home Builders’ Federation. I see no need to include in the Policy itself the words ‘where appropriate’.

**5.17.4 Issue 2:** Again, similar objections were made in respect of Policies SC10-SC12. I concur with the District Council that to maintain a level playing field no developer/development should, as a matter of principle, be excused from making developer contributions towards public art.

**5.17.5 Issue 3:** There are examples of public art having been provided as part of residential developments where, for example, public open space has been incorporated. It would not be right, in my opinion, to exclude such development from the provisions of this Policy. The ‘sense of place’ and ‘character’ sought by the District Council should not have to rely entirely on design policies and planning conditions. Paragraphs 5.39-5.41 explain that all contributions sought should be appropriate in scale and kind. This provides a necessary safeguard. Guidance produced by CABE entitled ‘Delivering Great Places to Live’(Nov 2005) stresses the need to create character, identity, distinctiveness, and a sense of place. This does not, to my mind, suggest that public art has no role to play in the design of residential areas. I do not therefore support the objection from the Home Builders’ Federation.

**5.17.6 Issue 4:** I accept that the success of any public art may well depend upon a multi-disciplinary approach to its provision. The mix of professions involved in any design team will vary from case to case according to the characteristics of the project and its location. Landscape architects and urban designers will almost certainly have some input. The Policy derives from the Warwick District Public Arts Strategy ‘Imagine it Differently’(2001)<sup>18</sup> which aims to involve public artists at the earliest stages when opportunities arise for public art to contribute to regeneration and improvement or development projects. Public art has a wider definition than simply an item of sculpture placed in the middle of a development. Paragraph 5.57 gives the examples of a paving scheme, wrought iron railings and brick detailing. This in itself acknowledges the role of other professionals and I see no need to augment the supporting text in this regard.

**5.17.7 Issue 5:** McCarthy and Stone (Developments) Ltd maintain that the principal objective of the ‘UK Percent for Art’ movement is to provide works of art in public places, in large scale commercial projects and in schemes where the public have access rather than in private residential developments. I agree that the small scale and nature of many developments might preclude a contribution towards public art, but I see no reason in principle to exclude any particular form of development. That includes sheltered housing schemes, even where there is ‘hallmark’ quality landscape treatment. Whether a contribution is actually sought will be determined on a case by case basis. I do not find Policy SC13 to be unduly onerous. It would not be feasible, in my view, to specify within the Policy the particular types of development where a contribution towards public art will be sought.

---

<sup>18</sup> CD705

## Recommendations

### 5.17.8 That no modifications be made to the Revised Deposit Plan in respect of these objections.

\*\*\*\*\*

## 5.18 Chapter 5 – Policy omissions

### Objections to First Deposit Version

125/AB	Ian Hunter
199/BX	James Mackay
202/AA	H M Prison Service
284/AA	Mr C J Edgerton
294/AG	British Waterways

### Objections to Revised Deposit Version

202/RAA	H M Prison Service
---------	--------------------

### Key Issues

- 5.18.1** (1) Whether the Plan should include a policy protecting canals.
- (2) Whether the Plan should include a policy protecting allotments.
- (3) Whether the Plan should include a policy for the provision of a new prison.
- (4) Whether the Plan should include a policy relating to nursing/care homes.

### Inspector's Appraisal and Conclusions

**5.18.2** I acknowledge the District Council's general approach in preparing this Local Plan of seeking to keep the number of policies to a minimum, simplifying them and avoiding duplication. This accords with the Government's latest advice and best practice. Accordingly, I accept that the key questions in addressing the following issues are whether the policies of the Revised Deposit Plan are adequate and, if not, whether a bespoke policy is required.

**5.18.3 Issue 1:** There is no policy in this Plan that corresponds with Policy ENV30 of the current adopted Local Plan. However, protection is given to the canals and their towpaths as open space features, as part of the natural and historic environment, and as footpath routes. This is achieved through a range of policies. Policy DP1 is a general development policy. It indicates that development will only be permitted which contributes positively to the character and quality of the environment through good layout and design. Many of its 12 criteria are applicable to the character and setting of canals, views to and from them, and their multi-functional nature. Further protection for canals is given through Policy DP3 (Natural and Historic Environment and Landscape),

Policy SC4 (Supporting Cycle and Pedestrian Facilities), Policy SP5 (Protecting Open Spaces) and Policy DAP1 (Protecting the Green Belt). I note that the references made in Paragraph 5.18 to protection of canal towpaths and in Paragraph 5.23 to canal corridors were added at Revised Deposit stage in response to concerns that the Grand Union and Stratford on Avon Canals should be specifically addressed in the Local Plan. I believe that in light of this policy coverage there is no need to add a bespoke policy in respect of canals.

**5.18.4 Issue 2:** The adopted Local Plan contains Policy (DW) RL6. Apart from 3 sites identified for development, this Policy resists development on allotments unless alternative provision can be made in the locality. A revised approach is taken in the emerging Local Plan. Policy SC5 seeks to protect open spaces generally unless either an alternative open space can be found that is equivalent in terms of size, quality, accessibility, usefulness and attractiveness, or there is a robust assessment demonstrating a lack of need. In accordance with PPG17, Paragraph 5.23 includes allotments in the definition of open spaces of public value. I am told that there are 22 allotment sites in the District, many located on the edge of the urban area in open countryside. Such sites are protected by the Rural Area Policies of the Plan and in many cases also by Green Belt designation (Policy DAP1) or Area of Restraint designation (Policy DAP2). The District Council says that it has a good record of working corporately to protect and promote the use of allotments. It cites work done by Action 21, Warwick District's Local Agenda 21 initiative.

**5.18.5** I am satisfied that Policy SC5, augmented by other relevant Plan policies, affords sufficient protection to allotment sites without warranting a separate policy. In coming to this conclusion I note that, unlike the previous Local Plan, the emerging Plan strongly resists the use of greenfield sites for development. Since allotments do not fall within the definition of previously developed land (Annex C of PPG3), the whole thrust of the Plan serves to protect allotments from development.

**5.18.6 Issue 3:** The National Offender Management Service (formerly HM Prison Service) points to the increasing prison population and identifies the South and West Midlands, which includes Warwick District, as a priority area of search for a new prison. But it has not identified a specific site in the District nor has it provided information on the scale and nature of such a prison. The objector requests 'that the Plan should acknowledge the Prison Service's requirements and establish a clear policy framework to enable such a proposal to come forward without undue delay should a suitable site be identified'.

**5.18.7** PPG12 refers specifically to the provision of prisons through the development plan process, while Circular 3/98 sets out Government advice on planning policies for prisons. The latter establishes a number of general criteria to inform the selection of sites. It seems to me that there is no conflict between these requirements and policies contained in the Revised Deposit Plan. As the District Council points out, both the Circular and the Plan seek to avoid Green Belt, to focus development on brownfield land, and to locate development not too far from a centre of population where there is good accessibility to public transport services. In my view, the Revised Deposit Plan provides an adequate framework for considering any specific proposal for a new prison that might emerge in due course. I see no need to include a specific policy or further guidance in this Plan, bearing in mind that no formal request has yet been made by the National Offender Management Service to locate a new prison in Warwick District.

- 5.18.8 Issue 4:** The objector is concerned that with the closure of some nursing/residential care homes in the District, people are being displaced with impacts on both residents and their families. It is pointed out that there is a shortage of nursing/residential care beds in the District. A specific policy is sought to address the matter which should also ensure that fees are regulated.
- 5.18.9** The District Council points out that the situation is complex in that: (a) nursing and residential care homes are provided both by public agencies (County Council Social Services Department) and the private sector, (b) the types of care provided range from residential care through to full permanent nursing care, and (c) many existing nursing/residential care homes in the District are accommodated within older properties, some of which were once large dwellings. These are frequently situated in conservation areas, with a particular concentration in Leamington Spa. The District Council confirms that in areas of high housing demand like Warwick District there is pressure on existing nursing/residential care homes to convert to other uses.
- 5.18.10** Warwickshire County Council has been consulted. It indicates that there is a shortage of bed spaces in certain sectors - namely, residential EMI (elderly mentally infirm), and both permanent and short-stay nursing care. Nevertheless, it is the view of the County Council that protecting existing bed spaces may not be the best way of meeting needs. I am told that nursing/residential care services in the District are in the process of being reshaped by developing a new commissioning strategy for delivering services. Once that is done, the County Council believes the most appropriate way forward will be to incentivise the development required rather than by incorporating a policy that seeks to protect existing nursing/residential care homes.
- 5.18.11** The District Council is undecided about the desirability of including a policy in the Plan to protect existing nursing/residential care homes. In its view, any such policy should (a) recognise that changes in regulations may require existing nursing/residential care homes to be adapted, (b) require a suitable period for marketing if a case is made that there is no demand for the building as a nursing/residential care home, and (c) only apply where there is a shortfall in provision. My attention has been drawn to the SPD 'Managing Housing Supply'<sup>19</sup> approved by the District Council for development control purposes in September 2005. This document has the effect of significantly reducing the likelihood of planning permission being granted for change of use of a nursing/residential care home to residential use. On the other hand, Paragraph 5.22 of the SPD specifically excludes the creation of new nursing/residential care homes. I note that since this SPD was introduced the District Council has had a number of approaches from private companies interested in providing new nursing/residential care homes in the District although none, as yet, has led to a planning application.
- 5.18.12** Bearing in mind the County Council's stance on this matter, the ambivalence of the District Council, and the SPD which is likely to remain in force for most if not all of the Plan period, I see no compelling argument for introducing a new policy to protect existing nursing/residential care homes from other uses. As regards ensuring that fees charged by nursing/residential care homes are affordable, I accept that this is not a matter within the control of the local planning authority.

## **Recommendations**

---

<sup>19</sup> CD202

**5.18.13 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*