

## Warwick District Local Plan 1996 - 2011

### Topic Response Analysis – First Deposit Version

Topic	Chapter 5 Introduction
<b>Summary of matters raised in objections.</b>	
<ol style="list-style-type: none"> <li>1. Policies in the chapter are negatively worded <i>109/AL Warwickshire County Council (Planning, Transport and Economic Development)</i></li> <li>2. Paragraph 5.41 should make reference to sports and recreational facilities. <i>37/AE Sport England</i></li> </ol>	
<b>Response of Head of Planning &amp; Engineering to matters raised</b>	
<ol style="list-style-type: none"> <li>1. The Plan aims to be clear about the intention of the policies. Where policies seek to retain, protect or enhance a particular attribute the plan seeks to make it clear that where development fails to do so it will not be permitted. If the policy was more positively worded it would need to say that development will be permitted “provided that”. However, there may be many other planning considerations that need to be taken into account. It is clearer, therefore, in these instances to state that development will not be permitted where certain attributes would be harmed.</li> <li>2. Agree that paragraph 5.41 should make specific reference to sports and recreational facilities</li> </ol>	
<b>Recommended revision(s)</b>	
<ol style="list-style-type: none"> <li>1. No change</li> <li>2. Amend the second sentence of paragraph 5.41 to “... affordable housing, community facilities and open space, sport, recreation and leisure provision.”</li> </ol>	

Topic:	SC1 – Securing a Greater Choice of Housing
<b>Summary of matters raised in objections.</b>	
<ol style="list-style-type: none"> <li>1. There will be locations where it is not appropriate to provide a range of sizes and types of dwellings. Policy should be more flexible and should only be applied to developments over a certain size. (239/AK – D. Austin, 117/AF – Langstone Homes, 120/AE – Miller Homes, 201/AJ – HBF, 200/AK – Taylor Woodrow)</li> <li>2. Policy should also refer to a range of tenure and affordability (228/AO – West Midlands RSL Consortium)</li> <li>3. There is a contradiction in that the Plan seeks to avoid areas are similar characteristics whilst elsewhere trying to preserve the homogeneity of regency terraces and Victorian roads. (221/AM – Kenilworth Society)</li> <li>4. The policy should resist any further proposals involving conversion to flats. (195/AD – Leamington Society)</li> <li>5. Residential moorings can help to assist the choice of housing types (294/AC – British Waterways)</li> </ol>	

### **Response of Head of Planning & Engineering to matters raised**

1. This point is dealt with in paragraph 5.5, however it is accepted that a reference to “appropriate cases” in the text of policy SC1 would be helpful.
2. I agree that a reference in paragraph 5.4 to different tenures would also help amplify and clarify the policy.
3. The amendment proposed to the policy (see (1) above) should address this concern. It is now clear that the policy should only be applied to appropriate cases, and paragraph 5.5 outlines what these are.
4. The policy sets a framework by which the Council could take a view on all proposals, including conversions to flats, if there is strong evidence that this would not lead to an appropriate mix of dwelling types in the district to reflect the changing composition of households.
5. This is a general policy, and not one which is seeking to highlight a particular form of housing. Residential moorings offer a particular lifestyle however raise a number of planning issues. The district has no history of significant amounts of residential mooring, so it would be unusual to single this out for particular attention in this policy. Para. 5.3 makes a particular reference to encouraging a choice of housing and lifestyle and this is considered adequate for the purposes of this policy.

### **Recommended revision(s)**

1. Amend policy to state: “Residential development will not be permitted unless it makes provision for a range of sizes and types of dwelling in all appropriate cases.”
2. Amend paragraph 5.4 to refer also to affordability.
3. See 1 above.
4. No change
5. No change
6. An amendment to this policy has also been made following an objection by the West Midlands RSL Consortium to objective 4B that the policy could give further support to “lifetime homes”.

## **Topic: SC2 – Protecting Employment Land and Building.**

### **Summary of matters raised in objections.**

1. The policy is contrary to PPG3 which supports the review of non-housing allocations in Local Plans to consider whether land should be used for housing or other mixed use developments. (229/AC - Gallaghers, 220/AM - Cala Homes, 219/AF – Deeley Properties, 201/AK – House Builders Federation, 166/AA – D & H Hunter, 110/AC – Government Office for the West Midlands)
2. The policy should recognise and support the role of mixed use schemes on previous employment sites. (229/AC - Gallaghers, 219/AF – Deeley Properties, 166/AA – D & H Hunter)
3. The policy should recognise the role of non “B Class” employment uses within the policy. (295/AC – B&Q)

4. The policy is unduly negative and should support proposals on existing employment sites unless they are important as part of the overall supply of employment land. (293/AC - Oldham Transport, 289/AL – Taylor Woodrow, 225/AB - Morrisons, 190/AB – Countrywide Properties)
5. The Sydenham industrial area should be allocated for mixed residential-industrial use and B2 uses should not be approved in future. (253/AA – J. Myers)
6. The policy should allow the development of affordable housing on employment sites as an exception to the norm. (228/AP – West Midlands RSL Planning Consortium)
7. The policy should give further support to Kenilworth and should define “exceptional circumstances” in which the loss of employment land would be permitted. An alternative employment allocation in Kenilworth is requested (221AN – Kenilworth Society)
8. The policy should be amended to resist the loss of employment floor space through conversions to residential use. (195/AE – Leamington Society)
9. Criterion B should refer to the fact that existing employment uses are not viable. (148/AM - CPRE)
10. Paragraph 5.8 should refer to the fact that the site should only be redeveloped for employment purposes. (148/AM - CPRE)

#### **Response of Head of Planning & Engineering to matters raised**

1. It has been suggested that this policy does not accord with Government policy in PPG3 and in particular emerging policy in a proposed change to PPG3. Notwithstanding the lack of weight that can be placed upon the draft change to PPG3, I consider that the policy does comply with this advice. Whilst local authorities are urged to consider releasing employment sites to other uses there are a number of exceptions to this. These include sites which can realistically be taken up within the lifetime of the local plan, sites which should not be viewed as being sustainable for modern day employment use and where releasing the site for housing would undermine the planning for housing strategy set out in Regional Planning Guidance. In the case of Warwick District, the twin aims of containing the number of new houses being built within the district and encouraging the recycling of employment sites to relieve pressure on green field sites is sufficient to support the position taken by the policy. The policy allows specific caveats to allow sites which are clearly no longer suitable or viable for employment to be recycled for other uses.
2. There are policies elsewhere in the local plan to control other uses (such as retail and leisure) and these would be applied in the event that the site is no longer suitable for a “B” class employment uses. However, to explicitly exclude such uses from the restrictions in this policy would lead to sites being lost to employment use and could undermine the strategy of the local plan to recycle employment land for employment uses and therefore reduce pressure on green field sites.
3. See 2 above.

4. I would agree that there may be a case for releasing employment land for other uses (subject to other policies in this local plan) provided that this does not undermine the employment strategy of the local plan. With the move from the “net” to “gross” approaches to calculating employment land, it would be reasonable to move towards a more “plan, monitor, manage” approach to employment land. If employment land continues to be recycled for employment uses then this will meet the needs identified by the Structure Plan for new employment land, and to then resist the further loss of employment land to other uses would appear unreasonable and contrary to the Government’s aim of seeing brown field site recycled for other uses. An exception to this is housing land for the reasons set out in 1 above. In making any amendment to the policy however, it would be important that clear safeguards are put in place to prevent the loss of good quality employment land where this is needed.
5. There are no grounds within planning for restricting the use of an authorized area for a wholly legitimate purpose where all proper planning permissions have been granted. The Sydenham Estate is an established employment area and current occupiers can sell their businesses on to other users without the need for planning permission. Where existing occupiers wish to expand/vary their activities and this does require planning permission, there are planning and environmental health powers available to the Council through the usual channels to control noise and pollution. The policy already includes the provision for applicants wishing to use a site for another use to demonstrate that the employment use is no longer appropriate.
6. I agree that in the light of the importance of obtaining affordable housing in the district, then affordable housing should be allowed as an exception to this policy.
7. I agree that this policy is particularly important in Kenilworth given its relatively low levels of existing employment land in relation to its size. The Kenilworth Society makes a number of suggestions about this could be achieved, however in my view none would add to the strength of the policy. The policy specifically applies to all employment land and buildings therefore there is no need to identify particular sites; this would be definition exclude (and therefore give lower protection to) other non designated sites. There are no appropriate further allocations we can identify at the present time in Kenilworth.
8. The aim of the policy would be to resist the loss of employment floor space through conversions to residential use (except in defined areas). No further changes are therefore considered necessary.
9. I agree that it would be helpful to amend criterion B to refer to the fact that existing employment uses are not viable.
10. I agree that para 5.8 could be amended to clarify this point.

**Recommended revision(s)**

1. No change
2. No change
3. No change
4. The policy should be amended to add a further criteria to allow the release of employment sites for other non-housing uses where this would not undermine the

- limit the range and quality of land available for employment uses.
5. No change
  6. A further criteria is added to allow for affordable housing as an exception to the normal restrictions of the policy.
  7. No change
  8. No change
  9. An amendment is made to criterion B to refer to the fact that the existing employment uses are not viable.
  10. Paragraph 5.8 should be amended to refer to the fact that the site should only be redeveloped for employment purposes.

### **Topic: SC3 – Supporting Public Transport Interchanges**

#### **Summary of matters raised in objections.**

1. The policy should be clearer about whether it will support existing and proposed transport interchanges (109/AS – Warwickshire County Council)
2. The public transport interchange at Abbey End should be relocated to the Kenilworth railway station in the event of this being built (221/AO – Kenilworth Society)
3. The policy should be more pro-active in supporting the development of public transport interchanges (193/BG – Coten End and Emscote Residents Association, 199/BG - James Mackay)
4. Policy should refer to the importance of interchanges for rural populations (187/AG (Countryside Agency))
5. Reference should be made to the Warwickshire Transport Plan 2000 to the need for car drop offs and bus termini for school children (66/AL – Warwick Society)
6. Policy should support measures to improve access to public transport interchanges by all means of transport including the provision of car parking. (6/AC – Chiltern Railways)
7. All transport interchanges in Green Belt areas should be rules out by the policy (148/AN – CPRE).

#### **Response of Head of Planning & Engineering to matters raised**

1. The policy is supportive towards the development of existing and new interchanges. This is particularly borne out in paragraphs 5.12 and 5.15. It is right however that any support to interchanges should be given only where the advantages of providing/improving the interchange outweigh any adverse impacts.
2. It is accepted that the new Kenilworth station should be accessible by bus as well as by car. Whether this involves a relocation of the interchange (bus focal point) at Abbey End or the provision of an additional one at the station will need to be considered as the scheme is progressed. Given that elsewhere in the local plan there is a policy for Kenilworth station (SSP4) then it would seem appropriate to make any specific reference to bus access to the station in that policy.
3. See comments on 1 above. It is accepted that it may be helpful to emphasise the opportunity for new interchanges to improve access between different forms of transport, particularly public transport (eg: bus to rail).
4. Whilst the policy does make specific reference to rural interchanges, a general reference to the importance of interchanges for rural populations could be included.

5. The Warwickshire Transport Plan (WTP) proposes a large number of measures to improve interchanges and it is not possible or necessary to list them all here. A general reference to the role of the WTP to provide ease of access to public transport interchanges would be helpful.
6. The WTP supports measures to improve access to public transport interchanges by all means of transport including the provision of car parking and it is appropriate that the policy makes reference to this.
7. It is not appropriate to rule out all transport interchanges in Green Belt areas as this is contrary to Government policy. Instead, the policy properly makes reference to Government guidance in PPG13.

**Recommended revision(s)**

1. No change
2. No change
3. The reasoned justification should be amended to emphasise the opportunity for new interchanges to improve access between different forms of transport, particularly public transport.
4. The reasoned justification should be amended to emphasise the importance of interchanges for rural populations.
5. The reasoned justification should refer to the role of the WTP to provide ease of access to public transport interchanges.
6. A reference to provision of appropriate levels of car parking is also included.
7. No change

**Topic: SC4 - Supporting Cycle and Pedestrian Facilities.**

**Summary of matters raised in objections.**

1. Paragraph 5.22 should be reworded to indicate that cycle routes should not be allowed to impact on established green areas (CLARA ref: 296 AJ).
2. It is suggested that paragraph 5.18 should refer to pedestrian journeys made in central Leamington and acknowledge the hazards involved with these i.e. traffic volume and insufficient pedestrian crossings (CLARA ref: 296 AE).
3. The policy should consider canal tow paths as sustainable transport and recreation routes (British Waterways ref: 294 AE).
4. The policy should support a new footpath and cycle route between Radford Semele and Leamington / Sydenham (T & N Ltd ref: 256 AC).
5. Specific cycle and pedestrian routes from Bishops Tachbrook to Warwick and Leamington should be drawn on the inset map to acknowledge the intent and commitment of WCC (Bishops Tachbrook P.C ref: 135 AE).
6. Object to narrow and unambitious scope of the policy. Policy should be changed so that it does not just permit the development of cycle and walking routes but to

<p>positively achieve it (Coten End and Emscote Residents Association ref: 193 BH, James Mackay ref: 199 BH).</p> <ol style="list-style-type: none"> <li>7. Priority should be given to the provision of continuous safe cycle routes to meet local journey needs (Coten End and Emscote Residents Association ref: 193 BH, James Mackay ref: 199 BH).</li> <li>8. Policy should state that new cycle and pedestrian development should be linked where possible, to existing facilities (W.C.C – P.T.E.S ref: 109 AQ).</li> <li>9. It is suggested that the remit of ‘cycle parking facilities’ referred to in paragraph 5.18 should be expanded to consider provision within existing properties and the users of ‘shopmobility’ type scooters (Linda Forbes ref: 69 AC).</li> </ol>
<p><b>Response of Head of Planning &amp; Engineering to matters raised</b></p> <ol style="list-style-type: none"> <li>1. Paragraph 5.22 sufficiently covers this as it refers to the need to consider any adverse impacts upon the character and appearance of an area.</li> <li>2. These journeys are not unique to central Leamington and it would be inappropriate to specifically refer to these within the policy. Paragraph 5.18 outlines the importance of protecting existing cycle and pedestrian routes, creating new ones and providing associated infrastructure. Within the policy ‘providing associated infrastructure’ is used to refer to a wide range of facilities which could include the development of pedestrian infrastructure such as crossings and shelters.</li> <li>3. It is agreed that canal tow paths should be considered as part of a sustainable transport strategy and therefore should be referred to within the reason justification.</li> <li>4. SC4 supports the provision of new cycleways within the district and safeguards proposed sections where these have been defined. In addition we intend to show the implemented sections of route 41 of the National Cycle Network which runs from Leamington along land north of Radford Semele.</li> <li>5. Whilst the provision of new cycle ways is supported it is difficult to include specific routes unless these have been implemented. For this reason we have decided to include on the Proposals Maps only strategic routes in the form of the National Cycle Network.</li> <li>6. The main purpose of policies included in the local plan is to provide the planning framework to direct new development and protect where appropriate existing development within the district. As such the initiatives required to achieve the development of safe continuous cycle and pedestrian routes would be more appropriately set out through other documents such as the County Council’s Local Transport Plan. Notwithstanding this the importance of making provision for ‘safe’ routes is acknowledged and it is agreed that SC4 should refer to this.</li> <li>7. See above comment.</li> </ol>

8. It is considered that the wording of Para 5.21 which 'expects proposals to protect and where possible enhance existing cycle and pedestrian routes' is sufficient.
9. Policy SC4 directs the development of new cycle and pedestrian facilities across the district. Provision within existing properties is outside of the remit of planning and would not be covered by this policy. The requirements of those using 'shop mobility' type scooters are considered elsewhere in plan through DP14 which ensures that new development takes account of disabled vehicle users and encourages the design of new development including open space to be accessible to all potential users.

**Recommended revision (s)**

1. No changes required.
2. No changes required.
3. The first sentence of the reason justification to be amended to refer to canal tow paths as part of a sustainable transport strategy.
4. Include the implemented sections of Route 41 of the National Cycle Network on the Proposals Maps. Amend Para 5.20 of the reasoned justification to refer to routes 41 and 52 of the National Cycle Network.
5. No changes required.
6. Amend the first sentence of the reasoned justification to refer to the provision of safe routes.
7. No changes required.
8. No changes required.
9. No changes required.

**Topic: SC5 – Protecting Open Spaces**

**Summary of matters raised in objections.**

1. For clarification the first and last sentences of the policy should be amended to refer to leisure uses in addition to sport and recreation (Racecourse holdings trust ref: 303 AB).
2. Criteria a) should be expanded in accordance with paragraph 13 of PPG17 to reflect that where an alternative open space will be provided the overall aim should be to improve the quality of open space (Racecourse holdings ref: 303 AB).
3. Objection is raised on the basis that there may be occasions where it would be more appropriate to improve existing open spaces rather than provide an alternative area (Taylor Woodrow ref: 200 AJ, Miller Homes ref: 120 AF, Langstone Homes Ltd ref: 117 AG).
4. It is requested that a clearer definition of 'open spaces' is provided as there is no distinction between land in public or private ownership (Kenilworth Society ref: 221 AP).



5. It is requested that existing open space is identified on the local plan maps (Kenilworth Society ref: 221 AP, Warwickshire Gardens Trust ref: 189 AE). The plan should include a list of open spaces to give certainty to which sites are subject to this policy (Coten End and Emscote Residents Association ref: 193 BH, James Mackay ref: 199 BH) and this list should include Queen's Square, Warwick (The Warwick Society ref: 66 AM).
6. The policy should make reference to the importance of accessible natural green space on people's well being and health (English Nature ref: 210 AK).
7. The impact on visual amenity and wildlife should be included as a criterion in the assessments that developers must make when applying for change of use (Kenilworth Society ref: 221 AP).
8. Object that SC5 implies assumptions that the primary value of open space is for organized sport (Warwickshire Gardens Trust ref: 189 AE).
9. There is objection to open spaces being converted to recreational uses as much open space performs a passive recreational role (Coten End and Emscote Residents Association ref: 193 BH, James Mackay ref: 199 BH).
10. It is suggested that Sport England (Para 5.2) should not be given a significant role (disproportionate to that of other organisations) in informing the councils' decisions (Coten End and Emscote Residents Association ref: 193 BH, James Mackay ref: 199 BH).
11. Object on the basis that it is unclear whether the policy is intended to include the visual amenity of open spaces (CPRE ref: 148 AP).

#### **Response of Head of Planning & Engineering to matters raised**

1. Policy SC5 aims to make a clear distinction between the uses within class D2 that are considered to be an inappropriate use of open space. As such the policy protects open space from the development of new buildings for general leisure uses (i.e. cinemas, bowling alleys). It is agreed however that clarity is required regarding the use of the terms recreation and leisure within the policy.
2. Criteria a) of SC5 states that alternative open space should be *at least* equivalent to existing space and paragraph 5.25 of the reason justification strengthens this further by expecting replacement sites to enhance the provision of open space in the local community. As such it is considered that the wording of the policy meets the requirements of paragraph 13 of PPG17 which states that *wherever possible* the aim should be to achieve qualitative improvements to open spaces.
3. It is agreed that there may be circumstances where it is more appropriate to improve the quality of existing open space rather than providing an alternative site. This is dependant on the requirements identified by the open space audit. On this basis SC5 is intended as an interim policy pending the results of the audit.
4. Although paragraph 5.23 refers to tenure it is agreed that the policy should make it clear that the definition of open space includes both publicly and privately

owned open space.

5. Existing open space will be identified through the open space audit and it may be useful to highlight these areas on the proposals maps at a later stage. The audit will include a list of all open spaces across the district which can be referred to.
6. It is reasonable that the supporting statement should clarify why it is important to maintain an adequate supply of open space. However it is important that this does not replicate all of the planning objectives set out in PPG17 as government guidance directs against duplicating the advice set out in PPGs.
7. It is considered that the impact of development on visual amenity and wildlife is dealt with elsewhere in the plan through policy DP3 - natural environment and therefore does not need duplicating in policy SC5.
8. The policy does not presume that the primary value of open space is for organised sport as set out in Para 5.23 which states that open space offers 'important opportunities for leisure recreation and visual amenity'.
9. The aim of policy SC5 is to protect existing open spaces. It does not seek to encourage the change of use or development of sites but sets out guidelines for circumstances where a change of use may be appropriate.
10. It is agreed the wording of paragraph 5.27 should be amended to state that the advice of Sport England will be sought where appropriate.
11. This is covered by the definition of open space in paragraph 5.23 which refers to open space of public value that offers important opportunities for leisure, recreation and *visual amenity*.

#### **Recommended revision (s)**

1.
  - The reference made to leisure in Para 5.27 should be removed.
  - A paragraph should be included in the reason justification to clarify what is meant by sports and recreation facilities. This should read 'sports and recreational facilities include facilities for indoor or outdoor sports as contained within use class D2'. The reason justification should include a cross reference to UAP9 and RAP16 to acknowledge that these policies should be applied to proposals for sports and recreation facilities.
2. No changes required.
3. No changes required until the completion of the Open Space Audit.
4. Expand the third sentence of Para 5.24 to state that both publicly and privately owned open space is included.
5. No changes required until the completion of the Open Space Audit.

6. Insert sentence within Para 5.24 to refer to the importance of an adequate supply of open space for the well being and quality of life of the local community.
7. No changes required.
8. No changes required.
9. No changes required.
10. The first sentence of Para 5.27 should be amended to state that 'where appropriate' the advice of Sports England will be sought.
11. No change required.

### **Topic: SC6 – Protecting Sport and Recreation Facilities.**

#### **Summary of matters raised in objections.**

1. Object to the last sentence in paragraph 5.29. There is no requirement within PPG17 for the methodology of an independent assessment carried out by a prospective applicant to be agreed in advance with the council (Racecourse holdings ref: 303 AC).
2. Criteria a) should be expanded in accordance with paragraph 13 of PPG17 to reflect that where an alternative open space will be provided the overall aim should be to improve the quality of open space (Racecourse holdings ref: 303 AB).
3. Object to the overall lack of strategic view to increase the provision of leisure facilities in line with the increase in local population (Antony Butcher ref: 218 AB).
4. Object on the basis that it may be more appropriate in some circumstances to make a financial contribution rather than provide alternative facilities (Taylor Woodrow ref: 200 AH, Miller homes ref: 120 AG, Langstone Homes Ltd ref: 117 AH)
5. Despite in principle supporting the policy Sport England felt that it should be reworded to more reflect the approach of PPG17. Of particular concern is the omission of any reference to the local community.
  - Criteria a) should be amended to state that alternative facilities can only be substituted providing they are accessible to current and potential new users.
  - Criteria b) should refer to PPG17
  - Criteria c) should be deleted as it would allow a facility to be lost if no one is willing to manage it despite the fact that there may be a need for it within the local community (37 AM).

6. The Government Office object that the third criteria could allow the loss of a sport or recreation facility for which there is a need but where it has been found to be redundant or no organisation is willing to acquire or manage it (110 AD).
7. The Government Office for the West Midlands and Sport England indicated that the policy could be more compliant with PPG 17 by referring to the local community and the need for management plans (110 AD, Sport England ref: 37 AM).
8. Paragraph 5.30 should only refer to instances where facilities have been found to be redundant in the light of the open space assessment. If the open space assessment demonstrates that a facility is redundant the applicant should be required to market the facility for a 12 month period (Sport England ref: 37 AD).
9. Policy should relay in special cases the condition of change of use being dependant on previous development and on exploring the transfer of the site to other organisations (Kenilworth R.F.C ref: 235 AA).

#### **Response of Head of Planning & Engineering to matters raised**

1. Although PPG17 does not require the methodology to be agreed in advance it is reasonable for the council to request this in order to ensure a minimum standard of assessment has been applied across the district and this is comparable to the standards used in the evolving open space audit.
2. Criteria a) of policy SC6 states that alternative facilities should be *at least* equivalent to existing provision. In line with the objection and policy SC5 this point should be expanded within the reason justification to state that the council will expect alternative facilities to enhance the provision within the local community.
3. Through policy SC6 the local plan provides a planning framework to direct new sports and recreation facilities and protect existing facilities within the district. Strategic objectives would be more appropriately set out through documents such as the community plan or corporate strategy.
4. It is agreed that there may be circumstances where it is more appropriate to improve the quality of existing sport and recreation facilities rather than providing alternative facilities. This is dependent on the requirements for leisure and recreation which are identified through the open space audit.
5.
  - This is dealt with through the wording of criteria a) which expects alternative facilities to be equivalent in terms of accessibility.
  - It is agreed that criteria b) should be amended as suggested to reflect the approach of PPG17 and refer to the local community.
  - It is agreed criteria c) should be deleted to prevent the loss of redundant facilities despite the presence of a need.

6. It is agreed that criteria c) should be deleted.
7. It is accepted that in order to be more compliant with PPG17 it is reasonable for the policy to require developers to submit a management plan outlining how the proposed development will be maintained and managed in order to ensure the long term sustainability of the facility.
8. The wording of para 5.30 should be amended in line with criteria a) being deleted.
9. In accordance with PPG 17 the aim of the policy is to protect sport and recreation facilities from changes to other uses unless certain criteria can be met. Allowing special circumstances through which some facilities would not have to comply with the criteria would undermine the objectives of the policy.

**Recommended revision (s)**

1. No changes required.
2. Additional paragraph to be added within the reason justification (Para 5.30a) strengthening the requirements of criteria a).
3. No changes required.
4. No changes required until the completion of the Open Space Audit.
5. No changes to criteria a). Criteria b) to be amended to read 'there is a robust assessment as defined by PPG17 demonstrating that the location is inappropriate or there is a lack of need either currently or in the future for the sports or recreational facility by the local community. Criteria c) to be deleted.
6. Criteria c) to be deleted.
7. Criteria a) to state that applicants must submit a management plan to ensure the long term sustainability of the facility. Additional paragraph to be added within the reason justification (Para 5.30a) strengthening the requirements of criteria a).
8. Delete first sentence of para 5.30 in line with criteria c) being deleted. Amend second sentence to require the applicant to market the facility for a 12 month period.
9. No changes required.

## **Topic: SC7 – Supporting Community Facilities**

### **Summary of matters raised in objections.**

1. Object that the policy does not refer to edge of centre locations as suitable sites for community facilities - criteria b) and the opening sentence should be amended to reflect this (Racecourse holdings ref: 303 AD).
2. Objection is raised to criteria c) on the grounds that it may not always be possible to provide community facilities on previously developed land and therefore schemes which meet criteria a) and b) may not be brought forward as they may conflict with criteria c) (Racecourse holdings ref: 303 AD).
3. The policy should recognise that the need for affordable housing constitutes an appropriate use of former community buildings (West Midlands RSL Planning Consortium ref: 228 AQ).
4. Object to the overall lack of strategic view to increase the provision of leisure facilities in line with the increase in local population (Antony Butcher ref: 218 AC).
5. The aims set out in SSP2 – Stoneleigh Business Park contradict with the objectives set out in SC7 principally that community development / facilities should not only be accessible by car (Leamington Society ref: 195 AN).
6. Policy should support (subject to other policies in the plan) proposals to improve the quality of existing community facilities in their current locations (Warwick Sea Scouts ref: 126 AB).
7. Object that the policy is not strong or detailed enough to protect community facilities. The policy should be more strongly worded to clarify what evidence is required to justify a change of use of a community facility. This should include the need for market testing and advertising over a fixed time period (WCC P.T.E.S 109 AP).
8. There is concern that there are no obvious exclusions of previously developed land identified in line with paragraph 14 of PPG17 (Sport England ref: 37 AN).

### **Response of Head of Planning & Engineering to matters raised**

1. It is agreed that there may be circumstances where other sites may be suitable providing the applicant has first considered previously developed land within town centres. To allow for this the policy should require applicants to carry out a sequential test of suitable sites on previously developed land which could include edge of town locations.
2. Applications for community facilities on land which has not been previously developed will be considered on the individual merits of the proposal and with regard to the other criteria set out within policy SC7.

3. Affordable housing is directed through policy SC9 which sets out the circumstances where the provision of affordable housing is appropriate. This does not need to be replicated in SC7.
4. Policies within the local plan provide a planning framework to direct new development across the district. Strategic objectives are set out in other documents such as the community plan or corporate strategy.
5. The redevelopment of Stoneleigh Business Park as set out in SSP2 involves the development of employment / industrial floor space and does not involve any proposals for uses under the remit of policy SC7.
6. It is agreed that the policy should indicate support for proposals to improve the quality of existing community facilities.
7. The reason justification should include a paragraph which requires applicants to provide evidence to justify the change of use of a community facility. This should include market testing over a fixed period.
8. SC7 only permits the development of new community facilities on previously developed land. As paragraph 14 of PPG17 excludes parks, recreation grounds, playing fields and allotments from the definition of previously developed land SC7 would not allow the development of community facilities on these sites.

**Recommended revision (s)**

1. It is suggested that SC7 could be split into two policies, the first SC7 to direct the development of new community facilities and the second SC7a concerning the redevelopment or change of use of community facilities.  
The wording of the first policy should be amended to require applicants to adopt a sequential approach to site selection. Criteria c) should be deleted and an additional sentence should be included to state that where possible facilities should be located on previously developed land.
2. No changes required.
3. No changes required.
4. No changes required.
5. No changes required.
6. Insert sentence into Para 5.31 to state that the council will support proposals to enhance the quality of existing facilities which meet a local need.
7. Additional paragraph to strengthen criteria c) of proposed new policy SC7a which requires applicants to have actively marketed the facility for a community use for a period of at least 12 months.
8. No changes required.

## Topic: SC8 - Telecommunications

### Summary of matters raised in objections.

1. Criterion (d) is inappropriate and contrary to Government advice (2/AB - British Telecom).
2. Policy should take a precautionary approach to new masts (13/AA – G. Browton, 14/AA – H. Furber, 17/AA – S. Bridge, 152/AF – Leamington Town Council)
3. Policy should consider impact upon schools, hospitals, nurseries and residential areas and individuals (15/AA – H. Weighell, 16/AA – J. Foley, 162/AA – V. Jones, 251/AA – G & M Delfas)
4. Policy should protect residential areas and give preference to rural locations (18/AA – M. Hobday, 44/AB – P. Lloyd, 108/AA – I & C Squire)
5. Policy should have regard to the needs of local people and health concerns ((46/AA – G & E Bardell)
6. Policy should make reference to broadband services (69/AD – L. Forbes)
7. Criterion (a) should refer to occasions where mast sharing is not the most desirable environmental option (106/AA - MOA)
8. Criterion (e) should clarify that it applies to “other” operators. (106/AA - MOA)
9. Paragraph 5.36 should be redrafted to clarify that the local authority can only question the need for a specific development and not the need for the telecommunications system that the development will support. (106/AA - MOA)
10. Policy should state that all masts should be removed within a specific time of becoming redundant (148/AQ – CPRE)
11. The terms ICNIRP should be explained in the glossary (148/AQ – CPRE)
12. The policy should state that all masts should be located in the least harmful site (148/AQ – CPRE)
13. The policy should state that applications should be accompanied by plans showing the position of all other masts and all masts that could be shared. (148/AQ – CPRE)
14. Paragraph 5.37 should include listed buildings, ancient monuments and registered parks and gardens. (302/AO – English Heritage)

### Response of Head of Planning & Engineering to matters raised

1. It is my view that criterion (d) is not contrary to Government advice. The issues of the health considerations that should be taken into account when determining telecommunication proposals, and furthermore perceived health risks, is a complex one. PPG8 (paragraph 29-30) makes it clear that health considerations can in principle be a material consideration in determining planning applications and prior approval. It is the Government view that if proposed base stations meet ICNIRP guidelines then no further health aspects need to be considered. Planning case law has established that the perception of harm is a material consideration when considering proposals, however the weight to be attached to health risks should be limited by the need to provide evidence of actual risk to health. It is right that the policy should reflect current Government guidance (recognizing that over the lifetime of the local plan this guidance may change). I agree, however, that it may be helpful to clarify the need for the Council to have regard to perception from local people about health risks as it considers proposals. This is a proper response to all concerns about the health risks of telecommunications systems on local



communities.

2. It is considered that the policy does take an appropriate approach towards new masts, particularly through criteria (a) and (b). Advice from appeal decisions in Warwick District is that Councils should not introduce their own precautionary policies when determining applications.
3. See 1 above.
4. See 1 above. To take an approach sought to protect residential or other urban areas over rural areas would be contrary to PPG8 which makes specific reference to protecting Green Belt areas.
5. See 1 above.
6. The requirements for providing fixed-link broadband services are very different from telecommunications masts. Most of the hardware required is in cables which are usually buried underground. Occasionally additional roadside exchanges are required however these are small (approximately 1 metre high), and often increased capacity is required at the main telephone exchanges. The land-use planning implications of all of these are usually minimal. The policy deals only with masts and antennae and any other ground based infrastructure can be dealt with by other policies of the local plan (DP1, DAP1, DAP2, DAP3, etc.)
7. I agree that criterion (a) should be amended to clarify that mast or site sharing should only be supported where it represents the optimum environmental solution in accordance with paragraphs 66-73 of the appendix to PPG8.
8. I agree that criterion (e) should be clarified to be clear that it refers to "other" operators.
9. I agree that the first criterion in paragraph 5.36 should have a minor redrafting 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 paragraph 5 of PPG8.
10. Permitted development rights require that apparatus be removed once it is no longer required and that the land be restored to its previous condition. A reference to this in the policy would, however, be helpful.
11. I agree that a reference to the ICNIRP in the glossary should be added.
12. The aim of the whole policy is to ensure that all masts are located on the least harmful sites.
13. As a matter of course, the planning authority will ensure that all relevant information is provided to enable proper consideration of all applications.
14. I agree that the list could be extended to include these other features.

#### **Recommended revision(s)**

1. Paragraph 5.36 has been amended to clarify the need for the Council to have regard to perception from local people about health risks as it considers proposals.
2. No change
3. No change
4. No change
5. No change
6. No change
7. Criterion (a) has been amended in accordance with paragraphs 66-73 of the appendix to PPG8.
8. Criterion (e) has been amended in accordance of PPG8.
9. Paragraph 5.36 has been amended in accordance with paragraph 5 of PPG8.
10. A reference to removal of masts is included as an additional paragraph.

11. The glossary has been amended to include the ICNIRP.
12. No change
13. No change
14. The list of sensitive sites in paragraph 5.37 has been amended as suggested.

## Topic: SC9 Affordable Housing

### Summary of matters raised in objections.

#### 1. Definition of Affordable Housing

- The definition should reflect the definition in national, regional and strategic guidance and should not indicate a preference for any particular tenure.
- It is located in the wrong place in the Plan.  
*109/AU Warks CC; 118/AC Mr & Mrs Bull; 119/AD Bloor Homes)*

#### 2. Assessment of Need

- The Assessments of Need were unclear and unjustified and there was a lack of relationship between targets and need.
- The Needs Survey should be updated on a continuous basis.
- A higher priority should be given to needs surveys undertaken as part of a Parish Plan process but developers should be given the opportunity to carry it out.
- The onus should be on the local authority to prove that there is need in the immediate location.  
*118/AC Mr & Mrs Bull; 119/AD Bloor Homes; 137/AA Greyvayne Props Ltd; 138/AB Laing Homes; 140/AA Court Devts; 141/AB Packridge Homes; 142/AH A C Lloyd; 143/AB Scottish Widows; 144/AA Project Solutions; 201/AM HBF; 208/AE Pettifer Estates; 213/AP WRCC; 228/AR W Mids RSL Planning Consortium; 288/AE Warks Police Authority*

#### 3. Site Size Thresholds

- The majority of objectors stated that the site size thresholds were too low, that the levels were insufficiently justified and that as such they were contrary to government guidance and Circular 6/98. There was particular concern that the threshold in the rural area was commercially unrealistic and would deter any form of development. There was support for increased levels of 15 dwellings in the urban area and 10 in the rural area. One objector stated that there should be no minimum threshold.
- Some objectors felt that the policy was too prescriptive and inflexible and should take greater account of individual site suitability.  
*2/AC BT plc; 4/AA Arlington Planning Services; 72/AA Saville Estates; 110/AE GOWM; 117/AH Langstone Homes; 118/AC Mr & Mrs Bull; 119/AD Bloor Homes; 120/AH Miller Homes; 137/AA Greyvayne Props Ltd; 138/AB Laing Homes; 140/AA Court Devts; 141/AB Parkridge Homes; 142 AH AC Lloyd; 143/AB Scottish Widows; 144/AA Project Solutions; 155/AA Punch Taverns; 158/AA Tyler-Parkes P'ship; 170/AD M Wood; 190/AA Countrywide Homes; 200/AQ Taylor Woodrow; 201/AM HBF; 208/AE Pettifer Estates; 215/AD Sainsbury's; 217/AA McCarthy & Stone; 220/AN Cala Homes; 221/AR Kenilworth*

*Society; 228/AR W. Mids RSL Planning Consortium; 229/AD Gallagher Estates; 240 AF George Wimpey Strategic Land; 266/AC Warwick Town Council; 288/AE Warks Police Authority; 291/AJ George Wimpey UK Ltd*

#### **4. The Percentage Requirement**

- 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.
- The percentage is too high, insufficiently justified, contrary to government guidance and should be reduced to 20% or 30%. There was some support for a district-wide percentage.
- The percentage should be increased to 50% and the Plan should set a district-wide target.

*2/AC BT plc; 4/AA Arlington Planning Services; 109/AT Warks CC; 117/AH Langstone Homes; 120/AH Miller Homes; 123/AC R Hedger; 137/AA Greyvayne Props Ltd; 138/AB Laing Homes; 140/AA Court Devts; 141/AB Parkridge Homes; 142 AH AC Lloyd; 143/AB Scottish Widows; 144/AA Project Solutions; 155/AA Punch Taverns; 190/AA Countrywide Homes; 200/AQ Taylor Woodrow; 201/AM HBF; 208/AE Pettifer Estates; 215/AD Sainsbury's; 220/AN Cala Homes; 228/AR W. Mids RSL Planning Consortium; 229/AD Gallagher Estates; 239/AH D Austin; 240/AF George Wimpey Strategic Land; 256/AB T & N Ltd; 288/AE Warks Police Authority; 291/AJ George Wimpey UK Ltd;*

#### **5. Tenure of Affordable Housing**

- The wording of the policy excludes some tenures, contrary to government guidance.
- Shared equity cannot be provided free from the right to staircase and therefore cannot be provided in perpetuity.
- The requirement in IV a) of the policy that a form of tenure, other than social rented, will only be considered if they achieve weekly outgoings "significantly below" the maximum affordable to households in housing need is unreasonable

*117/AH Langstone Homes; 120/AH Miller Homes; 155/AA Punch Taverns; 170/AD HBF; 200/AQ Taylor Woodrow; 213/AP WRCC; 239/AH D Austin; 240/AF George Wimpey Strategic Land*

#### **6. Other Sources of Affordable Housing**

- The Plan fails to explore other sources of affordable housing such as changes of use and making better use of the existing stock.
- Existing low cost homes should be prevented from being extended
- If the rural need was so great, sites should be allocated for 100% affordable housing.

*137/AA Greyvayne Props Ltd; 138/AB Laing Homes; 140/AA Court Devts; 141/AB Parkridge Homes; 142/AH AC Lloyd; 143/AB Scottish Widows; 144/AA Project Solutions; 155/AA Punch Taverns; 208/AE Pettifer Estates; 221/AR Kenilworth Society; 240/AF George Wimpey Strategic Land; 288/AE Warks Police Authority*

#### **7. Off Site Provision and Commuted Sums**

- Off-site provision would be inappropriate in rural areas because an alternative site in the same settlement would be unlikely to be available.
- Commuted sums would push up the cost of ordinary housing.
- It would be inappropriate to seek commuted sums in the rural area in cases where there is no local need.
- The policy in relation to commuted sums is contrary to Circular 6/98 which states that commuted sums should not be used where a site is incapable of delivering affordable housing and that, in any case, both Council and developer should agree when commuted sums are used.

*170/AD HBF; 213/AP WRCC; 217 AA McCarthy & Stone; 221/AR Kenilworth Society*

#### **8. Urban/Rural Differences**

Some objectors felt that there should be the same policy for urban and rural areas.

*221/AR Kenilworth Society; 223/AO Kenilworth Town Council*

#### **9. Availability in Perpetuity**

- The requirement in IV b) for affordability in perpetuity is impractical because lenders would usually require a clause allowing an exception to mortgagees in repossession in case the mortgagee defaults on the loan.
- Sub section IV b), the requirement for perpetuity, should only apply to housing for rent.

*66/AN Warwick Society; 170/AD HBF*

#### **10. Key Worker Housing**

- The Plan should define Key Worker housing and 50% of provision of affordable housing should be for key workers to help meet the needs of health workers.

*39/AB NHS W.Mids Division*

#### **11. Design Standards for Social Housing**

- The imposition of design standards on developers was too onerous
- Design standards should be applied to all developments
- The standards should be included in the Appendices
- The Plan should include guidelines for integrating affordable homes into private development schemes.

*109/AC Warks CC; 170/AD HBF; 228/AR W. Mids RSL Planning Consortium; 266/AC Warwick Town Council*

#### **12. Joint Commissioning Arrangement**

- The advantages of the joint commissioning arrangement should be more clearly spelt out
- The joint commissioning arrangement is contrary to Circular 6/98.

*170/AD HBF; 228/AR W.Mids RSL Planning Consortium*

#### **13. Supplementary Planning Guidance (SPG)**

One objector felt that there should be a greater commitment to the preparation of SPG for affordable housing.

*228/AR W.Mids RSL Planning Consortium*

## Response of Head of Planning & Engineering to matters raised

### 1. Definition of Affordable Housing

- The definition in WASP is taken from that agreed by the regional authorities in 1999. The Examination in Public into the Structure Plan agreed that this is in accordance with the government's definition in Circular 6/98. However the recently adopted RPG11 does not specifically define affordable housing other than the definition in the glossary and this is similar to that in Circular 6/98.
- The definition of affordable housing is located among a number of other terms which the plan needs to define for the operation of Policy SC9. This would appear to be the logical place in the plan

### 2. Assessment of Need

- PPG3 paragraph 13 states that "Assessments of housing need which underpin local housing strategies and local plan policies, are matters for local authorities to undertake in the light of their local circumstances". Paragraph 14 goes on to say that "where there is a demonstrable lack of affordable housing to meet local needs - as assessed by up-to-date surveys and other information – local plans should include a policy for seeking affordable housing on suitable housing developments."

The 1998 Needs Assessment (updated in 2001) provided the evidence of housing need which underpins Policy SC9. The figure of 7,072 affordable houses which emerged from the study is the total number of affordable homes required if **all needs were to be met**. It is not a target for provision as it is accepted that planning policy is unable to meet all needs for affordable housing. This is made clear in paragraphs 5.45 and 5.46.

WASP Policy H.2 states that in carrying out assessments of local housing need the district council should take into account the indicative figure for Warwick of 3,600 affordable dwellings between 1996 and 2011. These figures were based on research undertaken at regional level for RPG11 and provide an indication of the level of need in the district taking into account the backlog and the housing needs of migrants. The figure represents 44% of Warwick District's total housing requirement. The purpose of the policy is to ensure that sufficient provision is made for affordable housing for all the community including migrants. Again, the figure in the Structure Plan is not a target.

The Council accepts that no clear target for the provision of affordable housing is provided in the plan. It is not possible to directly relate a target to needs since needs far outweigh any amount of affordable housing which planning policies can deliver.

Since the approval of the First Deposit Version of the Plan the Council's Corporate Strategy for 2003-2007 has adopted a priority target for the provision of at least 100 new affordable homes per year. This figure is based on a realistic assessment of the potential to deliver affordable housing through planning policies taking into account the likely supply of housing sites over the four year period. This target could be incorporated into the plan.

- It is not possible to undertake full needs assessments on a continuous basis. However, where possible the Council continuously updates relevant information such as analysis of the Housing Waiting List and the relationship between income and house prices in order to determine affordability. An updated Housing Needs Assessment was due to take place in 2004/05 in

conjunction with Stratford District. However this has been delayed until 2005/06 pending the completion of the region-wide Housing Market Assessment which will provide the framework for local assessments of housing markets and ensure consistency of approach.

- The Council accepts that there is a role for Parish Plans in identifying rural housing needs. However when assessing the need for affordable housing in rural areas the Council will give due consideration to any Needs Survey which is carried out to the satisfaction of the Council's Housing Department.
- The Council accepts that the onus is on the Council to prove housing need in an immediate location. However, it does not accept that these localized assessments should be included in the local plan. Rather, they should be provided as evidence of need on a site by site basis as applications are made for permission on sites above the threshold. PPG3 states that local plan policies should assess housing need, consider affordability and produce targets for the plan area.

### **3. Site Size Thresholds**

- The Government's consultation paper on proposed changes to PPG3 ("Planning for Mixed Communities") issued in January 2005 includes proposals to increase the supply of affordable housing by allowing local authorities to seek affordable housing on smaller sites. Paragraph 11 proposes that "the minimum site-size threshold above which affordable housing is to be sought should not normally be above 15 dwellings or sites of more than 0.5 hectares". This proposed reduction in site-size thresholds is based on research which shows that a large number of dwellings are delivered on sites between 15 and 24 dwellings. The paper goes on to say that authorities may wish to set the threshold below 15 where it has high levels of need which cannot be met on larger sites alone and where the majority of housing supply comes from smaller sites. In the urban areas of Warwick District the housing land supply is increasingly made up of small to medium windfall sites on previously-developed land. This fact, coupled with the high levels of demand for affordable housing in the District, suggests that if need is to be met the thresholds must be reduced in line with emerging government policy. It is recommended therefore that the threshold in the urban area is reduced to 10 and there is no change to the threshold in the rural areas.
- The Council does not accept that the thresholds are over-prescriptive and inflexible. Government policy advocates the use of site size thresholds. It is important for developers to be provided with advance knowledge as to whether the planning authority will be seeking affordable housing on particular sites.

### **4. The Percentage Requirement**

- The purpose of Policy SC9 is to give developers an element of certainty as to the level of affordable housing that will be required in Warwick District. This can then be taken into account during negotiations for the acquisition of sites. The Council accepts the fact that in exceptional circumstances site constraints may not be evident until well into the development process. Where developers can demonstrate that such constraints will render a site commercially unviable, the Council will negotiate for a reduced level of provision. The Joint Housing Waiting List demonstrates that there is housing

need in all three towns of Warwick, Leamington and Kenilworth. The compactness and sustainable locations of the three towns dictate that any site over the threshold in these towns will have a role to play in meeting need. The Council will assess individual sites as they come forward to determine the type of housing need in that particular area.

- The percentage requirement of 40% reflects the high level of housing need in the District and the buoyancy of the housing market and is justified by:
  1. The large number of households in housing need as evidenced by the Council's own Housing Needs Assessments and research undertaken for RPG11.
  2. The large affordability gap in the District. A recent study of affordable housing needs in the West Midlands (CURS July 2003) showed that 85.1% of the population of Warwick District were unable to afford average non-detached dwellings with mortgages at 3.5 x income. This was the highest level in the region. Similarly, the average sales price of non-detached dwellings was £139,105, the highest in the region.
- The recent take-up of sites on previously-developed land has demonstrated that the requirements for affordable housing have not stifled housing development in the District. The Council does not accept that the percentage requirements are contrary to government guidance. Neither PPG3 nor Circular 6/98 give advice on the level of affordable housing to be provided other than to state that it should reflect local needs as identified in a Needs Assessment and it should not prejudice the realisation of other planning objectives that need to be given priority in development of the site. I accept, however, that a District-wide percentage requirement would simplify the policy, particularly as the threshold has been reduced in the towns. It is proposed, therefore, to recommend a single percentage figure of 40%.
- The Council considers that a percentage requirement of 50% would be unreasonable in that it would render many sites on previously-developed land unviable. All greenfield housing sites (specifically in South West Warwick) are already committed with the development process well advanced. This policy will only apply to new windfall sites coming forward on previously-developed land.

## **5. Tenure**

- The Council does not accept that the policy excludes some forms of tenure. Although low cost market housing will not normally meet the housing needs of many in the District, due to the relationship between house prices and household income, where such housing can be shown to achieve weekly outgoings which are affordable to those in housing need, then that housing will be accepted as affordable housing. The Council supports schemes of affordable housing such as Shared or Fixed Equity which allow a form of affordable home ownership.
- Fixed Equity leasehold schemes can 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 Council accepts that there are problems associated with the aim of restricting the extent to which leaseholders can "staircase out" due to market resistance from lenders. However, the Council is working with partner RSL's to overcome these difficulties wherever possible. The policy could be amended to make perpetuity a requirement "where practicable".

- Weekly outgoings which 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. In order to meet the needs of many who are genuinely in need of affordable housing outgoings need to be significantly below.

#### **6. Other Sources of Affordable Housing**

- The Council continually explores alternative means of increasing the supply of affordable housing. For example, the Empty Property Fund is currently being directed towards regeneration schemes in Old Town and a Care and Repair fund is utilised to bring older properties up to standard. A number of LOTS schemes have been completed in recent years and a Single Regeneration budget project in Old Town aims to bring back into use 20 dwellings over the next 3 years. The Council is reviewing the Joint Commissioning arrangements with a view to extending the partnership so that the Council is able to take up any new opportunities that arise.
- The Council does not consider that smaller properties should be prevented from being extended. For many this is an affordable option to increasing the size of the home as family circumstances change. Policy RAP3 allows extensions to dwellings in rural areas provided they do not result in disproportionate additions to the original dwelling. Although the policy is intended to preserve local identity, it also serves as a control on the loss of small and medium sized dwellings.
- Under current government guidance, the Council is unable to allocate rural sites for 100% affordable homes. Even if it was able to do so, it would be difficult to identify suitable sites which would realistically be available.

#### **7. Off-site Provision and Commuted Sums**

- The Council agrees that off-site provision in any circumstances, in urban or rural areas, is unlikely to be practicable for the reason that alternative sites are unlikely to be available. This is why the policy states that this option will only be accepted in exceptional circumstances.
- Commuted sums are unlikely to have a greater affect on the price of ordinary houses than other means of contribution towards affordable housing. Both will represent the same cost to developers.
- Affordable housing, or commuted sums, would not be sought in villages where it could not meet an identified need either within the parish or in nearby parishes.
- The stated intention of the policy is that commuted sums could be used as an alternative to on-site provision in instances where, for example, affordable housing could be maximised in an alternative location. Commuted sums would not necessarily be appropriate where the site is totally incapable of providing affordable housing. The Council agrees, however, that the Council and the developer should both agree where a commuted sum is appropriate.

#### **8. Urban / Rural Differences**

- The reasons for different policy approaches between the urban and rural areas are:
  - 1) WASP directs most new housing development to towns with a population in excess of 8,000 (at 1991). These include Leamington, Warwick and Kenilworth in Warwick District, the towns to which urban area policies apply
  - 2) WASP includes guidance as to how districts should interpret "most



development". This is based on the premise that rural areas should only accommodate housing to meet local needs and this local needs element is proportionate to population. In the case of Warwick District, this element of local needs housing has already been exceeded so that all new housing development is directed towards the urban areas (with the exception of affordable housing). The thresholds are lower in the rural areas to take account of the fact that any developments that do exceptionally come forward are likely to be on small sites.

- 3) Government guidance 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. Government policy also allows for "exception housing" in rural areas whereby local planning authorities may grant permission for land within of adjoining existing villages which would not normally be released for housing, in order to meet local needs in perpetuity. This is provided for in Policy RAP5 of the Plan.
- 4) It is accepted that a common percentage requirement throughout the District would simplify the policy and this change is referred to in 4 above.

#### **9. Available in Perpetuity**

- The Council accepts that Section 106 agreements will in most cases need to include a clause exempting mortgagees in repossession in order to satisfy lenders. However the Council considers that it is important for the Plan to ensure that affordable housing is provided with the intention that it is available in perpetuity.
- Social rented housing which is provided by a Registered Social Landlord is normally available in perpetuity unless Right to Buy applies. The Council does not think it is appropriate to apply IV.b) in these cases. In other circumstances, however, it is important to ensure that affordable housing is genuinely available to those in housing need for some time to come and not just for the first time occupier. Otherwise the policy is failing to meet the identified need. It is recommended, however, that the words "where practicable" are inserted in IV b).

#### **10. Key Worker Housing**

- The Council has contacted major employers in the District enquiring about whether they have experienced difficulties recruiting key staff because of housing problems but there has been little feedback. The Council intends to research this issue further. In the meantime it will continue to give priority according to need and personal circumstances.

#### **11. Design Standards for Social Housing**

- The Council wishes to ensure that the affordable housing provided is of an adequate standard. The standards which the Council has adopted are based on those required by the Housing Corporation and are not considered to be too onerous on developers
- Standards for market housing are controlled by the Building Regulations and by the market itself – if housing is unsatisfactory, buyers will look elsewhere.
- The Council considers that it would be more appropriate to include the standards in a Developer's Guide or in Supplementary Planning Guidance rather than in the Local Plan which is a policy document.
- The Council considers that a more appropriate place for guidance on the layout of mixed affordable/market housing schemes would be Supplementary Planning Guidance.

## **12. Joint Commissioning Arrangements**

- The Council considers that the advantages of the joint commissioning approach have been adequately spelled out, in paragraph 5.55, for the purposes of a local plan document
- The arrangements are not contrary to Circular 6/98. Developers are free to choose to work with another registered social landlord if they so wish. However, the Council will encourage developers to work with the partnership as this will ensure that resources are best targeted to meet the identified housing needs.

## **13. Supplementary Planning Guidance**

- The Council will commit itself to the preparation of Supplementary Planning Guidance for Affordable Housing in its Local Development Scheme.

### **Recommended revision(s)**

1. Amend paragraph 5.52, to reflect the definition in RPG11 and Circular 6/98, as follows:  
"Affordable housing is defined by Government 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".
2. Amend paragraph 5.46 as follows:  
"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 1998 and 2001 Assessments, 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." Add to end of paragraph: "In applying this approach, the Council will aim to meet a target of at least 100 new affordable dwellings 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."
3. Amend Policy SC9 as follows:

### **SC9 Affordable Housing**

**Residential development on the following sites will not be permitted unless provision is made for a minimum of 40% affordable housing to meet local needs:-**

- a) **within towns, sites of 10 or more dwellings and/or 0.25 hectare or more in area irrespective of the number of dwellings and,**
- b) **within the rural areas, sites of 3 or more dwellings**

**The form of provision, its location on the site and the means of delivery etc.**

4. Change the percentage requirement to 40% in the towns and the rural areas. See 3. above
5. See 9. below
6. Add brief details of other ways of increasing the supply of affordable housing. Para 5.48 after "...across the District." Add: "For example, the Council's Empty

<p>Properties Fund and Care and Repair Scheme increase the stock of affordable housing by bringing empty properties back into use and bringing older properties up to standard.”</p> <p>7. Amend paragraph 5.57 as follows: “It will be for the Council and the developer jointly to agree where a commuted payment is appropriate”</p> <p>8. See 3 above and the change to a common urban and rural percentage requirement of 40% in the policy.</p> <p>9. Amend sub-section IV b) of the policy by inserting “where practicable” after “in perpetuity”.</p> <p>10. No Change</p> <p>11. No Change</p> <p>12. No Change</p> <p>13. No Change</p> <p>14. Proposed Changes to correct inaccuracies:</p> <p>In sub-section V. of the policy insert “which is also a” after “Registered Social Landlord (RSL).”</p> <p>Amend last sentence of paragraph 5.52 as follows: Delete “shared ownership housing is” and insert “these tenures are” Delete “total cost” and insert “mortgage cost” Delete “combined income” and insert “average household income” Delete “the household based upon average incomes” and insert “newly forming households in the District”</p>
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<b>Topic: SC10 – Sustainable Transport Improvements</b>
<p><b>Summary of matters raised in objections.</b></p> <ol style="list-style-type: none"> <li>Contributions should be required on the basis that the development proposal is related to the need to provide the transport improvement and should be related in scale and kind. (117/AK – Langstone Homes, 120/AJ – Miller Homes, 200/AG – Taylor Woodrow)</li> <li>The phrase “material increase” is imprecise and should be clarified. (220/AJ – Cala Homes)</li> <li>The policy is imprecise as to the criteria that would be used to assess the appropriateness of contributions (159/AA – BR Property Ltd and Network Rail)</li> <li>Text should refer to a wider range of rural sustainable transport initiatives (187/AL – Countryside Agency)</li> <li>Policy should be located closer to DP6 (Access) - (187/AL – Countryside Agency)</li> <li>RSL’s should not be obliged to spend funds earmarked for housing purposes on other public funded facilities and services (228/AS – West Midlands RSL Planning Consortium).</li> </ol>
<p><b>Response of Head of Planning &amp; Engineering to matters raised</b></p> <ol style="list-style-type: none"> <li>It is fully accepted that contributions should be sought on the basis that the development proposal is related to the need to provide the improvement and should</li> </ol>

be related in scale and kind. This applies to all the policies for planning obligations (policies SC9-13) and therefore paragraphs 5.40-41 were included at the introduction to this group of policies to make this clear. There is therefore no need to replicate this here. It is appropriate, however, that the word "required" be replaced by "sought" in the policy to more accurately reflect circular 1/97. Furthermore, an additional sentence should be included in paragraph 5.39 to clarify that the criteria in paragraph 5.40 should be applied to this policy.

2. It is not possible to define 'material' precisely and this will need to be a judgment to be taken on the merits of each application. This will depend on the location of the development, the highways serving it and the traffic conditions on the surrounding highway network at the time of the application. It will be for the developer, the planning authority and the highway authority to make a case as to whether, in their view, there is a 'material' effect. This may involve the use of traffic modelling.
3. The current Local Transport Plan - which includes the criteria – is the appropriate place for such criteria to be listed. It is available on the County Council website as will any future LTPs.
4. It is reasonable that the text should make reference to appropriate rural transport initiatives.
5. Whilst there is logic in locating this policy close to DP6, there is also logic in keeping all the policies for planning obligations together in one place. The user guide clearly directs people towards all relevant parts of the local plan and this should ensure that any links between DP6 and SC10 are made.
6. I do not agree that any form of development should, in principle, be exempt from making developers contributions. A large development of new affordable housing may have a similar impact upon traffic generation to a private scheme of equivalent size and it would be wrong if a planning policy which seeks to create a "level playing field" sought to make a distinction here.

#### **Recommended revision(s)**

1. The word "required" is replaced by "sought". Also, an additional sentence is included in paragraph 5.39 to clarify that the criteria in paragraph 5.40 should be applied to this policy.
2. No change
3. No change
4. The text of paragraph 5.63 has been amended to make reference to appropriate rural transport initiatives
5. No change
6. No change

Please also note that an amendment has been made to this policy arising from an objection by the Ramblers Association (see section on chapter 4 omissions policies).

## Topic: SC11 – Open Space and Recreation Improvements

### Summary of matters raised in objections.

1. Policy should consider how waterway improvements can be obtained through contributions. (294/AF – British Waterways)
2. RSL's should not be obliged to spend funds earmarked for housing purposes on other public funded facilities and services (228/AT – West Midlands RSL Planning Consortium).
3. Policy is unduly restrictive in that it is unrealistic to require smaller developments to provide the full range of contributions (220/AK – Cala Homes)
4. The policy should have regard to the importance of natural greenspaces and should support their protection (210/AL – English Nature)
5. The policy should state that contributions should only be sought where local needs have been identified (201/AL – House Builders Federation)
6. Contributions should be required on the basis that the development proposal is related to the need to provide the open space and should be related in scale and kind. (117/AL – Langstone Homes, 120/AK – Miller Homes, 200/AF – Taylor Woodrow)
7. The policy should make reference to the completion of the Jephson Gardens project and other environmental improvements. (195/AF – Leamington Society)
8. The policy should make no reference to open space contributions from commercial developments. (159/AB – Rail Property Ltd)
9. The policy should set a minimum standard for open space. (109/AJ – Warwickshire County Council)
10. Policy should recognise the need of young people and refer to facilities such as skateboard or BMX tracks (69/AE – L. Forbes)
11. The policy should state that contributions MAY (not "will") be required. (37/AO – Sport England)
12. The policy should refer to "open space, SPORT or recreational facilities". (37/AO – Sport England)
13. The policy should state that "development MAY (not "will") be expected to provide a proportion....". (37/AO – Sport England)

### Response of Head of Planning & Engineering to matters raised

1. Waterways are legitimate open spaces for which contributions under this policy could, in appropriate cases, be sought. Improvements to canal towpaths could also legitimately be sought under policy SC10. This policy deliberately does not list the types of open space, as these are considered in broad terms in policy SC5. I consider there is no need for a specific reference to canal environments, or other specific types of open space, within the policy. The open space audit and subsequent SPD on open space will be able to address these issues in more detail.
2. I do not agree that any form of development should, in principle, be exempt from making developers contributions. A large development of new affordable housing may generate a similar need for open space to private scheme of equivalent size and it would be wrong if a planning policy which seeks to create a "level playing field" sought to make a distinction here.
3. Paragraphs 5.40-41 earlier in the chapter refer to benefits being appropriate in scale

and kind and directly related to the development. This policy states that provision should be “where appropriate” and this provides a suitable safeguard for small sites that may fear that unreasonable requirements are being made of them. An additional sentence should be included in paragraph 5.39 to clarify that the criteria in paragraph 5.40 should be applied to this policy.

4. See comments on 1 above.
5. See comments on 3 above.
6. See comments on 3 above.
7. The whole approach of the Local Plan has not been to provide details of Council or community aspirations in regard to particular sites or schemes where these are better addressed in other corporate documents. If a contribution can be justified in relation to any individual scheme on the basis of paragraphs 5.40-41 of the Plan then a contribution could be legitimately sought.
8. There may be instances where it is appropriate for commercial developments to provide open space. This will be established through the open space audit and subsequent SPG.
9. I agree that minimum standards should be set however these should only be done through an audit as required by PPG17. The policy sets the framework for this work. To set a standard in advance of this audit would be contrary to paragraph 6 of PPG17.
10. It is reasonable that the policy makes reference to young people, however it would not be practical for it to list all the various types of open space and facilities that could, potentially, be provided.
11. In line with other policies, and to more closely accord with circular 1/97, the word “required” should be replaced with “sought”.
12. I agree that a reference to “sport” in the paragraph would be helpful to improve clarity.
13. The change proposed in 11 will meet this concern.

#### **Recommended revision(s)**

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. An additional sentence is included in paragraph 5.39 to clarify that the criteria in paragraph 5.40 should be applied to this policy
8. No change
9. No change
10. A reference to young people is included in paragraph 5.65.
11. The word “required” is replaced by “sought”.
12. A reference to “sport” in the policy is included.
13. No change

## **Topic: SC12 – Community Facilities**

### **Summary of matters raised in objections.**

1. Contributions should be required on the basis that the development proposal is related to the need to provide the community facilities and should be related in scale and kind. (117/AM – Langstone Homes, 120/AL – Miller Homes, 200/AE – Taylor Woodrow, 239/AG – D. Austin, 220/AL – Cala Homes, 188/AA – Marks & Spencer, 159/AC – Rail Property Ltd and Network Rail Infrastructure Ltd.)
2. RSL's should not be obliged to spend funds earmarked for housing purposes on other public funded facilities and services (228/AU – West Midlands RSL Planning Consortium).
3. The policy should be aimed at meeting local needs (197/AD – Norton Lindsey Parish Council)
4. The policy should be more closely linked with policy SC7 (187/AM – Countryside Agency)
5. Policy should also cover the provision of new public conveniences as part of appropriate new developments (69/AF – L. Forbes)

### **Response of Head of Planning & Engineering to matters raised**

1. It is fully accepted that contributions should be sought on the basis that the development proposal is related to the need to provide the improvement and should be related in scale and kind. This applies to all the policies for planning obligations (policies SC9-13) and therefore paragraphs 5.40-41 were included at the introduction to this group of policies to make this clear. There is therefore no need to replicate this here. It is appropriate, however, that the word "required" be replaced by "sought" in the policy and to include the words "where appropriate" to more accurately reflect circular 1/97. Furthermore, an additional sentence should be included in paragraph 5.39 to clarify that the criteria in paragraph 5.40 should be applied to this policy.
2. I do not agree that any form of development should, in principle, be exempt from making developers contributions. A large development of new affordable housing may generate a similar need for community facilities to private scheme of equivalent size and it would be wrong if a planning policy which seeks to create a "level playing field" sought to make a distinction here.
3. The references in paragraphs 5.39 to 5.41 make it clear that the policy will be aimed at meeting local need. The additional sentence added to paragraph 5.39 should help make this clearer.
4. Whilst this concern is understandable, the structure of the plan has been to group all the planning obligation policies together.
5. There is no reason in principle why a development could not be asked to provide public conveniences as part of a new development. The test would always be those contained within paragraphs 5.39 – 5.41.

### **Recommended revision(s)**

1. The additional wording suggested above is included in the Plan.
2. No change
3. See change to 5.39.

4. No change
5. No change

## **Topic: SC13 – Public Art**

### **Summary of matters raised in objections.**

1. Contributions should be required on the basis that the development proposal is related to the need to provide the art feature and should be related in scale and kind. (117/AB – Langstone Homes, 120/AA – Miller Homes, 200/AO – Taylor Woodrow, 239/AF – D. Austin, 188/AB – Marks & Spencer)
2. RSL's should not be obliged to spend funds earmarked for housing purposes on other public funded facilities and services (228/AV – West Midlands RSL Planning Consortium).
3. Public art is not suitable for residential areas and such areas should be excluded from the provisions of the policy. (201/AA – HBF)

### **Response of Head of Planning & Engineering to matters raised**

1. It is fully accepted that contributions should be sought on the basis that the development proposal is related to the need to provide the improvement and should be related in scale and kind. This applies to all the policies for planning obligations (policies SC9-13) and therefore paragraphs 5.40-41 were included at the introduction to this group of policies to make this clear. There is therefore no need to replicate this here. However, an additional sentence should be included in paragraph 5.39 to clarify that the criteria in paragraph 5.40 should be applied to this policy.
2. I do not agree that any form of development should, in principle, be exempt from making developers contributions. A large development of new affordable housing may generate a similar need for public art to private scheme of equivalent size and it would be wrong if a planning policy which seeks to create a "level playing field" sought to make a distinction here.
3. There have been instances elsewhere where public art has been provided as part of a housing development where this includes public open space. It would not be appropriate therefore to state that residential development would never require public art. Paragraphs 5.39-41 make it clear, however, that all contributions should be appropriate in scale and kind.

### **Recommended revision(s)**

1. No change
2. No change
3. No change



## **Topic: Chapter 5 Omissions**

### **Summary of matters raised in objections.**

1. The local plan should include a policy specifically protecting canals within the district (125/AB – Ian Hunter, 294/AG – British Waterways)
2. The local plan should include a policy specifically protecting allotments within the district (199/BX – James Mackay)
3. The local plan should include a policy for the provision of a prison (202/AA – HM Prison Service)
4. The local plan should include a policy for care homes for the elderly (284/AA – C. Edgerton)

### **Response of Head of Planning & Engineering to matters raised**

1. It is recognised that there is no policy in this local plan to correspond with ENV30 in the adopted local plan. However, it is considered that all of the relevant issues covered in the adopted policy are addressed within policies of the draft local plan. In particular these are DP1 (Layout and Design), DAP1 (Green Belt) and DAP3 (Special Landscape Areas).
2. Allotments are fully protected under policy SC5 and are specifically mentioned in paragraph 5.23. It is not considered that there is a need for an additional policy.
3. Regarding prisons, the local plan contains broad criteria based policies to cover a range of uses. We do not have policies for every type of institution or land use that may come along: e.g.: schools, hospitals, police stations, prisons, power stations, etc. etc. It is therefore considered that there is no need for a policy unless there are particular circumstances unique to prisons that cannot be covered by other generic policies. Government advice on planning policies for prisons is covered in circular 03/98. This sets out a number of clear criteria which make prisons distinct from other institutions. Having considered these criteria, I am of the view that there exist other policies in the local plan which, when read alongside circular 03/98, do provide an adequate framework for considering any proposal for a new prison – should one come along. It should be noted that the Council has not been approached directly by the Prison Service with a request that we identify a site for a new prison.
4. Regarding care homes for the elderly, the local plan contains broad criteria based policies to cover a range of uses. We do not have policies for every type of institution or land use and there is therefore no logic in a policy specifically for care homes unless there are particular unique circumstances that cannot be covered by other generic policies.

### **Recommended revision(s)**

1. No change
2. No change
3. No change
4. No change