

Warwick District Local Plan – Revised Deposit Version Topic Response Analysis

Topic: Chapter 5 Introduction – No objections received.

Topic: SC1 Securing a Greater Choice of Housing

Summary of matters raised in objections.

1. All new housing should comply with “lifetime homes” standards
66/RAQ The Warwick Society
2. There is a need to consider tenure as well as housing type
195/RAR The Leamington Society
3. Existing communities should be safeguarded from a concentration of houses in multiple occupation/student housing
335/RAA Gordon Fyfe

Response of Head of Planning & Engineering to matters raised

1. It is outside the scope of this Plan to require all homes to be built to “lifetime homes” standards. This would require amendments to the Building Regulations.
2. Government guidance in Circular 6/98 (paragraph 4) states that Local Plan policies cannot dictate tenure. Affordability is referred to in paragraph 5.4 and Policy SC9 provides further guidance on the requirements for affordable housing
3. This is an aspect of local amenity which is considered in Policy DP2

Recommended revision(s)

1. No Change
2. No Change
3. No Change

Topic: SC2 Protecting Employment Land and Buildings

Summary of matters raised in objections.

1. Policy SC2 is incompatible with the sequential test outlined in policy UAP2. Established employment sites will be unduly restricted by the sequential test and become sterilised for other uses, including other employment uses. Policy UAP2 should take precedence over Policy SC2 (212/RAA IBM United Kingdom Ltd)
2. Proposed change does not reflect government advice that vacant employment

land should be considered for residential use. Objects that market housing would not be acceptable and that affordable housing only acceptable if for no other non-housing purpose (201/RAA Home Builders Federation)

3. The viability of existing and committed employment sites for other employment uses should be considered before the land is released for affordable housing thus reducing the supply of employment land in the district
168/RAN Advantage West Midlands.

4. The policy is contrary to the amendment to PPG3 supporting the review of non-housing allocations in Local Plans to consider whether land should be used for housing or other mixed use developments. Policy SC2 needs to take account fully of the amendment and indicate that in seeking to protect employment land the Council will demonstrate through an up to date review of employment land that for a particular site there is a realistic prospect of the land being re-used for employment purposes within the plan period (110/AC Government Office West Midlands, 348/RAF Merrill Lynch, 345/RAB Church Commissioners for England)

5. The policy now allows the possibility of affordable housing to be acceptable in areas of potential flood risk, subject to policy SC9, where employment uses were less sensitive. Even with reference to paragraph 2.3A the revised policy SC2 infers that affordable housing proposals need only refer to Policy SC9. Previous support for this policy is therefore withdrawn
226/RAL Environment Agency

Response of Head of Planning & Engineering to matters raised

1. Paragraph 2.3A makes provision for the other policies in the Local Plan to be taken into account for all sites and proposals. The sequential test is to be applied to all alternative uses and would not preclude appropriate uses on vacant employment sites. One policy should not take precedence over another but a balance should be struck between policies on a site by site basis taking all issues into account at the time of an application. Policy SC2 seeks to protect existing employment land for employment uses, but if these can be proven to be exhausted, then other appropriate uses may be considered.

2. Given the position with regard to new housing and the moratorium on new residential sites coming forward, it is acceptable to restrict housing development to that which is affordable as this is the only type of residential unit required to meet a demonstrated need.

3. Agree that it is important that employment land is not lost and the policy does protect such sites unless it can be demonstrated that the use is no longer viable. Paragraph 5.8 states that the council is supportive of retaining employment uses whenever possible, subject to other policies in the plan.

4. The policy relates to the protection of employment sites however this does not preclude the development of vacant sites, which prove to be unsuitable for further employment use for affordable housing only as stated in other policies in the plan. The council produces annual Employment Monitoring Reports and a more general Annual Monitoring Report which covers all aspects of the plan and its policies. These documents will inform the situation regarding the progress of employment sites and the prospect of

development within the life of the plan.

5. The suggested revised wording to policy SC2 would dilute the required control it introduces by taking the onus of proof away from the applicant. It is for the applicant to demonstrate that the site is no longer viable by providing the relevant evidence that the site has been actively marketed for an acceptable period of time for employment uses but been unsuccessful, thus making the site suitable for consideration for other uses. Paragraph 2.3A is included to ensure that all policies are cross-referenced by applicants and reference to a specific policy does not therefore exclude all others.

Recommended revision(s)

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

Topic: SC3 Supporting Public Transport Interchanges

Summary of matters raised in objections.

1. There should be a clear distinction in the plan between Warwick Station and Warwick Parkway. Car interchange should be at the parkway station only to avoid further town centre area traffic movements (Roger Higgins ref: 354/RAK).

Response of Head of Planning & Engineering to matters raised

1. This policy is about public transport interchanges and applies equally to Warwick and Warwick Parkway stations, which have access for buses, cyclists and pedestrians.

Recommended revision (s)

1. No changes required.

Topic: SC4 Supporting Cycle and Pedestrian Facilities

Summary of matters raised in objections.

1. Supports policy but considers that all existing and proposed cycle routes should be shown on the proposals maps (Bishops Tachbrook Parish Council ref 135/RAE).
2. Paragraphs 5.18 and 5.19 should refer to the need to provide for and protect existing pavements, footpaths and cycle ways in rural areas where journeys are

<p>often less than 5 km (Jean Fawcett ref 352/RAA).</p> <p>3. Suggests that the policy should refer to the need for the provision of 'well designed' footpaths and cycleways (Roger Higgins ref 354/RAL).</p>
<p>Response of Head of Planning & Engineering to matters raised</p> <p>1. The provision of pedestrian routes is considered and set through the Warwickshire Local Transport Plan. Until the routes for specific cycle and pedestrian corridors are finalised and implemented it is inappropriate to include them on proposals maps.</p> <p>2. Para 5.18 covers existing and new cycle and pedestrian routes in all areas, though it places emphasis on urban areas and where journeys are likely to be less than 5km. It therefore covers short journeys in rural areas. Para 5.19 simply states a target of the Warwickshire Local Transport Plan which is to deliver quality cycle and pedestrian corridors in the main urban areas by 2006.</p> <p>3. The quality of any new development is covered by the Development Policies in Chapter 4 of the Plan. In particular, policies DP1 (Layout and Design) and DP6 (Access) cover the need for well designed footpaths and cycle-ways.</p>
<p>Recommended revision (s)</p> <p>1. No changes required.</p> <p>2. No changes required.</p> <p>3. No changes required.</p>

<p>Topic: SC5 - Protecting Open Spaces</p>
<p>Summary of matters raised in objections.</p> <p>1. Supports policy but suggests that Para 5.26 should include an additional sentence to require the long term conservation and maintenance of open spaces (The Warwick Society ref: 66/RAT).</p> <p>2. Object to Para 5.27A on the grounds that the construction of buildings for indoor sporting activities would be inconsistent with the objective of protecting open spaces (James Mackay ref: 199/RAE).</p> <p>3. There is still inconsistency between the policy and supporting text in particular between new paragraph 5.27A and 5.23 (Racecourse holdings ref: 303/RAB).</p> <p>4. Maintains objection on the grounds that if the open space audit has been completed the results should be included within the local plan and if not a date for the audit should be given (The Kenilworth Society ref: 221/RAD).</p> <p>5. Objects on the grounds that there is no provision for circumstances where there</p>

is a demonstrative benefit in enhancing an existing open space of limited value rather than providing an alternative open space (Pamela Smith ref: 342/RAB).

6. Object that the policy should not imply that the public can have access to rivers if the rights of way do not exist. As such the reference to 'river and canal corridors' should be removed from Para 5.23 or should be supplemented by 'with public rights of way through them' (National Farmers Union ref: 154/RAF).
7. Policy should protect all existing sports grounds and new open spaces from new buildings or large structures being erected (Ancient Monuments Society ref: 283/RAJ).
8. Suggests the following inclusions to the plan:
 - Policy should prevent new developments (residential or otherwise) on existing sports grounds or open spaces owned by the district council or other landowners.
 - Applications for small buildings on open spaces should provide detailed proof of need at the time the application is submitted.
 - Sites which may be suitable for housing should be classed as a 'strategic reserve' at the end of the local plan but should not be granted planning permission before 2011.
 - Policy should commit to enhancement schemes to reinstate railings removed from public open spaces.(The Ancient Monuments Society ref: 283/RAJ).

Response of Head of Planning & Engineering to matters raised

1. Where an equivalent piece of open space is provided Para 13 of PPG17 requires *that 'local authorities use planning obligations or conditions to secure the exchange of land, ensure any necessary work is undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements'*. On this basis it is agreed that the reason justification should be expanded to expect the long term management of any open spaces being provided.
2. Although the policy seeks to protect all open spaces in some instances it is considered that the benefits of a new sports or recreation facility (within use class D2) may outweigh any loss of open space (e.g. an indoor sports facility to compliment existing playing fields). I do not consider that this conflicts with the overall objective of the policy.
3. It is not agreed that there is inconsistency between Para 5.23 and 5.27A. Para 5.23 outlines what is defined as open space for the purposes of the policy. Para 5.27 sets out the types of facility included as 'sports and recreational facilities' which may be acceptable development in accordance with the latter part of the policy.
4. The open space audit is still being undertaken by the Councils Leisure

department. All publicly accessible open space within Leamington, Warwick and Kenilworth has been surveyed and the audit is currently being extended to rural areas. The information collected will be used to inform the Council's green space strategy and the Supplementary Planning Document on open space standards. Due to the lifespan of the local plan it would be inappropriate to publish the date for completion of the audit within this document. Instead the local development scheme sets out the timescale for the production and adoption of the Open Space SPD.

5. The purpose of the policy is to ensure that where the development or change of use of an open space is proposed an equivalent facility is provided. This seeks to maintain both the quality and quantity of open spaces within the district. There is a danger that if the wording of the policy was changed to allow applicants to improve existing facilities as an alternative the principle of the policy would be diluted. However it is agreed that there may be circumstances where the improvement of existing spaces may be beneficial and as such these would be considered on individual merit. In addition in cases of new development SC11 provides for instances where it may be more appropriate to improve existing areas of open space.
6. Paragraph 5.24 clearly states that the policy refers to land in both public and private ownership. It therefore does not imply that all river and canal corridors are publicly accessible. In addition even where there is no public right of way to a river or canal corridor this can still provide value in terms of visual amenity which deserves protection.
7. The policy protects all open spaces from new development or change of use unless an equivalent open space can be provided or there is a robust assessment demonstrating a lack of need. The only exception is the development of appropriate sports and recreation facilities which may compliment the function of existing open space or outweigh its loss (see point 2).
8.
 - The policy protects all open spaces regardless of ownership (see response to point 7).
 - Any proposal to develop or change the use of an open space (regardless of size) would need to demonstrate that an equivalent facility can be provided or there is a robust assessment demonstrating a lack of need (see point 7).
 - This is dealt with elsewhere in the local plan through UAP1, SC1 and Appendix 2.
 - Although the Council would support schemes to enhance the quality of open spaces it does not have the resources to commit to a scheme to reinstate features such as railings in all cases. However there may be grants available for such work should an appropriate scheme come forward. Any proposal seeking to implement these features would be assessed against other policies within the plan in particular DP1.

Recommended revision (s)

1. Include new sentence within Para 5.25 to state 'In addition applicants will be required to demonstrate that the long term management and maintenance of open space is assured'.
2. No change required.
3. No change required.
4. No change required.
5. No change required.
6. No change required.
7. No change required.
8.
 - No change required.
 - No change required
 - No change required
 - No change required

Topic: SC6 Protecting Sports and Recreation Facilities – No objections received.

Topic: SC7 Directing Community Facilities

Summary of matters raised in objections.

1. Objects that the policy does not differentiate between large scale commercial facilities and small scale community facilities. It also does not take into account the specific characteristics of certain D2 uses that require a particular location (T & N Limited ref: 256 RAA).
2. Although the sequential approach is recognised the policy should be amended to take account of the lack of suitable sites in historic town centres such as Warwick and the need to promote accessible edge of centre sites (Racecourse Holdings Trust ref: 303 RAC).

Response of Head of Planning & Engineering to matters raised

1. The plan directs new community facilities using a sequential approach through which all potential town centre options are assessed before less central sites are considered. This applies regardless of size in order to direct development to the most sustainable locations. However it is recognised that

<p>the size and nature of certain developments may restrict where the facility can appropriately be located therefore in applying the sequential approach each case will be taken on individual merit. There is scope for the development of community facilities in other locations where it can be demonstrated that these would meet a local need and are accessible by means other than the private car.</p> <p>This policy does not deal with D2 uses as these are assessed elsewhere in the plan through policy SC6, UAP9 and RAP13.</p> <p>2. It is recognised that the nature of the town centres may mean there is not the capacity to accommodate all types of community facilities. In applying the sequential approach each case will be taken on individual merit in order to establish the most appropriate location.</p>
<p>Recommended revision (s)</p> <p>1. No change required.</p> <p>2. No change required.</p>

<p>Topic: SC7a Protecting Community Facilities</p>
<p>Summary of matters raised in objections.</p> <p>1. Objects to the omission of 'public houses' from the list of community facilities in paragraph 5.33 (The Warwick Society ref: 66/RAU).</p>
<p>Response of Head of Planning & Engineering to matters raised</p> <p>1. An additional sentence was added to paragraph 5.33 in the Revised Draft to acknowledge that in exceptional circumstances the policy may be applied to other facilities that meet a community need. This may in certain cases apply to public houses however I would wish to avoid specifically referring to these within the policy as this would therefore appear to exclude uses not named.</p>
<p>Recommended revision (s)</p> <p>1. No change required.</p>

<p>Topic: SC8 Telecommunications</p>
<p>Summary of matters raised in objections.</p> <p>1. Add a new policy, making reference to Planning Guidelines and Article 4 Directions and that these will be introduced to require operators to remove all equipment, poles and cables from buildings and adjacent to public highways and pavements once new systems are installed, ensuring that new work is</p>

notified to the council 14 days in advance to allow for objections to be made where damage may occur to the street scene or in a conservation area (283/RAM Ancient Monuments Society).

2. Health issues and public concern are covered by the ICNIRP recognised guidelines which have international status. PPG8 advocates the approach promoted by the ICNIRP and if the local authority wishes to exceed these guidelines, it should justify this requirement. A clear and flexible telecommunications policy is required with supporting introductory paragraph (wording suggested)
106/RAA Mobile Operators Association

Response of Head of Planning & Engineering to matters raised

1. It is not considered appropriate to include this as a new policy. PPG 8 states that 'Permitted development rights should not be withdrawn (by a direction under Article 4 of the General Permitted Development Order) unless there is a real and specific threat to the locality in which development is to take place.' The council will consider this at the stage of any planning application submitted and will work with telecommunications providers to ensure that the best site is utilised and agreement is reached as to the best development that can be achieved. Permitted development rights require the removal of apparatus that is no longer operational, but Paragraph 5.38A has been added to require such removal and the restoration of land, buildings or structures to original condition. This is considered an adequate requirement to deal with this issue. Notwithstanding this, it may be helpful to make an additional reference to the need to minimise the impact on the external appearance of buildings within the text.
2. PPG8 states 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. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.' This clearly states that the council can consider what weight to attach to such considerations when making planning decisions on applications. The council would not wish to go beyond the ICNIRP standards.

References to content of Local Development Documents and Supplementary Planning Guidance (Documents) is for future consideration as this Local Plan is dealt with under the transitional arrangements for dealing with the review of existing plans already at an advanced stage.

Recommended revision(s)

1. Add a further sentence at the end of paragraph 5.37: ***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.***
2. No change

Topic: SC8a Managing Housing Supply

Summary of matters raised in objections.

1. The policy is based on flawed housing figures which do not properly interpret the West Midlands RSS housing requirement
118/RAB Mr & Mrs G Bull; 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; 208/RAB Pettifer Estates Ltd; 229/RAA Gallagher Estates Ltd; 288/RAA Warwickshire Police Authority; 344/RAB Greywell Property Ltd; 345/RAC Church Commissioners for England
2. The assessment of windfall sites is flawed
118/RAB Mr & Mrs G Bull; 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; 208/RAB Pettifer Estates Ltd; 288/RAA Warwickshire Police Authority; 344/RAB Greywell Property Ltd.
3. The Plan should provide for a 10/15 year supply of housing
118/RAB Mr & 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; 208/RAB Pettifer Estates Ltd; 214/RAD Mrs J Biles; 229/RAA Gallagher Estates Ltd; 239/RAJ Mr D Austin; 288/RAA Warwickshire Police Authority; 322//RAD J G Land & Estates; 344/RAB Greywell Property Ltd; 345/RAC Church Commissioners for England
4. The policy is unnecessary, because the Council has agreed the SPD on Managing Housing Supply, and should be deleted.
4/RAB Arlington Planning Services Ltd
5. The Reasoned Justification should commit the Council to monitor completions and permissions every 6 months
66/RAV The Warwick Society
6. Policy should allow for flexibility in the event of a shortfall of housing.
201/RAB Home Builders Federation; 222/RAB John Burman & Family
7. The Policy should include the housing figures from Appendix 2
201/RAB Home Builders Federation; 222/RAB John Burman & Family
8. The Policy should be split into two – provision of new housing and managing that

level of provision.

222/RAB John Burman & Family.

9. The Plan should manage the over supply by regulating programmed and planned housing.
222/RAB John Burman & Family.
10. The percentage over supply, which the plan considers to be significant, should be included within the policy itself.
222/RAB John Burman & Family.
11. Policy should reflect the provisions of the SPD Policy.
266/RAE Warwick Town Council
12. Policy should include a number of detailed criteria for the regulation of windfall housing developments
283/RAL The Ancient Monuments Society

In addition to the above objections, the Government Office for the West Midlands has made the following comments which it would like to be brought to the attention of the Inspector:

- The figure of 20% is too high a level to represent an over supply of housing
- Parts of the SPD could be within Policy 8a
- The proposed level of windfalls could be reduced
- The housing figures in Appendix 2 should relate directly to the RSS rather than the Structure Plan
- The Plan should set out the source of housing up until 2016 (or even 2021) e.g. would almost all of the supply to meet the maximum requirement to 2016 be from previously-developed windfalls?

Response of Head of Planning & Engineering to matters raised

1. Following the enactment of the Planning and Compulsory Purchase Act in September 2004, RPG11 (June 2004) became the West Midlands Spatial Strategy. Policy CF3 included housing provision figures for unitary authorities and counties, but not for districts. When the Strategy was issued in June, an accompanying letter from the Minister of State for Housing and Planning stated that “the absence of housing allocations may cause some difficulties for local authorities in the short term” and that, pending the completion of the partial review of housing (which would determine housing figures down to district level), districts should “work on the basis of the current Structure Plan proportions to 2011”. The letter also stated 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. It is important that this approach should not lead to significant, particularly greenfield, allocations which could be inconsistent with the principles of RPG11.” The Regional Planning Body (RPB) were concerned about the implications of applying Structure Plan proportions because it may lead to the unnecessary release of greenfield sites and affect the ability of Districts to meet affordable housing needs. The Council, therefore, sought advice from the Regional Planning Body and the

Government Office for the West Midlands as to how to incorporate the housing provision figures in Policy CF3. The latter were not in a position to give advice due to the impending General Election but advice from the RPB was to apply the proportionate reductions in the RSS figures to the Structure Plan figures up to 2011. These figures were incorporated into the Revised Deposit Version. Following the General Election, and the publication of the Revised Deposit Version of the Plan, Ian Smith of the Government Office for the West Midlands issued advice on how to interpret the housing figures in Policy CF3 (Table 1). The Council accepts this advice and recommends that these are incorporated into the Local Plan.

2. The windfall estimates in the Revised Deposit Version were calculated by reference to past trends in completions and, in the case of urban windfall sites, by reference to the Urban Capacity Study. The rural windfalls were estimated by reference to past trends of windfall development in Limited Growth Villages and, elsewhere in the rural area, replacements only. In the urban area, the estimates were given as a range based on the urban capacity study and past trends in windfall development on urban brownfield sites. This methodology reflected policies for housing development in the Local Plan. The Council has updated these estimates using the latest information in the Housing Monitoring Report 2005. In the case of urban windfall sites, a single estimate is given based on past trends of relevant developments since this more accurately reflects development which is in accordance with Local Plan policies.
3. This issue is addressed under the response to Appendix 2 (item 2).
4. In order for the SPD on Managing Housing Supply to be formally adopted, it should supplement a policy in an adopted development plan document. Policy SC8a provides this policy.
5. Under the Planning and Compulsory Purchase Act 2004, the formal mechanism for monitoring development and adjusting policy accordingly is the Annual Monitoring Report. This should be produced annually by the end of December and should include the latest information on housing completions and commitments for the year up until the previous April. Monitoring housing development, particularly monitoring completions, is a time consuming exercise and the Council does not consider that a twice-yearly monitoring exercise will add value to the information currently gained from the annual exercise.
6. The Council considers that by introducing a regulatory policy for windfall development by way of a Supplementary Planning Document (SPD) it will be able to respond quickly to any changes in housing development. For example, should an annual monitoring exercise indicate a dramatic slowdown in development, with sites failing to come forward, or an upward review of the housing requirement, the Council will be able to respond quickly by withdrawing the policy in the SPD.
7. The housing figures in the Appendix are time-limited since they relate to the position at April 2005. The Plan will have a life of at least 3 years from the date of adoption (up until about 2010) by which time the residual, and possibly the regional housing requirement, will have changed. The changing housing supply position will be monitored annually within the Annual Monitoring Report and the Housing Monitoring Report. It is not, therefore, considered appropriate to include the figures in the main body of the Plan.

8. The Council does not consider that two separate policies will improve the Plan.
9. Planned and programmed housing includes the three allocated sites of South West Warwick, South Sydenham and Whitnash Allotments. These sites already have the benefit of planning permission, or agreement in principle by the Council subject to a Section 106 Agreement.
10. The percentage figure is a guide only and therefore the Council does not consider that it should be included in the policy itself. The Government Office for the West Midlands, in their comments on the policy, states that it considers the figure of 20% to be too high. However the Council considers that it is difficult to establish a firm figure since the housing supply figure includes completions and permissions. Whilst completions definitely contribute towards supply, permissions may not necessarily proceed to completions. The percentage figure, therefore, can only be a guide and should include an element of flexibility.
11. The Council does not agree that the Local Plan needs to include the SPD policy. The SPD policy is particularly detailed and more appropriate, therefore, within a Supplementary Planning Document. Further, the SPD policy may not last the life of the Plan. Following the monitoring of housing development and the review of regional housing figures, it may be appropriate for the Council to agree to cease operating the SPD policy.
12. The detailed criteria for the regulation of windfall development are included within the Supplementary Planning Document. See also 11 above.

Recommended revision(s)

1. Amend Appendix 2 to incorporate the RSS county housing requirement using the proportions in the Structure Plan for Warwick District
2. Update windfall estimates
3. Add Table to end of Appendix 2 to show how the RSS requirement up until 2021 can be met from completions, commitments and brownfield windfalls
4. No Change
5. No Change
6. No Change
7. No Change
8. No Change
9. No Change
10. No Change
11. No Change
12. No Change

Topic: SC9 Affordable Housing

Summary of matters raised in objections.

1. The site size thresholds for affordable housing are contrary to government guidance
118/RAC Mr & Mrs G Bull; 119/RAE Bloor Homes Ltd; 167/RAC Mrs E Brown; 214/RAE Mrs J Biles; 239/RAH Mr D Austin; 322/RAE JG Land & Estates; 344/RAC Greywell Property Ltd; 345/RAA
2. The proportion of 40% affordable housing is unacceptable. The proportion of affordable housing should be established on a site by site basis according to local need and taking into account specific site characteristics.
118/RAC Mr & Mrs G Bull; 119/RAE Bloor Homes Ltd; 167/RAC Mrs E Brown; 214/RAE Mrs J Biles; 239/RAH Mr D Austin; 322/RAE JG Land & Estates; 344/RAC Greywell Property Ltd; 345/RAA Church Commissioners for England
3. Policy is too inflexible on tenure to be provided and, specifically, the requirement in IV a) of the policy - for housing costs to achieve weekly outgoings "significantly below" the maximum affordable to households in housing need – is unreasonable. Provided it is below, this should make the housing affordable.
119/RAE Bloor Homes Ltd; 214/RAE Mrs J Biles; 239/RAH Mr D Austin; 322/RAE JG Land & Estates; 345/RAA Church Commissioners for England
4. Policy should encourage affordable houses with small gardens suitable for families (and with outside refuse areas – 195/RAS).
52/RAB Barford, Sherbourne & Wasperton Joint Parish Council; 195/RAS The Leamington Society ; 283/RAN The Ancient Monuments Society
5. The statement "where practicable" should be deleted from IV c) in the policy.
66/RAW The Warwick Society
6. The policy should make clearer links with Policy RAP2
148/RAL Campaign to Protect Rural England (Warks Branch)
7. In para 5.46, it should be stated that the Council will seek affordable housing on allocations of land for new dwellings in addition to existing allocated sites and windfall sites.
191/RAR Robin A Richmond; 195/RAS The Leamington Society; 349/RAR Mr D G Goodyear
8. In the policy, site size thresholds in towns and rural areas should be deleted and replaced with a proportion of 40% on all sites but with a commutable contribution on sites under 4 dwellings. Para 5.56 should state that all fractional parts of affordable housing provision should be commuted. Para 5.57, which states that commuted sums should be jointly agreed between the Council and the developer, should be deleted.
195/RAS The Leamington Society
9. Policy relies on out of date housing assessment
228/RAF West Midlands RSL Planning Consortium

10. The definition of affordable housing in para 5.52 should reflect details in para 5.53
223/RAD Kenilworth Town Council

Response of Head of Planning & Engineering to matters raised

1. Two recent government consultation documents have indicated that minimum site size thresholds should normally be of 15 dwellings. The Government's consultation paper on proposed changes to PPG3 ("Planning for Mixed Communities") issued in January 2005 included proposals to increase the supply of affordable housing by allowing local authorities to seek affordable housing on smaller sites. Paragraph 11 proposed that "the minimum site-size threshold above which affordable housing should be sought should not normally be above 15 dwellings or sites of more than 0.5 hectares". This proposed reduction in site-size thresholds was based on research which showed that a large number of dwellings were 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.
The consultation paper on a new Planning Policy Statement 3 (PPS3) Housing would supercede existing government policy in Circular 6/98 and PPG3. It states in paragraph 26 that authorities "should set a minimum site-size threshold, expressed as numbers of homes or areas, above which affordable housing will be sought" and that "the indicative national minimum threshold is 15 dwellings, but local planning authorities will need to take into account the level of affordable housing to be sought, site viability, the impact on the delivery of housing provision and the objective of creating mixed and sustainable communities."
The high level of need for affordable housing in the District is not disputed. Research carried out for the Regional Housing Strategy by the Centre for Urban & Regional Studies in 2003 showed that Warwick District had the highest proportion of households in the region unable to afford homes at entry level prices – 71.4 % of households at 4.25 times income and 85.1% of household at 3.5 times income. The Final Draft Regional Housing Strategy states in paragraph 3.110 that "Warwick District and Stratford town stand out as areas with the highest affordable housing needs" and in Policy 3.23 it states that "The urban areas of Worcester, Warwick and Stratford should be the focal point for social housing investment in the short term"
A joint Housing Assessment with neighbouring Stratford upon Avon District is currently taking place and the final report will be available before the commencement of the Local Plan Inquiry.
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. In the rural area, windfall sites rarely accommodate more than one or two dwellings. 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. Thresholds of 10 in the urban area and 3 in the rural area reflect levels of need for affordable housing which are well above the national norm and are levels which will survive the test of time as government policy in PPS 3 is introduced before the Plan is adopted.
2. 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:

- a. The large number of households in housing need as evidenced by the Housing List, the Council's own Housing Needs Assessments and research undertaken for RPG11.
- b. 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 entry level homes 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.

3. 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.
- 4 The policy states in sub-section II that the accommodation provided will be determined on the basis of local need as identified by the Council in accordance with the Housing Strategy and the local assessments of need. Small affordable family houses are in high demand throughout the District and where reasonable and practicable the Council will seek the provision of such housing. The provision of outside refuse areas is a requirement under Policy DP1 (I).
- 5 The phrase "where practicable" was inserted at the revised deposit stage in response to objectors who highlighted the difficulties experienced by Registered Social Landlords in situations where lenders are reluctant to sign agreements if they would be unable to repossess a property in the event that the mortgagee defaults on the loan. It is normally possible to insert a clause on "perpetuity" which exempts the mortgagee in repossession but this is not always the case.
- 6 Chapter 2, the User Guide, makes it clear that users of the Local Plan must have regard to all relevant policies and that individual policies do not seek to cover all potentially relevant matters.
7. There are no new allocations of housing land in the Plan.

- 8 The suggestion that no site size thresholds are applied would be contrary to government policy in Circular 6/98, PPG 3 and draft government policy in PPS3. Paragraph 5.56 allows for commuted sums in certain circumstances but only on sites above the thresholds. To require commuted sums on sites under 4 dwellings would also be contrary to government guidance.
- 9 A Housing Assessment for South Warwickshire was jointly commissioned by Warwick District Council and Stratford District Council in August 2005 and a draft report will be available by March 2006. The extent of the Housing Waiting List, the levels of homeless acceptances, high house prices in relation to income and other research carried out for the Regional Housing Strategy (see 1. above) all continue to give evidence to support the fact that there is a very high level of need for affordable housing in the District.
- 10 The Plan adopts the government's definition of affordable housing and applies to it particular local circumstances such as prices and costs. The issue of perpetuity is treated separately as it is not always possible to guarantee perpetuity (such as in cases where Right to Buy legislation applies or where there are difficulties associated with securing loans)

Recommended revision(s)

- 1 None
- 2 None
- 3 None
- 4 None
- 5 None
- 6 None
- 7 None
- 8 None
- 9 None
- 10 None

Topic: SC10 Sustainable Transport Improvements

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 transport improvement and should be related in scale and kind. (D. Austin – 239/RAG, Bloor Homes -119/RAF, J. Biles – 214/RAF, J.G. Land & Estates – 322/RAF, West Midlands International Airport Ltd – 321/RAK)
2. The word required should be reinstated in place of the word “sought”. (J. MacKay – 199/RAG)
3. The phrase “material increase” should be clarified and the wording revised to reflect paragraph 5.61. (Tesco – 350/RAW)
4. RSL's should not be obliged to spend funds earmarked for housing purposes on other public funded facilities and services (West Midlands RSL Planning Consortium - 228/RAG).

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. Furthermore, an additional sentence has been included in paragraph 5.39 to clarify that the criteria in paragraph 5.40 should be applied to this policy.
2. Government advice on planning obligations, seen most recently in new circular 5/2002 states that planning obligations should be sought. This is therefore the correct wording to be used here.
3. 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.
4. 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. No change
2. No change
3. No change
4. No change

Topic: SC11 Open Space and Recreation Improvements**Summary of matters raised in objections.**

1. The policy should include a commitment to produce policies for the protection of all existing sports grounds and open spaces and will ensure that no buildings are built on them (Ancient Monuments Society – 283/RAK).
2. 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. (D. Austin – 239/RAF, Bloor Homes -119/RAG, J. Biles – 214/RAG, J.G. Land & Estates – 322/RAG, Tesco – 350/RAX, Midlands International Airport Ltd – 321/RAL)
3. The word required should be reinstated in place of the word "sought". (Warwick Society – 66/RAX)

Response of Head of Planning & Engineering to matters raised

1. There are other policies in the Local Plan which provide protection for open spaces and criteria for considering any proposals relating to them. There is therefore no need for a specific reference here.
2. See response to SC10 above.

3. See response to SC10 above

Recommended revision(s)

1. No change
2. No change
3. 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 transport improvement and should be related in scale and kind. (Bloor Homes -119/RAH, J. Biles – 214/RAH, J.G. Land & Estates – 322/RAH)
2. The word required should be reinstated in place of the word “sought”. (Warwick Society – 66/RAZ, South Warwickshire NHS PCT – 341/RAD)
3. RSL’s should not be obliged to spend funds earmarked for housing purposes on other public funded facilities and services (West Midlands RSL Planning Consortium - 228/RAJ).
4. The policy should refer directly to ODPM circular (05/2005) (Tesco – 350/RAY)

Response of Head of Planning & Engineering to matters raised

1. See response to SC10 above.
2. See response to SC10 above.
3. See response to SC10 above.
4. Circular 05/2005 was issued after the Revised Deposit Version of the Local Plan was prepared. I agree it is now appropriate to update the reference. The reference to the relevant circular comes in paragraph 5.40 and the change should be made here.

Recommended revision(s)

1. No change
2. No change
3. No change
4. Amend paragraph 5.40 to read: “The framework for this is set out in ~~Department of the Environment circular 1/97~~ **ODPM Circular 05/2005** and elaborated on in other guidance such as circular 6/98 (regarding affordable housing).”

Topic: SC13 Public Art

Summary of matters raised in objections.

1. The policy should also make reference to the need to involve urban designers and landscape architects as well as artists (Warwick Society – 66/RAY).

<ol style="list-style-type: none"> 2. The policy should clarify the types of development to which a public art contribution should be sought. It would not be appropriate in a sheltered housing scheme (McCarthy & Stone – 217/RAA) 3. RSL's should not be obliged to spend funds earmarked for housing purposes on other public funded facilities and services (West Midlands RSL Planning Consortium - 228/RAK). 4. 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. (WMIAL – 321/RAM).
<p>Response of Head of Planning & Engineering to matters raised</p> <ol style="list-style-type: none"> 1. I would agree that to achieve successful public art there needs to be the involvement of a number of areas of expertise. In appropriate cases this may well include urban designers and landscape architects. It will, however, be for individual schemes to determine the appropriate mix of professional skills within any design team. Other policies in this Local Plan require that design and landscaping work is undertaken when a planning application is prepared and this would in many cases necessitate the need for these other skills. 2. Although I would agree that in many cases, at the scale of an individual residential development, it may not be appropriate to seek a contribution towards public art, I would not agree that any development should be exempt in principle. I would stress that the policy only “seeks” contributions and that furthermore public art is understood to have a wider definition than being, for example, a piece of sculpture in the middle of a development. 3. See response to SC10 above. 4. See response to SC10 above.
<p>Recommended revision(s)</p> <ol style="list-style-type: none"> 1. No change 2. No change 3. No change 4. No change

Topic: Chapter 5 Omissions
<p>Summary of matters raised in objections.</p> <ol style="list-style-type: none"> 1. The local plan should include a policy for the provision of a prison (HM Prison Service - 202/RAA)
<p>Response of Head of Planning & Engineering to matters raised</p> <ol style="list-style-type: none"> 1. 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.

Recommended revision(s)

1. No change