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**CHAPTER 4: DEVELOPMENT POLICIES**

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**4.1 Overview**

**4.1.1** These policies are generic, applying to all development throughout the District. They have attracted many objections. I consider those objections in some detail. I support modifications to each of the policies and/or their reasoned justification, save for Policies DP9, DP13 and DP14. I recommend no additional policies.

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**4.2 Paragraphs 4.1 - 4.2 Introduction**

Objections to First Deposit Version

No objections

Objections to Revised Deposit Version

- 191/RAK Robin A Richmond
- 195/RBB The Leamington Society
- 349/RAK Mr. D. G. Goodyear

**Key Issue**

**4.2.1** Whether Paragraph 4.2 should include ‘safety’ as an objective in the first bullet point.

**Inspector’s Appraisal and Conclusions**

**4.2.2** Paragraph 4.2 sets out what the Plan’s generic development policies seek to achieve. The first bullet point refers to the Core Strategy and, in particular, to the environmental and social objectives. ‘Safety’ is not identified as an aim or an objective of the Core Strategy. I am told by the District Council that this matter has been raised in connection with car parking. Since on-street parking and highway safety issues are addressed later by Policy DP8 I see no need for this detailed consideration to be included here in the introductory text.

**4.2.3 Recommendations**

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

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**4.3 Paragraphs 4.3 - 4.11 Policy DP1 Layout and Design**

## Objections to First Deposit Version

44/AA	P Lloyd
66/AG	The Warwick Society
109/AF	Warwickshire County Council (Planning, Transport & Economic Strategy)
109/AR	Warwickshire County Council (Planning, Transport & Economic Strategy)
128/AA	Mr and Mrs Devereux
148/AA	Campaign to Protect Rural England (Warwickshire Branch)
148/AE	Campaign to Protect Rural England (Warwickshire Branch)
187/AB	The Countryside Agency (West Midlands Region)
193/AZ	Coten End and Emscote Residents' Association
194/AA	Vernon Lawton
195/AB	The Leamington Society
197/AB	Norton Lindsey Parish Council
198/AA	John Henderson
220/AB	Cala Homes (Midlands) Ltd
229/AA	Gallagher Estates Limited
252/AA	Dr T L & Mrs M E Dunn
273/AA	R H S Montanaro
281/AA	Mrs Bernadette Seales
296/AK	CLARA

## Objections to Revised Deposit Version

66/RAG	The Warwick Society
148/RAA	Campaign to Protect Rural England (Warwickshire Branch)
191/RAL	Robin A Richmond
195/RBC	The Leamington Society
283/RAB	The Ancient Monuments Society
349/RAL	Mr. D. G. Goodyear
350/RAL	Tesco Stores Ltd

## Key Issues

- 4.3.1** (1) Whether Policy DP1 should include criteria similar to those in Policy RAP3.
- (2) Whether the Policy allows for the more efficient use of land required by national guidance and for radical solutions, new building technology and innovative design.
- (3) Whether reference should be made in the supporting text to PPS1 and the DETR publication 'By Design'.
- (4) Whether the Plan should create a better relationship between Policies DP1 and DP5.
- (5) Whether the Policy should be cross-referenced to Policy DP3 in relation to protecting landscape character and distinctiveness.

- (6) Whether reference should be made in the Plan to village design statements and other documents as sources of advice and guidance.
- (7) Whether Policy DP1 is adequate to protect the character of areas of local significance or historic distinctiveness from intrusive development.
- (8) Whether the Policy affords adequate protection against unsatisfactory redevelopment at a higher density.
- (9) Whether Policy DP1 is too prescriptive in not allowing development to be significantly different in physical form, urban design, and architectural style from surrounding buildings.
- (10) Whether (i) criterion b) should be expanded to include a reference to maintaining front walls and boundary hedges, and precluding parking on front gardens; and (ii) further criteria should be added.
- (11) Whether criterion g) is appropriately worded.
- (12) Whether there should be a specific criterion to control the design and number of signs and other street furniture that clutter and detract from openness.
- (13) Whether the term 'significant impact' should be defined, preceded by the word 'potentially' or qualified with the words 'as judged by the Council'.
- (14) Whether Paragraph 4.6 should indicate that SPD will be produced and specify a target date.
- (15) Whether there should be an additional criterion within Policy DP1 relating to trees and other landscaping.
- (16) Whether the Plan should address the situation where amended proposals are submitted after planning permission is granted.
- (17) Whether the Policy should include a reference to car parking as this affects layout and design.
- (18) Whether shopfronts should be covered by the Policy.
- (19) Whether Paragraphs 4.7 and 4.8 are appropriately worded.
- (20) Whether the explanatory text adequately supports the Policy.
- (21) Whether the various suggestions made would improve the Policy criteria.
- (22) Whether Paragraph 4.8 should be amended to refer to acceptable standards of accommodation in terms of size, daylight and outlook.
- (23) Whether SPD should be prepared giving details and examples of the standard of drawings and other information required for planning applications.
- (24) Whether the second sentence of Paragraph 4.3 should be re-ordered.

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

- 4.3.2 Issue 1:** Kenilworth Town Council argues that the character of Kenilworth is more akin to the rural settlements than to other urban areas of the District. The equivalent Policy to DP1 in the extant Local Plan has, it says, proved ineffective in protecting Kenilworth and similar settlements from the worst excesses of domestic extensions. The Town Council requests that Policy DP1 be augmented by similar criteria to those that apply to extensions in rural areas under Policy RAP3.
- 4.3.3** I agree with the District Council that the content of Policy RAP3 is not directly relevant to the urban setting in that it seeks to prevent disproportionate additions from affecting the open character of the countryside, much of which lies within the Green Belt, in accordance with PPG2: Green Belts and PPG7: Sustainable Development in Rural Areas. I consider that, unlike many villages in the District that are washed over by the Green Belt, urban areas are less likely to be adversely affected by issues of openness. The District Council has, I note, published design guidance on its web site, adopted supplementary planning guidance on both the 45 degree code and on distance separation, and work is currently underway on a new supplementary planning document in respect of residential design, all of which are intended to complement Policy DP1.
- 4.3.4** I am satisfied that Policy DP1, assisted by other Plan policies and the planning authority's additional forms of design guidance, is in this respect fit for purpose and adequate to protect the general character and appearance of the District. Paragraph 4.1 of the reasoned justification makes it clear that all development proposals, including extensions/alterations, will be assessed against the generic policies within Chapter 4. It is for the District Council's development control section to apply Policy DP1 with sufficient rigour. I see no compelling argument for adding further criteria to Policy DP1. The Policy already requires development proposals to demonstrate that they respect surrounding buildings in terms of scale, height, form and massing and to adopt appropriate materials and details, amongst many other matters. Paragraph 4.6 should, though, acknowledge the work in progress to prepare additional guidance on residential design. That work has, I am told, been approved in draft form by the District Council's Planning Committee prior to public consultation.
- 4.3.5 Issue 2:** As the District Council points out, Policy DP1 should be read in conjunction with other Plan policies. Policy DP5 is another generic policy. It deals with density and specifically supports the efficient use of land. Although layout and design are required to pay appropriate regard to the existing built and natural environment, Policy DP1 does not seek to stifle new solutions and innovation. Paragraph 4.11 makes it abundantly clear that the District Council supports the use of imaginative designs in the right place.
- 4.3.6 Issue 3:** Reference is made in Paragraph 4.5 of the Revised Deposit Plan to PPS1 (Delivering Sustainable Development). I feel that this is appropriate given the pivotal role of sustainability in supporting the planning process and achieving desirable outcomes. However, it is not necessary to specifically mention all Government guidance including 'By Design'. To do this would serve to make the Local Plan less focused and succinct.
- 4.3.7 Issue 4:** It is made clear at Paragraph 2.3A of the User Guide that regard needs to be had to all relevant policies, and that individual policies should not be applied in

isolation. Bearing in mind the generic nature of the Plan's development policies, I believe there to be no risk that Policy DP5, which deals with density and efficiency of land use, would be given greater weight than Policy DP1. As regards the Rock Townsend Study, this is of particular relevance to Leamington Spa and its Conservation Area. In my view, it is more appropriately referred to under Policy DAP10 (Protection of Conservation Areas).

**4.3.8 Issue 5:** Given the instruction in the Plan that policies need to be read together and the generic nature of the development policies, there is no general requirement to cross-reference them. To do so without very good reason would substantially increase the bulk of the Plan and adversely affect its clarity.

**4.3.9 Issue 6:** I see no compelling need in relation to Policy DP1 to burden the explanatory text with mention of additional documentation. If a village design statement or other document is of relevance it should be referred to in the section of the Plan that relates specifically to that settlement or topic.

**4.3.10 Issue 7:** Policy DP1 is criteria-based. It lists a substantial number of diverse factors that will be used to evaluate development proposals. Amongst other matters, schemes will be expected to demonstrate that they reflect, respect and reinforce local architectural and historical distinctiveness. Where proposals are likely to have a significant impact upon the character and appearance of an area the Policy requires the applicant to prepare a Character Appraisal and Design Statement. I am satisfied that this affords a considerable degree of protection. In relation to safe routes for cycling, there is no reason in principle why these should prove harmful if carefully laid out and designed.

**4.3.11 Issue 8:** In my opinion, the criteria and matters identified in Policies DP1, DP5 and other Plan policies provide a sufficient basis for assessing more intensive redevelopment proposals. Demolition of family homes and other large buildings and their replacement with higher density schemes is not contrary to Government guidance. PPG3 urges local planning authorities to make more efficient use of land by reviewing planning policies and standards and to provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and seek to create mixed communities. It supports the use of previously developed land in achieving these objectives including existing dwellings and their gardens. Authorities are expected to avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net) and encourages housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net).

**4.3.12** Nevertheless, the District Council has done much to afford control in areas that exhibit special characteristics. Conservation Areas have been re-surveyed and, where appropriate, expanded to protect against development that could compromise their overall character and distinctiveness. I note that the Leamington Conservation Area, for example, was reviewed in 2004 and Northumberland Road included. As regards the provision of mobile phone masts in residential areas, this is addressed in general terms by Policy DP1 and more specifically by Policy SC8 (Telecommunications).

**4.3.13 Issue 9:** I do not believe that Policy DP1 is inflexible, stifles innovative design or encourages pastiche. Although the criteria employed generally require development to 'reflect' the existing built form, they also use words like 'harmonise', 'enhance', 'reinforce' and 'respect'. The Policy indicates that development will only be permitted which positively contributes to the character and quality of its environment. Good layout

and design does not require slavish adherence to what already exists or mimicry but allows for innovation and the possibility of a different approach. The District Council points to the offices at Gem House, Hamilton Terrace, Leamington Spa as a good example of a building of contemporary design situated adjacent to a row of Georgian buildings within a conservation area. Where proposals could potentially have a significant impact on the character and appearance of an area, applicants are expected to demonstrate compliance through a Character Appraisal and Design Statement.

**4.3.14 Issue 10:** The Leamington Society argues that the criteria of Policy DP1 should be expanded to prevent parking on front gardens. This practice can have townscape implications, lead to loss of public on-street parking, and increase surface water runoff contributing to flooding problems. In most situations, ‘permitted development’ rights allow hardstandings to be formed for car parking on front gardens and vehicular accesses to be laid out without the need for planning permission. Moreover, the removal of boundary walls and hedges does not generally require consent. Because of these planning concessions made nationally, I feel it would be inappropriate to include such matters within Policy DP1 or to introduce a separate policy to safeguard front gardens in conservation areas or elsewhere. Where there are particular concerns, say on streetscape grounds, the District Council can make an Article 4 direction restricting the application of ‘permitted development’ rights over a specific area. As regards use of the word ‘significant’ in the final paragraph of the Policy, this is necessary to ensure that it only applies to matters with which the Policy should be concerned. I agree with the District Council that it would be out of place to require an ‘Amenity Appraisal’ of all new development under Policy DP1 which relates specifically to layout and design. Such an assessment is required for all proposals under Policy DP2. Finally, I do not believe that additional policy criteria are warranted in respect of highway/pedestrian safety, rectification of past mistakes prior to new works being carried out, signage, or shop fronts.

**4.3.15 Issue 11:** I consider criterion g) to be appropriate, except for the final word ‘used’ which is unnecessary. I see no need to add ‘to achieve the purposes of paragraphs a) to f)’.

**4.3.16 Issue 12:** The District Council acknowledges in Paragraph 9.44B that there are concerns regarding the detrimental impact of statutory signage such as highway information within conservation areas and says that it is committed to working with the relevant agencies to minimise those impacts. I note that guidance has been published on shop fronts and signage in the Warwick and Leamington Spa Conservation Areas<sup>1</sup> and that Policy DAP12 precludes the erection of advertisement hoardings in all conservation areas. In my view, these measures are appropriate without the need for further reference in Policy DP1.

**4.3.17 Issue 13:** There is no need to define what is meant by ‘significant impact’. This will vary from site to site and from proposal to proposal and is a matter that will need to be considered at planning application stage. In my opinion, the word ‘potentially’ would add very little, if anything, to the Policy and the words ‘as judged by the Council’ are unnecessary.

**4.3.18 Issue 14:** The District Council is in the process of preparing SPD on residential design. This will be used in conjunction with Policy DP1 and other DP policies to assess

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<sup>1</sup> CD602 and CD603

planning applications. That SPD has been approved in draft form prior to public consultation later in 2006. While it may not be possible to specify target dates for all SPD, I believe the Plan should indicate that the District Council 'will' rather than 'seek to' produce SPD.

- 4.3.19 Issue 15:** I see no need for a further policy criterion in respect of trees and other landscaping. These matters are already covered under criteria e) and k). The former refers to incorporating existing features into the site while the latter ensures that landscaping and open spaces are well related to each other. I agree with the District Council that forest trees are unlikely to be suitable for most schemes, other than in large areas of landscaping, because of their size and vigour, effect on foundations and the need to achieve a reasonable density of development. No convincing argument has been put to me to extend the proposed SPD to cover 'other landscaping' as well as trees within new development sites.
- 4.3.20 Issue 16:** Policy DP1 will apply equally to any amended scheme that is submitted after the grant of planning permission.
- 4.3.21 Issue 17:** The Policy already refers at criterion k) to parking. It requires this and other layout components to be well related to each other and provide a safe and attractive environment. Policy DP8 addresses the issue of car parking and highway safety in more detail. As regards the needs of pedestrians and cyclists, new schemes will be expected to demonstrate how these interests are to be accommodated and given priority over other means of transport.
- 4.3.22 Issue 18:** I agree with the District Council that it is not necessary to single out shopfronts for particular attention in the Policy. Policy DP1 is intended to cover all layout and design issues. Policy TCP13 later in the Plan relates specifically to the design of shopfronts.
- 4.3.23 Issue 19:** I do not accept that the District Council should be required to consult local representative groups wherever pre-application discussions are held. This would potentially serve to delay development and duplicate the consultation procedures followed at application stage. The present wording of Paragraph 4.7 is, in my opinion, to be preferred - that is, 'where it (*the Council*) considers it appropriate and with the agreement of the applicant'. Neither do I support the suggested amendment to Paragraph 4.8 which would require applicants to demonstrate 'to the satisfaction of the Council' that their development achieves good layout and design. Such additional words are, in my view, unnecessary.
- 4.3.24 Issue 20:** I am content that there is no conflict between the statements made in the supporting text and the thrust and detail of Policy DP1. Paragraphs 4.3-4.11 explain the background to and development of the Policy. I consider that the Policy itself is clear and unambiguous.
- 4.3.25 Issue 21:** A number of suggestions have been made for improving the detailed Policy criteria. I do not believe that criteria a) - l) of Policy DP1 duplicate each other to any great extent nor that they cannot be justified where the existing urban character is undistinguished. I note that criterion e) has already been amended in the Revised Deposit Plan and a new criterion l) added. However, I feel that there is also merit in amending criteria b) and i). The former would result in a clearer text while the latter relates more properly to the essential design requirement of providing adequate open space. As

regards the suggestion that criterion e) be further changed from 'enhance' to 'improve', I see no essential difference in these terms.

**4.3.26 Issue 22:** Policy DP1 sets out the basic principles that underpin all development, not just residential. Minimum standards of accommodation are more properly addressed under the Building Regulations.

**4.3.27 Issue 23:** It is proposed to introduce a standard planning application form which will ensure a consistent quality of plans and level of detail. I agree that a Local Plan is not the correct vehicle for setting out those general requirements, either in the body of the Plan itself or in SPD. As regards larger sites, the District Council says that it intends to prepare a planning brief for each site which will incorporate the Council's known requirements and expectations.

**4.3.28 Issue 24:** I agree with the objector that the second sentence of Paragraph 4.3 would benefit in terms of comprehension and emphasis from reversing the order of the 2 parts of the sentence.

### **Recommendations**

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

**(i) amend criterion b) of Policy DP1 to read:**

**“relate well to local topography and landscape features, including prominent ridge lines”**

**(ii) amend criterion g) of Policy DP1 to read:**

**“adopt appropriate materials and details”**

**(iii) amend criterion i) of Policy DP1 to read:**

**“provide adequate open space for the development in terms of both quantity and quality”**

**(iv) amend the second sentence of Paragraph 4.3 to read:**

**“This is as relevant in more modern development as it is in historic conservation areas.”**

**(v) add “design guidance” to the list of supplementary planning documents in Paragraph 4.6**

**(vi) delete the words ‘seek to’ from the first line of Paragraph 4.6**

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

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#### 4.4 Paragraphs 4.12 - 4.15 Policy DP2 Amenity

##### Objections to First Deposit Version

4/AD	Arlington Planning Services LLP
54/AD	Conservative Group of Councillors
148/AF	Campaign to Protect Rural England (Warwickshire Branch)
193/BA	Coten End and Emscote Residents' Association
199/BA	James Mackay
220/AD	Cala Homes (Midlands) Ltd
221/AD	Kenilworth Society
302/AH	English Heritage (West Midlands Region)

##### Objections to Revised Deposit Version

66/RAH	The Warwick Society
191/RAM	Robin A Richmond
195/RAL	The Leamington Society
283/RAC	The Ancient Monuments Society
321/RAE	West Midlands International Airport Ltd
327/RAB	Miss E M Rumary
349/RAM	Mr. D. G. Goodyear
350/RAN	Tesco Stores Ltd

#### Key Issues

- 4.4.1** (1) Whether the SPG referred to in Paragraph 4.15 should be updated to reflect changes in national policy.
- (2) Whether the design standards referred to in Paragraph 5.54 for social housing should be applied to all other housing.
- (3) Whether Paragraph 4.13 should be amended to improve the clarity of the Policy.
- (4) Whether there is tension between Policies DP2 and DP5.
- (5) Whether the Policy is too subjective and should be deleted.
- (6) Whether brownfield sites should be redefined to exclude private gardens and permission granted for development only in exceptional circumstances with minimum amenity space defined and 'permitted development' rights removed.
- (7) Whether considerations of amenity should be expanded to include risk, particularly the impact of on-street parking on emergency services and pedestrians.
- (8) Whether Paragraph 4.12 should reflect the District Council's Continuous Improvement Agenda (EFQM, 2002).
- (9) Whether the objectives of the Policy would be strengthened by amending 'good design' to 'excellent design' in Paragraph 4.14.

- (10) Whether the Policy would benefit from further clarification.
- (11) Whether air pollution is an appropriate example of an adverse impact on amenity.
- (12) Whether the Policy should indicate the way in which the impacts on amenity will be assessed and weighed.
- (13) Whether the Policy and its supporting text adequately promote safety and fairness in protecting the community.
- (14) Whether mitigation and compensation should be added to the Policy.
- (15) Whether demolition and replacement should be accompanied by improvement and neighbours consulted on design.

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

- 4.4.2 Issue 1:** The District Council says it is updating its existing SPG on residential design. As part of that review, guidance on distance separation and the 45% rule is being revisited. Any necessary updates will be included in the SPD which will be consulted upon shortly. I consider that there is no need to amend the Plan in light of this information.
- 4.4.3 Issue 2:** Unlike the case with social housing, no minimum design standards exist for private housing where market forces dictate what is required. It is not therefore possible to apply those standards universally. However, the Building Regulations do have a role to play in the implementation of construction standards.
- 4.4.4 Issue 3:** The Council accepts that the phrase 'can be described as' is rather vague. In the Revised Deposit version of the Plan it has been amended to read 'is defined as'.
- 4.4.5 Issue 4:** There can be conflict between preserving amenity and aspiring to meet required densities. However, acceptable standards of amenity are achievable with good design. I note that the second sentence of Paragraph 4.28, which alluded to that potential conflict, has been deleted from the Revised Deposit Plan.
- 4.4.6 Issue 5:** I agree with the District Council that Policy DP2 is necessary to supplement Policies DP1 and DP3. It addresses the relationship with neighbouring buildings and uses, and the standard of amenity enjoyed by occupiers of the development itself. It is particularly relevant in residential areas. While the Policy relies on subjective considerations it is precise in indicating that development which creates unacceptable adverse impacts will not be permitted.
- 4.4.7 Issue 6:** PPG3 includes residential gardens within the definition of previously-developed land. However, draft PPS3 indicates at Paragraph 36 that 'although residential gardens are defined as brownfield land, this does not necessarily mean that they are suitable for development'. If carried through into the final version of PPS3 this will assist in protecting gardens from inappropriate development. I agree with the District Council that in light of this national policy it would not be appropriate to redefine brownfield land in the manner sought by the objector. As regards minimum amenity

space standards and ‘permitted development’ rights, these fall to be considered on a case by case basis within the context set by Policy DP1.

- 4.4.8 Issue 7:** I believe that ‘amenity’ is a broad concept that could conceivably include parking issues. It is not necessary, in my view, to list all possible concerns. Off-street parking requirements in the District are guided by the County Council’s Parking Standards which are expressed as maxima. The specific requirement for any development is determined on a case by case basis following consultation with the highway authority. I note that the District Council intends to produce SPD on parking which will examine matters in detail and be tailored to reflect situations where on-street parking would create local difficulties. I see no compelling need to include any of the additional wording suggested by the Leamington Society in respect of Paragraphs 4.12 or 4.15.
- 4.4.9 Issue 8:** The objector’s reference to EFQM is to a practical self-assessment model to help organisations establish where they are on the road to excellence. It has been largely superseded by Comprehensive Performance Assessment (CPA). I agree that it is not appropriate to include this in Paragraph 4.12. The Local Plan is concerned with land use matters rather than process and local authority performance.
- 4.4.10 Issue 9:** As indicated by the District Council, good design is promoted by all Government guidance. While everyone involved in development should strive for high quality, I have already concluded in respect of Core Strategy 2E that excellence is too high a test. I consider that the wording of Paragraph 4.14 in the Revised Deposit Plan which talks of ‘achieving good design’ is appropriate and requires no amendment.
- 4.4.11 Issue 10:** I am satisfied that the Policy is sufficiently clear as drafted. It is succinct and says exactly what it means.
- 4.4.12 Issue 11:** I agree with the objector that air pollution is beyond the immediate control of the planning system and is not the most appropriate example of disturbance/intrusion. I consider that Paragraph 4.14 would be improved by listing the main detractors from amenity - that is, loss of privacy, loss of sun/daylight, visual intrusion, noise disturbance, and light pollution.
- 4.4.13 Issue 12:** Policy DP2 is a general policy. It would not be appropriate to indicate the weight to be given to amenity. This will vary on a case by case basis taking account of the strength of other policy considerations.
- 4.4.14 Issue 13:** I am satisfied that Policy DP2 addresses fairness and safety in a very general sense, protecting the interests of the whole community. There is no need, in my view, to incorporate a policy specifically targeting residential areas.
- 4.4.15 Issue 14:** The District Council accepts, and I agree, that it would be helpful to acknowledge in Paragraph 4.14 that ‘mitigation’ could make a scheme more acceptable. A proposed change has been put forward to this effect which I endorse. In my opinion, it would not be appropriate to include ‘compensation’ since this implies harm that cannot be overcome.
- 4.4.16 Issue 15:** Matters of design would be addressed at planning application stage in the light of Policy DP1 and other relevant Plan policies during which neighbour

consultations would be carried out. I see no need to amend the Policy or the explanatory text in response to this objection.

### Recommendations

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

- (i) substitute the following text for the second sentence of Paragraph 4.13:

**“Examples of disturbance and intrusion include: loss of privacy; loss of sun/daylight; visual intrusion; noise disturbance; and light pollution.”**

- (ii) add the following sentence at the end of Paragraph 4.14:

**“In considering development proposals, any appropriate mitigation measures that can be put in place will be taken into account in assessing the overall impact of the development on amenity.”**

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

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#### 4.5 Paragraphs 4.16 - 4.22B Policy DP3 Natural and Historic Environment and Landscape

##### Objections to First Deposit Version

109/AW	Warwickshire County Council (Planning, Transport & Economic Strategy)
117/AE	Langstone Homes Ltd
120/AD	Miller Homes (West Midlands)
148/AG	Campaign to Protect Rural England (Warwickshire Branch)
149/AB	Warwickshire County Council ( Museum Field Services - Archaeology)
150/AC	Warwickshire County Council (Museum Field Services - Ecology)
187/AC	The Countryside Agency (West Midlands Region)
194/AB	Vernon Lawton
198/AB	John Henderson
200/AL	Taylor Woodrow Strategic Developments
210/AG	English Nature
221/AE	Kenilworth Society
229/AB	Gallagher Estates Limited
234/AE	Parish Councillor (Sherbourne)
239/AM	Mr D Austin
302/AJ	English Heritage (West Midlands Region)

##### Objections to Revised Deposit Version

66/RAJ	The Warwick Society
119/RAC	Bloor Homes Ltd
150/RAB	Warwickshire County Council (Museum Field Services - Ecology)
154/RAC	National Farmers' Union
214/RAC	Mrs J Biles
221/RAB	Kenilworth Society
223/RAK	Kenilworth Town Council
226/RAJ	Environment Agency
239/RAK	Mr D Austin
283/RAD	The Ancient Monuments Society
302/RAC	English Heritage (West Midlands Region)
350/RAM	Tesco Stores Ltd

### **Key Issues**

- 4.5.1**
- (1) Whether the Policy should be restructured to provide separate policies in respect of the natural environment, the historic environment, and landscape character.
  - (2) Whether Policy DP3 is too prescriptive.
  - (3) Whether it is appropriate for some of the policy criteria to use the term 'protect and/or enhance'.
  - (4) Whether the Policy should seek to repair the environmental and ecological damage that has previously occurred in the countryside.
  - (5) Whether the wording of the Policy implies that only features of particular nature conservation or landscape importance will be protected.
  - (6) Whether S106 planning obligations should be employed to ensure retention of approved landscaping schemes.
  - (7) Whether further wording is necessary to clarify references to the Habitat Biodiversity Audit, and Action Plans.
  - (8) Whether the words 'where necessary' should be removed from criteria a) and b).
  - (9) Whether landscape and ecology issues are sufficiently separated in the supporting text.
  - (10) Whether geomorphological references should be added to the Plan, and applicants encouraged to submit ecological information as part of any planning application.
  - (11) Whether Policy DP3 should more explicitly acknowledge the historic dimension of the landscape.
  - (12) Whether the Policy and its supporting text would benefit from further drafting improvements.
  - (13) Whether the last paragraph of the Policy is at odds with the criteria set out in the first part of the Policy.

- (14) Whether the Policy should allow for the possibility of mitigation and, where adverse impacts are unavoidable, compensation measures.
- (15) Whether policies protecting the natural and historic environment and the landscape contained in the extant Local Plan should remain in force until a new Nature Conservation and Landscape Analysis for the District has been completed.
- (16) Whether (a) the reference to 'Special Landscape Areas' in Paragraph 4.19A should be deleted, or (b) Policy DAP3 reinstated with SLAs denoted on the Proposals Map.

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

- 4.5.2 Issue 1:** I am satisfied that a composite policy is appropriate and workable. This approach acknowledges the complex inter-relationships that exist between the natural and historic environments. Together, they contribute to the distinctive character and landscape of the District. Such a framework serves to simplify the Plan by minimising the number of policies. Under Policy DP3 development will only be allowed where it protects important natural features and contributes positively to the character and quality of both the natural and historic environments. In my view that is appropriate. I note that the Policy and its reasoned justification were amended at Revised Deposit stage to give greater emphasis to the historic environment.
- 4.5.3 Issue 2:** I consider it very important that adequate protection is afforded to both the natural and historic environments. This necessitates a number of policy criteria. Taken as a whole, I do not believe those criteria to be unduly prescriptive or onerous.
- 4.5.4 Issue 3:** I have no problem with use of the words 'and/or'. I agree with the District Council that development proposals can both defend environmental assets from harm as well as being carefully designed so as to add to their value. I do not see protection and enhancement as necessarily mutually exclusive terms. I note that Langstone Homes have conditionally withdrawn their objection.
- 4.5.5 Issue 4:** It is not the specific aim of this Policy to address existing environmental damage. Nevertheless, I accept that through inclusion of the term 'enhancement' there may be opportunities to secure improvements through well considered schemes. I see no need to further amend the Policy in this regard.
- 4.5.6 Issue 5:** A number of changes were made to the Policy and supporting text in response to the Environment Agency's objection. I am satisfied that the Policy criteria set out in the Revised Deposit Plan afford an appropriate level of protection of nature conservation and landscape interests in general by requiring consideration of a broad range of environmental matters when assessing development proposals.
- 4.5.7 Issue 6:** I agree with the District Council that an adequate mechanism is available through the use of tried and tested planning conditions to ensure that landscaping schemes are implemented and subsequently maintained for an appropriate period of time. In my opinion, this long-standing development control practice requires no specific reference within the Policy. Nor is it necessary to routinely employ S106 planning obligations.

- 4.5.8 Issue 7:** I note that in response to the objection by English Nature additional wording was added to the reasoned justification to clarify references to the emerging nature conservation studies. On this basis, the objection has been conditionally withdrawn. I endorse those alterations.
- 4.5.9 Issue 8:** The District Council has deleted the words ‘where necessary’ from criteria a) and b) of Policy DP3 in the Revised Deposit Plan. I agree that this strengthens the Policy.
- 4.5.10 Issue 9:** Paragraph 4.19A inserted at Revised Deposit stage provides additional references to the importance of landscape character. It explains that the Warwickshire Landscape Guidelines published by the County Council and the Countryside Commission in 1993 have been adopted as SPG and that development proposals will have to accord with those principles in order to comply with the requirements of Policy DP3. I am content that this further text adequately differentiates between landscape and nature conservation interests. Consequently, I believe that the objection by the Countryside Agency has been substantially met.
- 4.5.11 Issue 10:** The District Council has added, at Revised Deposit stage and through subsequent proposed changes, various references to ‘geomorphology’ and included text to encourage the submission of ecological information in support of planning applications. As a result, the objections of the County Council’s Ecology Department have been addressed. I endorse those changes which reflect Natural England (English Nature) and UKRIGS guidance.
- 4.5.12 Issue 11:** Suggestions for improvement of the Plan made by the County Council’s Archaeology Department to give greater recognition to the historic landscape were accepted by the District Council. I note that amendments were duly made to the Policy and the reasoned justification in the Revised Deposit Plan. The objection has, I note, been conditionally withdrawn. I support those alterations.
- 4.5.13 Issue 12:** Both CPRE (Warwickshire Branch) and Warwickshire County Council (Planning, Transport and Economic Strategy) have put forward a number of minor drafting changes to assist comprehension of the Policy. These have been taken on board by the District Council at Revised Deposit stage. Following on from this, both objectors have conditionally withdrawn their objections. I endorse those amendments.
- 4.5.14 Issue 13:** I consider it appropriate to require development proposals that would affect the character and appearance of an area to provide a thorough analysis of nature conservation and landscape issues. I see no conflict between the possibility of significant impact and the various policy criteria.
- 4.5.15 Issue 14:** The District Council has accepted, and I agree, that Policy DP3 should allow for mitigation measures to reduce harm and, if this is not possible, compensation measures where appropriate. I support the proposed change promoted by the Council which addresses the objection by the Environment Agency.
- 4.5.16 Issue 15:** I concur with the District Council that it would neither be practicable nor appropriate to rely on policies of the current adopted Local Plan until such time as a total review of the District’s nature conservation and landscape assets has been completed. In my view, policies in the emerging Local Plan are sufficiently robust to protect and/or enhance the natural and historic environment and landscape.

**4.5.17 Issue 16:** The question of whether Special Landscape Areas should be carried forward from the extant Local Plan into this emerging Local Plan is addressed later in my report in response to objections to deletion of Policy DAP3 at Revised Deposit stage (see Paragraphs 9.5.2-9.5.7). My conclusion on that matter is that the Policy should be removed. This is because SLAs are local landscape designations. Latest national planning policy advice in PPS7 indicates that local landscape designations should only be maintained where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. I do not believe that to be the case here. For the time being, the Warwickshire Structure Plan (adopted in 2001) retains SLA designations and such areas are identified on the Key Diagram. It is therefore necessary to make reference somewhere in the Local Plan to the Structure Plan SLAs. I consider the appropriate place to be in the text supporting Policy DP3 where development proposals are required to pay due regard to landscape character. The reasoned justification explains at Paragraph 4.19A that the Warwickshire Landscape Guidelines will provide the necessary framework through which to consider all proposals in these sensitive areas.

**4.5.18** At First Deposit stage, CPRE (Warwickshire Branch) drew attention to a typographical error in the last sentence of Paragraph 4.21. This was not corrected in the Revised Deposit Plan and remains to be done.

### **Recommendations**

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

**(i) add the following paragraph to the end of Policy DP3:**

**“Where adverse impacts are unavoidable, the Council may consider possible mitigation measures to reduce any harm caused by these adverse impacts. Where mitigation measures are not possible, compensation measures may be appropriate.”**

**(ii) amend the first sentence of Paragraph 4.16 to read:**

**“Wildlife habitats, landscape and geomorphological features can contribute towards the character and quality of our environment, whose character is also the product of long-term historical processes.”**

**(iii) amend the final sentence of Paragraph 4.16 to read:**

**“This should be achieved through careful consideration of habitat/landscape design with regard to existing site features and the landscape character, geology/geomorphology and ecology of the surrounding area.”**

**(iv) amend the third sentence of Paragraph 4.17 to read:**

**“This guidance is reflected in the Structure Plan which requires that development does not have an adverse impact on landscape, or features of ecological, geological/geomorphological or archaeological interest of local importance.”**

- (v) amend the first sentence of Paragraph 4.19 to read:

**“The Council encourages applicants to submit landscape and ecological information as part of their application to demonstrate that they form an integral part of the layout and design of the development.”**

- (vi) amend the final sentence of Paragraph 4.21 to read:

**“The Council will produce further guidance on Landscape Analysis to give greater certainty to applicants in accordance with the ‘character-based’ approach advocated in the Structure Plan.”**

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

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#### **4.6 Paragraphs 4.23 - 4.27 Policy DP4 Archaeology**

##### Objections to First Deposit Version

53/AA	Cllr. Spencer Harrison
149/AC	Warwickshire County Council (Museum Field Services - Archaeology)
220/AE	Cala Homes (Midlands) Ltd
229/AE	Gallagher Estates Limited
302/AL	English Heritage (West Midlands Region)

##### Objections to Revised Deposit Version

221/RAC	Kenilworth Society
302/RAD	English Heritage (West Midlands Region)
321/RAF	West Midlands International Airport Ltd

##### **Key Issues**

- 4.6.1** (1) Whether the Policy should adopt a more flexible approach towards protection of archaeological remains.
- (2) Whether the word ‘exceptional’ should be removed from the first sentence of Paragraph 4.25 to acknowledge that remains of local archaeological interest are widespread.
- (3) Whether the revised Policy wording weakens protection for archaeological remains of regional or local significance.
- (4) Whether the wording of the first paragraph of the Policy is ordered appropriately.
- (5) Whether Policy DP4 and Paragraph 4.26 accurately reflect national advice in PPG16.

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

- 4.6.2 Issue 1:** Policy DP4 resists the loss of nationally important archaeological sites while adopting a less rigid stance in respect of archaeological remains of regional or local importance. That is appropriate. I note that the Policy has been revamped in the Revised Deposit Plan to accord more closely with Government guidance in PPG16.
- 4.6.3 Issue 2:** The word 'exceptional' has been removed from Paragraph 4.25. The District Council recognises that in the case of proposals affecting regionally or locally important sites there will be instances where the benefits of development outweigh the disadvantages rather than being the exception. I support that amendment. I agree that it would not be appropriate to attempt to define 'benefits' which will vary from case to case.
- 4.6.4 Issue 3:** Policy DP4 requires that any remains of archaeological value are properly evaluated prior to determination of a planning application. Where it is considered that the benefits of development outweigh the harm to archaeological remains of local or regional importance, an agreed programme of archaeological investigation and recording to precede development will be required as part of a S106 agreement or planning condition. I am satisfied that this is sufficient to safeguard such interests.
- 4.6.5 Issue 4:** I agree with the objector that it would be more appropriate to place the words 'and their settings' at the end of the sentence so that this applies to both Scheduled Ancient Monuments and other archaeological remains of national importance. The District Council has accepted this and put it forward as a proposed change to the Revised Deposit Plan.
- 4.6.6 Issue 5:** West Midlands International Airport Ltd considers that Policy DP4 is unduly restrictive. Rather than precluding harmful development, it should establish a 'presumption in favour of physical preservation' to satisfy PPG16. The Policy has been substantially rewritten between the First and Revised Deposit versions of the Plan. The phrase 'presumption in favour of preservation' now applies in respect of locally or regionally important sites, unless the applicant can demonstrate that the benefits of development will outweigh the harm to archaeological remains. I agree with the District Council, though, that a stronger form of wording is desirable in respect of national sites to distinguish their greater importance. In my opinion, it is appropriate to indicate that 'development will not be permitted' which harms Scheduled Ancient Monuments or other archaeological remains of national importance, and their settings - leaving any very exceptional circumstances to be considered as a departure from the development plan. I see no conflict in this regard with the advice in PPG16 which views archaeological remains as a finite and non-renewable resource.
- 4.6.7** As regards the first 2 sentences of Paragraph 4.26, the Plan does not require field evaluation to be carried out in all cases prior to determination of an application – only where existing information is insufficient to allow an informed decision about the archaeological consequences of a proposal. It follows that I do not support the amendments to the Policy and text suggested by the objector.

## **Recommendations**

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

**substitute the following for the first paragraph of Policy DP4:**

**“Development will not be permitted which harms Scheduled Ancient Monuments (as shown on the Proposals Map) or other archaeological remains of national importance, and their settings.”**

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

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#### **4.7 Paragraphs 4.28 - 4.31 Policy DP5 Density**

##### Objections to First Deposit Version

4/AE	Arlington Planning Services LLP
79/AB	Matthew Rhodes
89/AA	Michael & Caroline Hughes
109/AO	Warwickshire County Council (Planning, Transport & Economic Strategy)
110/AA	Government Office for the West Midlands
148/AH	Campaign to Protect Rural England (Warwickshire Branch)
164/AA	Jeremy Foster
171/AC	Portland Place Residents Association
189/AD	Warwickshire Gardens Trust
193/BB	Coten End and Emscote Residents' Association
194/AC	Vernon Lawton
198/AC	John Henderson
199/BB	James Mackay
201/AO	Home Builders' Federation
219/AA	Deeley Properties Limited
221/AG	Kenilworth Society
223/AH	Kenilworth Town Council
233/AC	Tanya Newby
255/AA	Mr J T Cashman
266/AB	Warwick Town Council
275/AA	M Kenser
282/AA	David Marr

##### Objections to Revised Deposit Version

110/RAA	Government Office for the West Midlands
191/RAN	Robin A Richmond
195/RAM	The Leamington Society
199/RAB	James Mackay
199/RAC	James Mackay
266/RAA	Warwick Town Council
283/RAE	The Ancient Monuments Society
321/RAG	West Midlands International Airport Ltd

341/RAA	South Warwickshire Primary Care Trust
349/RAN	Mr. D. G. Goodyear
350/RAP	Tesco Stores Ltd
354/RAW	Roger Higgins

### **Key Issues**

- 4.7.1**
- (1) Whether residential densities should reflect the character of existing areas.
  - (2) Whether there should be a separate policy for residential densities with examples of locations where higher densities might be appropriate.
  - (3) Whether the Policy should clarify what is meant by the ‘best use’ of land and make clear the circumstances when an exception would be appropriate.
  - (4) Whether consideration should be given to the adverse effects of high density development in terms of social and environmental factors, safety impacts, parking provision, health services capacity, and over-supply of housing.
  - (5) Whether the Policy should state that a minimum of 30 dwellings per hectare should be achieved on suitable sites.
  - (6) Whether (a) the definition of ‘best use’ of land should be incorporated into the Policy itself with the identification of criteria, and (b) the provisions relating to residential development should be extended to embrace other uses.
  - (7) Whether the Policy conflicts with or duplicates Policy DP1.
  - (8) Whether the word ‘maximising’ used in Paragraph 4.28 should be replaced with the word ‘minimising’.
  - (9) Whether the supporting text at Paragraph 4.29 is accurate.
  - (10) Whether the wording of the reasoned justification at Paragraph 4.31 is appropriate.
  - (11) Whether a new paragraph should be inserted recognising that proposals for Coventry Airport make the best use of an existing facility.

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

**4.7.2 Issue 1:** PPG3 requires local planning authorities to avoid the inefficient use of land – defined as densities of less than 30 dwellings per hectare net. The Government’s view is that higher densities, supported by good design and layout, need not harm the character of existing residential areas. Policy DP5 is reinforced by other policies, including DP1 (Layout and Design) and DAP10 (Protection of Conservation Areas). I note that the District Council is committed through its Local Development Scheme to producing SPD on residential design.

**4.7.3** Following objections made at First Deposit stage the District Council added a new paragraph to Policy DP5 concerned solely with residential densities. It incorporates the minimum densities set out in Paragraph 58 of PPG3, with the caveats that such densities

should not compromise the character of the area or the standards of residential amenity. I believe the latter to be necessary and important provisos. The supporting text at Paragraph 4.31 acknowledges that there may be circumstances where development below the minimum densities might still be considered to make the best use of land – where, for instance, there are particular site constraints or where the character of the locality suggests that a lower density would be more appropriate.

- 4.7.4** Emerging Government policy set out in PPS3 is less prescriptive about residential densities. It indicates that local planning authorities should develop density policies with local stakeholders and local communities having regard to the suggested densities in Annex C and other considerations that include the desirability of maintaining the character of particular residential areas or environments. I note that as a consequence of the changes made to the Revised Deposit Plan the objection by Kenilworth Town Council has been conditionally withdrawn. I endorse those changes.
- 4.7.5 Issue 2:** GOWM objected to Policy DP5 of the First Deposit Plan, arguing that there should be a separate policy devoted specifically to residential densities. Policy DP5 was amended at Revised Deposit stage by insertion of a further section which included the recommended minimum densities set out in Paragraph 58 of PPG3. The reasoned justification was altered at Paragraphs 4.29-4.31. While GOWM subsequently raised other concerns (addressed below), I am content that the revised Policy and supporting text adequately reflect national planning guidance. In my opinion, Policy DP5 provides an appropriate and sound basis for assessing development proposals while protecting important elements of residential character. I note that Paragraph 4.30 gives the example of town centres where higher density developments will be appropriate in order to support the objective of reducing dependence on the private car and increasing patronage of public transport.
- 4.7.6 Issue 3:** The District Council accepted that clarification was needed in respect of the ‘best use’ of land and those circumstances where a lower density might be appropriate. Consequently, the Policy itself and Paragraphs 4.30 and 4.31 were amended in the Revised Deposit Plan. Paragraph 4.30 explains that for the purposes of Policy DP5, a development making the best use of land is one which achieves firstly, a density that is commensurate with efficient use of the land and, secondly, a high standard of layout and design that is in keeping with the character of the locality. Paragraph 4.31 sets out the circumstances where a lower density might be acceptable. I note that these alterations resulted in the objections by CPRE (Warwickshire Branch) and the Kenilworth Society being conditionally withdrawn.
- 4.7.7** A fresh objection was, however, generated from GOWM who considered that exceptions to the Policy should not be set out in the Plan. I acknowledge that it is poor quality design more often than density that compromises the character of an area or standards of residential amenity. Nevertheless, Paragraph 56 of PPG3 recognises that new housing development must be informed by the wider context. With this in mind, I see considerable benefit in retaining the policy caveats, together with the reasoned justification at Paragraph 4.31. It follows that I discern no conflict with the thrust of national planning policy guidance.
- 4.7.8** The HBF maintains that Policy DP5 is inappropriately worded. Its negative construction does not allow development unless it makes the most efficient use of land, and conflicts with the greater flexibility at Paragraph 4.31 of the supporting text. I do not subscribe to that view. The Policy sets out the circumstances where permission will be granted.

While it refers to the need to make the best use of land, Paragraph 4.31 explains how this might be achieved, in certain situations, by densities below the minimum specified in PPG3. I do not favour the revised policy wording suggested by the HBF. I agree with the District Council that it is more prescriptive. It is for the developer to decide how to achieve the best use of land. PPS3, if published as per its draft form, will require local authorities to develop density policies with stakeholders and the local community. I note that is what the District Council intends through preparation of future local development documents.

**4.7.9 Issue 4:** The District Council does not accept that high density development in itself leads to social and environmental problems of the kind referred to by various objectors. I am of a similar mind. Higher densities in built-up areas can prove very sustainable in terms of access to public transport, employment and services, and can support social inclusion. In terms of public safety, Policy DP8 seeks to ensure that schemes do not give rise to levels of on-street parking that are detrimental to highway safety, while Policy DP13 fosters developments that minimise the potential for crime and anti-social behaviour. I note that the District Council consults with health authorities, including the Primary Care Trust, in respect of future levels of housing development. It is not the density of development that puts pressure on health facilities and other services. Rather, it is the overall level of housing provision. The current over-supply of housing in relation to that planned for in the Structure Plan and Regional Spatial Strategy is being addressed through the District Council's SPD 'Managing Housing Supply'. This was introduced in 2005 to regulate the supply of housing in the short term, with Policy SC8a providing the requisite Local Plan policy context.

**4.7.10 Issue 5:** Policy DP5 was amended at Revised Deposit stage to include reference to a minimum density of 30dph net. The objection by Warwickshire County Council (Planning, Transport and Economic Strategy) has, I note, been conditionally withdrawn.

**4.7.11 Issue 6:** What constitutes the 'best use' of land will vary from site to site according to individual circumstances. The definition/clarification given in Paragraph 4.30 is intended for guidance only. I consider that it would not be appropriate to burden Policy DP5 with any greater level of prescription. I see no compelling reason to adopt the criteria suggested by Tesco Stores Ltd. The second part of Policy DP5 reflects the minimum residential densities set out in Paragraph 58 of PPG3. However, in the case of non-residential sites, I believe it would not be feasible to go beyond the general policy requirement that schemes should make the best use of land and buildings, in accordance with the explanation set out in the reasoned justification.

**4.7.12 Issue 7:** I am satisfied that there is no conflict or significant overlap between Policies DP1 and DP5. While the former seeks to ensure that development contributes to the character and quality of its environment through good layout and design, the latter aims to secure the best use of land consistent with maintaining the character of the area and protection of residential amenity. I note that Kenilworth Town Council has conditionally withdrawn its objection following clarification in the supporting text of the links between density and design.

**4.7.13 Issue 8:** I accept that the wording used in Paragraph 4.28 properly reflects Government policy. PPG3 requires development to maximise the use of land and buildings.

**4.7.14 Issue 9:** Paragraph 4.29 indicates that the results of the pre-deposit consultation exercise showed that 60% of respondents supported higher density housing in towns. Details are contained in the document entitled ‘Key Issues Report of Public Consultation’<sup>2</sup>. This statement would, I believe, benefit from a greater accuracy in reporting and the addition of some context. The report actually states: “Respondents to the leaflet gave general support (59%) to allowing higher density housing within towns provided that the quality of the environment can be maintained.” A modification along those lines would also address the objector’s second point about maintaining the quality of the environment. Finally, I note that the word ‘net’ was inserted into Paragraph 4.29 at Revised Deposit stage to distinguish it from ‘gross’ density. The text now makes it clear that inefficient use of land has been defined as a net density of less than 30 dwellings per hectare.

**4.7.15 Issue 10:** The word ‘exceptional’ was deleted and the text reworked following objections to the First Deposit Plan to clarify the circumstances where a density below the minimum may be appropriate. The need for an applicant to demonstrate why a higher density cannot be achieved was also omitted in favour of a requirement to show why the appropriate minimum density cannot be satisfied. I consider that these amendments substantially address the objectors’ concerns. As regards the other points raised, there may be circumstances where the achievement of minimum densities will not be appropriate. Examples are given in the District Council’s response statement of a replacement dwelling on a large plot in the open countryside, an awkward site configuration, and limited highway capacity. To my mind, the wording of the text does not imply that densities above 30dph would generally compromise the character of an area. Finally, I see no benefit in changing ‘cannot’ to ‘should not’ in the last sentence of the paragraph. In my view, it would not improve the substance or clarity of the reasoned justification.

**4.7.16 Issue 11:** Policy DP5 is concerned with density issues in general. I concur with the District Council that it would not be appropriate to address here site specific considerations.

### **Recommendations**

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

**substitute the following text for the final sentence of Paragraph 4.29:**

**“The results of the pre-deposit consultation exercise showed that 59% of respondents gave general support to allowing higher density housing within towns provided that the quality of the environment can be maintained.”**

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

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## **4.8 Paragraphs 4.32 - 4.37 Policy DP6 Access**

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<sup>2</sup> CD5

## Objections to First Deposit Version

135/AG	Bishops Tachbrook Parish Council
156/AA	Alan Moore
198/AD	John Henderson
234/AF	Parish Councillor (Sherbourne)
257/AA	Highways Agency
226/AE	Environment Agency

## Objections to Revised Deposit Version

135/RAB	Bishops Tachbrook Parish Council
217/RAB	McCarthy and Stone (Developments) Limited
321/RAH	West Midlands International Airport Ltd
350/RAQ	Tesco Stores Ltd
260/RAD	Baginton Parish Council

## Key Issues

- 4.8.1**
- (1) Whether proposed cycle and pedestrian routes should be shown on the Proposals Map.
  - (2) Whether Council employees should be given exaggerated bicycle allowances, in excess of motor vehicle allowances for travel to and from work, as a positive step to reduce carbon dioxide emissions.
  - (3) Whether a long term view should be taken on the intended road structure to avoid difficulties caused by segmented development.
  - (4) Whether Paragraph 4.35 should include a direct reference to the impact of traffic on local schools, community facilities etc.
  - (5) Whether the Policy wording is sufficiently clear and straightforward.
  - (6) Whether the Plan should indicate that where development is likely to impact on a trunk road, the Highways Agency should be consulted at the earliest stage.
  - (7) Whether access for cyclists and pedestrians through a sheltered accommodation site would undermine the safety of residents.
  - (8) Whether Policy DP6 should acknowledge the effects of HGVs on rural roads.
  - (9) Whether Paragraph 4.32 should be expanded to refer to the provision of access to and from new development.
  - (10) Whether the text of Policy DP6 should (a) follow Paragraph 4.36 in recognising that it might not always be appropriate to provide access for public transport, and (b) more closely reflect national planning policy advice in terms of enabling accessibility by a choice of means of transport.

- (11) Whether, in terms of flood risk, the Policy should recognise the importance of safe access to and from new development.

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

- 4.8.2 Issue 1:** Annex B of PPS12 stresses the importance of integrating transport and spatial planning. It gives advice as to what should be shown on the Proposals Map. While the development plan should indicate proposed improvements to the transport network in support of the core strategy, scheme proposals should only be included where there is a strong commitment from the relevant delivery agency - for instance, if the local transport authority has marked the scheme as a priority in its local transport plan. In Warwick District the provision of specific cycle and pedestrian routes is determined through the Warwickshire Local Transport Plan 2006. The County Council's view is that until the route of any proposed cycle and pedestrian corridor is finalised, it would be inappropriate to include it on the Proposals Map. To do so could blight the affected area and prevent an opportunity being taken up for a more suitable route. With this in mind the District Council has agreed with the County Council that the Local Plan should only illustrate the already implemented parts of the National Cycle Network. To my mind this is a sensible position to adopt. Consequently, I do not support the objection by Bishops Tachbrook Parish Council that a proposed cycle and pedestrian route parallel to Ashford Road linking Tachbrook Road to the north-west corner of the new playing fields should be shown on the Leamington and Warwick Urban Inset Map. In any event, I am told that an alternative link to that promoted by the objector is being constructed, running from Rideswell Grove.
- 4.8.3** The Parish Council draws attention to the Warwick and Leamington Park and Ride proposals. Despite being at a less advanced stage, an Area of Search is shown on the Proposals Map. However, that is quite a different matter. The Park and Ride scheme has featured in the Warwickshire LTP since 2000 and is subject of a Major Scheme bid to central Government for funding. Rather than endorsing a specific route to serve the Harbury Lane sports pavilion, the principle of a pedestrian/cycle link is supported in the Local Plan through Core Strategy objective 3B and Policy SC4 (Supporting Cycle and Pedestrian Facilities).
- 4.8.4 Issue 2:** I note that Council employees are not reimbursed for travel to and from work by any mode of transport. The District Council says it has produced a Travel Plan setting out objectives for use of public transport by its employees and that a pool of bicycles is available for loan.
- 4.8.5 Issue 3:** I acknowledge that for larger sites access points are established in the earliest stages of development through consultation with the Highways Agency and Warwickshire County Council and that these details are set out in a development framework or brief.
- 4.8.6 Issue 4:** This matter is more appropriately dealt with under Policy DP7 (Traffic Generation).
- 4.8.7 Issue 5:** I am satisfied that Policy DP6 is worded in a clear and relatively simple manner, and not convoluted.
- 4.8.8 Issue 6:** This matter has been addressed through Policy DP7 of the Revised Deposit Plan, the supporting text of which states that in appropriate circumstances the

District Council will consult the Highways Agency on proposals which are likely to have an impact on the trunk road network.

- 4.8.9 Issue 7:** The District Council says it is confident that the welfare and safety of occupiers of residential and other developments would be considered alongside the interests of pedestrians and cyclists. Moreover, Policy DP13 encourages layout and design of development to minimise the potential for crime and anti-social behaviour.
- 4.8.10 Issue 8:** Paragraph 4.35 states that all highway infrastructure will be required to comply with ‘Transport and Roads for Developments: The Warwickshire Guide 2001’. The impacts of development on rural roads is dealt with specifically by Policy RAP10 (Safeguarding Rural Roads).
- 4.8.11 Issue 9:** I note that the Revised Deposit Plan incorporates the amendment suggested by the Environment Agency in order to comply with guidance in PPG25 which requires development to provide safe access to and from sites. The objection has therefore been satisfied.
- 4.8.12 Issue 10:** The District Council has put forward minor proposed changes to Policy DP6 to make it consistent with the explanatory text at Paragraph 4.36. The latter indicates that the provision of access for public transport will only apply to developments where the scale, nature and location warrant this. West Midlands International Airport Ltd have confirmed that these proposed changes meet their objection. I am content also that through this amendment the national planning policy requirement for development to be accessible by a choice of means of transport is achieved.
- 4.8.13 Issue 11:** Paragraph 4.32 was amended at Revised Deposit stage to address this objection. I support that amendment.

### **Recommendations**

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

**amend Policy DP6 to read:**

**“Development will only be permitted which provides safe, convenient and attractive access routes for pedestrians, cyclists, public transport users and other users of motor vehicles, as appropriate. Development proposals will be expected to demonstrate that they:**

- a) do not cause harm to highway safety;**
  - b) are designed to give priority access to, and allow penetration by, pedestrians, cyclists and public transport services, as appropriate;**  
**and**
  - c) integrate the access routes into the overall development.”**
- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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## 4.9 Paragraphs 4.38 - 4.43 Policy DP7 Traffic Generation

### Objections to First Deposit Version

52/AC	Barford, Sherbourne & Wasperton Joint Parish Council
66/AH	The Warwick Society
66/AJ	The Warwick Society
122/AE	Warwick Castle
148/AJ	Campaign to Protect Rural England (Warwickshire Branch)
193/BC	Coten End and Emscote Residents' Association
193/BD	Coten End and Emscote Residents' Association
199/BC	James Mackay
199/BD	James Mackay
219/AB	Deeley Properties Limited
220/AF	Cala Homes (Midlands) Ltd
234/AG	Parish Councillor (Sherbourne)
257/AB	Highways Agency
266/AD	Warwick Town Council
296/AH	CLARA
298/AB	Action 21
301/AB	Mr S O Peter

### Objections to Revised Deposit Version

195/RAN	The Leamington Society
260/RAE	Baginton Parish Council
283/RAF	The Ancient Monuments Society
350/RAR	Tesco Stores Ltd

### Key Issues

- 4.9.1**
- (1) Whether the Policy should recognise rural car dependency.
  - (2) Whether the floorspace thresholds set out in Paragraph 4.39, above which a Transport Assessment will be required, are appropriate.
  - (3) Whether the Policy should ensure that developments are traffic neutral or reduce traffic rather than seeking to reduce the impact of traffic generation.
  - (4) Whether Policy DP7 should be more strongly worded to encourage other modes of transport.
  - (5) Whether Paragraph 4.42 relating to Travel Plans is sufficiently clear.
  - (6) Whether the term 'significant' should be defined.
  - (7) Whether the Policy should use S106 agreements to improve the current traffic situation by contributing towards out-of-town parking, improved bus routes etc.
  - (8) Whether Paragraph 4.41 should specifically exclude the use of speed humps as traffic control measures.

- (9) Whether Paragraph 4.42 should be reworded to require Travel Plans for wholly residential development.
- (10) Whether 'low car housing' should be included in all large-scale residential developments.
- (11) Whether the impact of HGV traffic should be specifically recognised.
- (12) Whether the wording of Paragraphs 4.39 and 4.43 should be augmented, and an additional paragraph introduced, to refer to the adequacy of on-site parking, regular revisions of the County Council's guidance on Travel Plans, and monitoring the effects of traffic on residential areas.
- (13) Whether Paragraph 4.39 should include as an additional bullet point 'other developments that result in significant traffic generation'.
- (14) Whether the threshold for retail development requiring a Transport Assessment should be increased to 2,500 sq m floorspace to accord with PPS6.
- (15) Whether Policy DP7 affords sufficient protection to the trunk road network within the District.
- (16) Whether the first sentence of Paragraph 4.38 requires correction.

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

**4.9.2 Issue 1:** I acknowledge that in less accessible rural locations there is likely to be more reliance upon the private car. Where potential traffic impacts of a development are likely to be significant it is appropriate that a Transport Assessment be prepared, and where necessary a Travel Plan, setting out mitigation measures. As the District Council points out, the requisite traffic modelling exercise will reflect car usage of the existing population. There is no need, in my view, to refer specifically in the Plan to rural car dependency.

**4.9.3 Issue 2:** PPG13 indicates that where a development will have significant transport implications, the planning application should be accompanied by a Transport Assessment. The thresholds indicated in Paragraph 4.39 of the Plan are those set out in Paragraph 2.1.1 of 'Transport and Roads for Developments: The Warwickshire Guide, 2001'<sup>3</sup>. I agree with the District Council that in the interests of consistency those thresholds should apply throughout the county and not be reduced in the rather arbitrary fashion suggested by objectors. Leisure developments present particular difficulties because they vary widely in character. The First Deposit Plan was amended by addition of the words 'that will result in significant traffic generation' at the end of the final bullet point in Paragraph 4.39. That is appropriate, in my view, allowing such uses to be considered on a case by case basis. I note that as a result Warwick Castle has conditionally withdrawn its objection that a threshold be set for leisure developments.

**4.9.4 Issue 3:** I concur with the District Council that it is unrealistic to expect development to have no impact on, or reduce, traffic. Policy DP7 quite rightly focuses

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<sup>3</sup> CD909

on providing an appropriate policy framework to minimise the impact of new development on traffic generation and to mitigate against the effects. It would not be appropriate, in my view, to delete from the Policy the words ‘unless practical and effective measures are taken to avoid adverse impact from traffic generation’. Such measures might include improved public transport, walking and cycling facilities, better access arrangements and enhanced traffic flow. They accord with the advice in PPG13 and need to be taken into account when considering the suitability of a site for a particular development. There may well be instances where the economic and social benefits of development justify a material increase in road traffic, providing every effort has been made to minimise its impact. I see no reason to amend the first paragraph of the Policy from ‘significant road traffic movements’ to ‘significant adverse road traffic impacts’.

- 4.9.5 Issue 4:** Together with Policies DP6 (Access) and DP8 (Parking), Policy DP7 forms part of a package which aims to limit traffic generation and promote the use of alternative methods of transport. The District Council has, I note, put forward a proposed change to the Revised Deposit Plan to give improved clarity. I endorse that change which adds the words ‘In appropriate circumstances’ at the beginning of the second paragraph. I also support the additional text suggested for Paragraph 4.40 which indicates that ‘An informal Transport Appraisal or a Transport Assessment may be required for smaller developments as set out in Transport and Roads for Developments: The Warwickshire Guide, 2001’, and adds the words ‘...and on what level of transport appraisal is appropriate’ at the end of the final sentence. I am content that the proposed change to the Policy, together with Paragraphs 4.39 and 4.40 (as amended), make clear the various circumstances in which a transport assessment will be required. In my view, Policy DP7 is sufficiently strongly worded.
- 4.9.6 Issue 5:** The District Council has put forward further proposed changes at inquiry stage to bring Paragraph 4.42 into line with guidance issued by the County Council in respect of Travel Plans. I endorse those further minor changes which clarify that ‘Travel Plans will be required for all non-residential developments that fulfil the requirements for a Transport Assessment’, and that development proposals in areas where public transport is limited may (rather than will) also be required to submit Travel Plans.
- 4.9.7 Issue 6:** Use of the term ‘significant’ in Policy DP7 is consistent with PPG13. This indicates at Paragraph 23 that “Where developments will have significant transport implications, transport assessments should be prepared and submitted alongside the relevant planning applications for development.” Significance will be determined by the County Highways Department on a case by case basis having regard to the location and nature of the proposed development. In these circumstances, I see no benefit in attempting a definition. I do not favour the alternative word ‘material’ suggested by the Leamington Society. The objection has, I note, been conditionally withdrawn.
- 4.9.8 Issue 7:** The District Council acknowledges that S106 planning obligations can be used to secure improvements to transport infrastructure identified through Travel Assessments and Travel Plans. I note that Policy SC10 establishes the necessary policy framework for seeking contributions.
- 4.9.9 Issue 8:** Traffic control measures are the responsibility of the County Council. This level of detail is not appropriate for inclusion in this Local Plan.

- 4.9.10 Issue 9:** To require Travel Plans for residential development would be inconsistent with national planning guidance in PPG13. The District Council is proposing that this part of the Plan text be changed. I support that amendment which gives greater clarity.
- 4.9.11 Issue 10:** I believe that although ‘low car housing’ would assist in delivering sustainability objectives, it would be uneconomic and unrealistic to expect this type of housing to be provided in connection with all large scale residential schemes.
- 4.9.12 Issue 11:** The references in the Policy and in the explanatory text to ‘road traffic movements’ include HGVs as well as car and other traffic. The requirement for a Transport Assessment where, due to its location, the development could have a significant impact in transport terms addresses the objector’s further concern that even fairly small developments can be significant in a rural context.
- 4.9.13 Issue 12:** Parking is addressed under Policy DP8. The other matters fall within the remit of Warwickshire County Council’s Highways Department. Clearly, it would not be appropriate for the District Council to update County Council publications that establish policy at a strategic level nor to monitor traffic with a view to downgrading some ‘A’ class routes passing through residential areas.
- 4.9.14 Issue 13:** Paragraphs 4.39 and 4.40 identify the circumstances where a Transport Assessment will be required. They include major development and other locations where development could have a significant impact in transport terms. Since the list of developments does not claim to be exhaustive, I see no need to amend the text in the manner suggested by the objector.
- 4.9.15 Issue 14:** The threshold of 2,500 sq m referred to in PPS6 relates to the need for retail impact assessment. This addresses issues concerning the hierarchy of centres, vitality and viability, the range of services on offer, vacant properties, physical condition and character, night time economy etc. It is patently not a threshold for Transport Assessment.
- 4.9.16 Issue 15:** An additional sentence was added to Paragraph 4.40 of the Revised Deposit Plan to address this objection. It states that: ‘In appropriate circumstances the Council will consult the Highways Agency for proposals which are likely to have an impact on the trunk road network.’ I endorse that amendment, subject to a minor drafting improvement. The objection has been conditionally withdrawn.
- 4.9.17 Issue 16:** The District Council has put forward a proposed change to the Revised Deposit Plan to correct the word ‘environments’ which appears in the first sentence of Paragraph 4.38. It should read ‘environment’. I endorse that minor amendment.

### **Recommendations**

- 4.9.18 (a) That the Revised Deposit Plan be modified as follows:**
- (i) **amend the second paragraph of Policy DP7 to read:**
- “In appropriate circumstances, development proposals will be required to demonstrate how they comply with this policy by way of a Transport Assessment and, where necessary, Travel Plan.”**

- (ii) substitute the word “environment” for ‘environments’ in the first sentence of Paragraph 4.38.
  - (iii) add the following sentence before the last sentence of Paragraph 4.40:  
  

**“An Informal Transport Appraisal or a Transport Statement may be required for smaller developments as set out in Transport and Roads for Developments: The Warwickshire Guide, 2001.”**
  - (iv) amend the final sentence of Paragraph 4.40 to read:  
  

**“In appropriate circumstances the Council will consult the Highways Agency on proposals which are likely to have an impact on the trunk road network and on what level of transport appraisal is appropriate.”**
  - (v) amend the first sentence of Paragraph 4.42 to read:  
  

**“Travel Plans will be required for all non-residential developments that fulfil the requirements for a Transport Assessment.”**
  - (vi) substitute the word “may” for ‘will’ in the third sentence of Paragraph 4.42.
- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

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#### **4.10 Paragraphs 4.44 - 4.47 Policy DP8 Parking**

##### Objections to First Deposit Version

52/AD	Barford, Sherbourne & Wasperton Joint Parish Council
66/AK	The Warwick Society
110/AB	Government Office for the West Midlands
193/BE	Coten End and Emscote Residents’ Association
194/AD	Vernon Lawton
195/AC	The Leamington Society
198/AE	John Henderson
199/BE	James Mackay
213/AE	Warwickshire Rural Community Council
221/AJ	Kenilworth Society
223/AK	Kenilworth Town Council
225/AC	WM Morrisons Supermarkets PLC
228/AL	West Midlands RSL Planning Consortium
260/RAF	Baginton Parish Council
234/AH	Parish Councillor (Sherbourne)
301/AA	Mr S O Peter

## Objections to Revised Deposit Version

52/RAC	Barford, Sherbourne & Wasperton Joint Parish Council
66/RAK	The Warwick Society
191/RAP	Robin A Richmond
195/RAP	The Leamington Society
283/RAG	The Ancient Monuments Society
349/RAP	Mr. D. G. Goodyear
350/RAS	Tesco Stores Ltd

### Key Issues

- 4.10.1** (1) Whether the principle of restricting parking in order to limit car usage is flawed.
- (2) Whether the Policy is too weak to ensure that priority is given to more sustainable means of transport.
- (3) Whether the Policy is inflexible in not allowing parking standards to be exceeded in appropriate circumstances.
- (4) Whether Policy DP8 should be expanded to discourage on-street parking.
- (5) Whether criterion c) of Policy DP8 should be amended to include the amenities of existing residents, and Paragraph 4.46 of the explanatory text altered.
- (6) Whether the Policy is so restrictive as to damage the economic viability of the District's towns and villages.
- (7) Whether Policy DP8 should acknowledge the car dependency of rural communities.
- (8) Whether maximum levels of car parking for broad classes of development should be included in the Plan in accordance with Paragraph 52 of PPG13.
- (9) Whether additional measures should be promoted to relieve on-street parking pressures - such as encouraging the use of private car parks at offices and retail stores by the general public during periods of under-use.
- (10) Whether the scope of Policy DP8 should be expanded to address HGV traffic as well as cars.
- (11) Whether criterion c) of Policy DP8 should be augmented to ensure that development is not detrimental to pedestrian use of the pavement and amenity.
- (12) Whether Paragraph 4.44 should address parking in relation to windfall development, recognising that zero level parking provision is likely to compromise safety, social and environmental considerations.
- (13) Whether the Plan accurately reflects the findings of the pre-deposit consultation exercise which acknowledges that the car remains the only option in some instances.

- (14) Whether additional wording should be included in Paragraph 4.46 to address amenity considerations.
- (15) Whether the references in Paragraphs 4.44 and 4.46 to excessive car parking lowering the density of development resulting in inefficient use of land, and to allowing parking below maximum levels where appropriate, should be deleted in favour of a statement that ‘satisfactory levels of on-site parking facilities will be required on all development sites.’
- (16) Whether the proposed SPD should be flexible in recognising the differing parking requirements across the District.
- (17) Whether the normal car parking expectation should be the maximum standard with developers having to justify any alternative level of provision.

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

**4.10.2 Issue 1:** I am satisfied that the approach of Policy DP8 in discouraging unnecessary car usage by restricting parking accords with the thrust of Government guidance in PPG13. Development which provides levels of parking in excess of the standards set out in Annex D (Maximum Parking Standards) of PPG13 would generally be considered unacceptable.

**4.10.3 Issue 2:** Criterion a) seeks to prevent unnecessary car usage. This means parking which is excessive in relation to the location of the site, the type of development proposed and the availability of alternative means of transport. While alone it may be insufficient to promote the use of more sustainable transport modes and reduce reliance on the private car, it needs to be viewed as part of a complementary suite of Local Plan policies that include DP7, DP6, SC3, SC4 and SC10.

**4.10.4 Issue 3:** The District Council has put forward a proposed change to the Revised Deposit Plan to address this concern. I endorse the suggestion that a further sentence be added to the end of Paragraph 4.6 to accept parking in excess of the maximum standard in appropriate circumstances, as set out in PPG13 or any subsequent Government guidance. I note that on this basis the objection by Tesco Stores Ltd has been conditionally withdrawn.

**4.10.5 Issue 4:** Restricting off-street parking will result in greater pressures for on-street parking. This is consistent with Government planning policy which aims to encourage a modal shift to reduce reliance on the private car. Since on-street parking controls fall outside the planning system, it is not possible to expand Policy DP8 in the way suggested. Such parking controls are established by the County Council. I note that from 2007, under the decriminalised parking enforcement regime, they will be more strictly enforced as powers shift from the police to the District Council acting as agents for the County Council.

**4.10.6 Issue 5:** The effect of development on the amenity of existing residents is covered elsewhere in the Plan through Policy DP2. As regards the two sentences in Paragraph 4.46 which the objector suggests be amended/deleted, I note that these were omitted from the Revised Deposit Plan.

- 4.10.7 Issue 6:** The District Council says that its parking standards which will be set out in a forthcoming SPD will respond to all material considerations across the District. Those standards will be subject to public consultation to ensure that any local issues can be properly addressed. I am content with this response.
- 4.10.8 Issue 7:** Criterion b) of Policy DP8 requires that parking should have regard to the location and accessibility of the site by means other than the private car. I consider that this adequately covers the matter of rural car dependency. I note that through a proposed change to the Revised Deposit Plan the District Council suggests further wording be added to Paragraph 4.44 to recognise the different needs of urban and rural areas. I support that suggested change.
- 4.10.9 Issue 8:** The District Council acknowledges that PPG13 requires maximum parking standards to be set out within the Plan but maintains that it is not practical to do so in this case. This is because the geography of the District has led to specific parking issues that need careful evaluation and treatment. These issues include historic and high quality central environments, the presence of many large residential properties in urban areas that are subject to pressure for intensification, planning policies that encourage mixed use urban living, and already high levels of on-street parking. The District Council is committed through its Local Development Scheme to produce SPD detailing maximum parking standards. This work has, I am told, been brought forward in response to concerns expressed by local residents and is scheduled to commence in October 2006 with adoption in 2007. The SPD will not have the same status as adopted development plan policy though it may be taken into account as a material consideration. This is not the most satisfactory situation but given the particular circumstances that prevail in Warwick District I feel I have little choice but to endorse the District Council's stance. In the meantime, reliance must be placed on the non-residential maximum parking standards set out at a county level in Appendix A of the Warwickshire Structure Plan (which are those in Annex D of PPG13).
- 4.10.10 Issue 9:** I agree with the District Council that this suggestion and others for relieving on-street parking are too specific to form the basis of policy. They need to be addressed at application stage on a case by case basis.
- 4.10.11 Issue 10:** The District Council has suggested a proposed change to the Revised Deposit Plan to include a new policy criterion 'e) takes account of the requirements of commercial vehicles.' I support that amendment which meets the objection. Policy DP7 addresses the impact of HGVs on rural roads arising from development.
- 4.10.12 Issue 11:** I accept that the reference to highway safety in criterion c) would include the safety of pedestrians using the pavement.
- 4.10.13 Issue 12:** In my view, it would be inappropriate to cover windfall development specifically. Being a generic development policy, DP8 and its supporting text apply to all categories of development.
- 4.10.14 Issue 13:** The District Council accepts that Paragraph 4.45 ought to be amended to more closely reflect the findings of the pre-deposit consultation exercise. A proposed change is suggested to the Revised Deposit Plan. I support that amendment which recognises the importance of adequate parking, even in locations well served by public transport.

**4.10.15 Issue 14:** I believe it is unnecessary to augment the text in Paragraph 4.46 in the way suggested by the Leamington Society and other objectors. Parking below maximum levels would only be considered appropriate where it can be demonstrated that this is not detrimental to safety, social and environmental considerations.

**4.10.16 Issue 15:** The objective of Policy DP8 is to balance the aims of promoting sustainable transport and efficient use of land with the accessibility and mobility needs of people and businesses through appropriate levels of on-site parking. The objectors' suggested replacement wording would not further this approach and would not, in my opinion, improve the Plan.

**4.10.17 Issue 16:** I am assured by the District Council that in setting car parking standards for broad categories of development, the different parking issues across the District will be acknowledged. I note that Kenilworth Town Council has withdrawn its objection in light of this response.

**4.10.18 Issue 17:** The District Council accepted the thrust of the objection made by the Leamington Society at First Deposit stage. The supporting text was reworked in the Revised Deposit Plan so that proposals which meet maximum levels of parking will be appropriate in most circumstances. Lower levels of parking will, however, be acceptable where this can be shown to be appropriate. The objection has therefore been satisfied.

**4.10.19** Although not raised by any objector, I consider that in the interests of consistency the word 'would' in the final sentence of Paragraph 4.46 of the Revised Deposit Plan should be replaced by the word 'will'. I recommend accordingly.

### **Recommendations**

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

(i) **add a new criterion to Policy DP8 to read:**

**“e) takes account of the requirements of commercial vehicles.”**

(ii) **move the word ‘and’ from after criterion c) to after criterion d) in Policy DP8.**

(iii) **amend the penultimate sentence of Paragraph 4.44 to read:**

**“It is acknowledged, however, that parking levels on new development need to recognise the accessibility and mobility needs of people and businesses and that these may be different in urban and rural areas.”**

(iv) **substitute the following for the last 2 sentences of Paragraph 4.45:**

**“The results of the pre-deposit consultation exercise revealed that respondents consider easy access to car parking important for housing, shopping and employment uses with slightly less importance attached to leisure uses. In addition, parking for all types of uses was considered less important in locations which were well served by public transport, but even here 54% felt that parking remained important.”**

- (v) **amend the second sentence of Paragraph 4.46 to read:**  

**“Applicants will be expected to provide car parking on new developments in accordance with these standards, as set out in this document.”**
  - (vi) **add the following sentence to the end of Paragraph 4.46:**  

**“It will also accept parking in excess of the maximum standard in appropriate circumstances, as set out in PPG13 or any subsequent Government documents.”**
  - (vii) **substitute the word “will” for the word ‘would’ in the final sentence of Paragraph 4.46.**
- (b) **That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

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#### **4.11 Paragraphs 4.48 - 4.52 Policy DP9 Pollution Control**

##### Objections to First Deposit Version

109/AE	Warwickshire County Council (Planning, Transport & Economic Strategy)
148/AK	Campaign to Protect Rural England (Warwickshire Branch)
154/AG	National Farmers’ Union

##### Objections to Revised Deposit Version

226/RAC	Environment Agency
321/RAJ	West Midlands International Airport Ltd

##### **Key Issues**

- 4.11.1** (1) Whether the explanatory text should refer to environmental assessment and preconsultation with infrastructure providers.
- (2) Whether the term ‘sensitive receptors’ should be defined.
- (3) Whether the Policy should indicate that new development will not be allowed within 400m of a bad neighbour use.
- (4) Whether the first part of the Policy should be re-ordered and the final sentence of Paragraph 4.50 amended.

- (5) Whether the word ‘harm’ in Policy DP9 should be qualified and preceded by the word ‘unacceptable’ to acknowledge the possibility of mitigation and compensation measures overcoming pollution and/or contamination.
- (6) Whether the last part of Paragraph 4.48 should be augmented with the sentence: ‘This may require applicants to carry out assessment work regarding contamination before any planning decision can be made.’

**Inspector's Appraisal and Conclusions**

- 4.11.2 Issue 1:** This objection has been satisfied. A reference to Environmental Statements has been included in Paragraph 4.52 of the Revised Deposit Plan.
- 4.11.3 Issue 2:** What is meant by ‘sensitive receptors’ is clarified in Paragraph 4.50 of the Revised Deposit Plan. Again, this meets the objection.
- 4.11.4 Issue 3:** It would not be appropriate, in my opinion, to adopt such a blanket policy provision. Each case needs to be assessed on its own merits in the light of expert evidence. Policy DP2 addresses general amenity considerations.
- 4.11.5 Issue 4:** The Council accepted that the Policy wording could be misconstrued. The objection has, I note, been addressed in the Revised Deposit Plan.
- 4.11.6 Issue 5:** I see no benefit in adding the word ‘unacceptable’ when addressing harm in Policy DP9. Whether harm can be mitigated or compensated for in any particular case will be considered and assessed at planning application stage in the light of specialist advice. It is implicit in the Policy that where pollution or contamination is at an unacceptable level then development will not be permitted. It follows that I also consider there to be no need to amend or amplify the supporting text at Paragraphs 4.50 and 4.52.
- 4.11.7 Issue 6:** PPS23 advises that the precautionary principle should be invoked where there is good reason to believe that harmful effects may occur. This may require a preliminary assessment of risk. It is a matter which would have to be addressed in consultation with the Environment Agency before determination of a planning application. I am content that the general statement made in Paragraph 4.48 of the Plan that it is important that the issue of pollution control be addressed at the development stage is sufficient without the need for further elaboration.

**Recommendations**

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

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**4.12 Paragraphs 4.53 - 4.60 Policy DP10 Flooding**

Objections to First Deposit Version

126/AA 2nd Warwick Sea Scouts

198/AF John Henderson  
234/AK Parish Councillor (Sherbourne)

#### Objections to Revised Deposit Version

66/RAL The Warwick Society  
122/RAD Warwick Castle  
223/RAB Kenilworth Town Council  
226/RAD Environment Agency  
226/RAH Environment Agency  
327/RAA Miss E M Rumary  
350/RAT Tesco Stores Ltd

#### Key Issues

- 4.12.1** (1) Whether it is appropriate to show areas of flood risk on the Proposals Map given that the information is poorly defined and will become outdated.
- (2) Whether development should be precluded in the flood plain.
- (3) Whether the Policy should be redrafted to apply to every location, with Flood Risk Assessments appropriate to the scale and nature of the scheme proposed.
- (4) Whether the Plan should identify ‘areas of high flood risk’.
- (5) Whether the Policy fails to address redevelopment proposals.
- (6) Whether the Policy is consistent with national guidance in PPG25.
- (7) Whether Policy DP10 should foster sustainable drainage solutions and be supported by SPD.
- (8) Whether there is a discrepancy between the wording of the first paragraph of the Policy and Paragraph 4.57.
- (9) Whether the Policy and its reasoned justification require further amendment.
- (10) Whether Paragraph 4.56 should be amended to accommodate proposals on sites subject to regular flooding which comply with site specific advice issued by the Environment Agency.

#### Inspector's Appraisal and Conclusions

**4.12.2 Issue 1:** I am told that the Environment Agency now supports the inclusion of areas of flood risk on Proposals Maps. The reasoned justification has been amended at Revised Deposit stage. Paragraph 4.59 explains that the boundaries of flood zones are indicative only and that applicants should check with the Environment Agency for the most up-to-date information. In my view, that is appropriate. I note that the District Council has put forward minor proposed changes to the text in this regard. I support those amendments.

- 4.12.3 Issue 2:** Guidance in PPG25 and advice from the Environment Agency is that certain forms of development can be accommodated in areas at risk of flooding, so long as particular criteria can be met. Flood Risk Assessments are the tools by which individual schemes are evaluated.
- 4.12.4 Issue 3:** Policy DP10 and its supporting text were amended significantly through the Revised Deposit Plan to reflect advice received from the Environment Agency. The Policy includes a set of criteria to be applied to all development in areas of flood risk and indicates that the necessary Flood Risk Assessment should be appropriate to the scale and nature of the development proposed.
- 4.12.5 Issue 4:** The ‘areas of high flood risk’ can be identified from the Environment Agency’s flood zone maps. A reference to this was, I note, included in Paragraph 4.59 of the Revised Deposit Plan.
- 4.12.6 Issue 5:** Paragraph 4.54 was amended in the Revised Deposit Plan to clarify that ‘development’ refers to all types of development including redevelopment, changes of use and conversions. This meets the objection.
- 4.12.7 Issue 6:** I am assured that the District Council has worked closely with the Environment Agency in producing a Policy which allows development that will not increase the incidence of flooding while providing sufficient means of escape in the event of flooding. The sequential test will ensure that high risk floodplain is developed only as a last resort in exceptional circumstances. I consider that to be appropriate and in accord with PPG25.
- 4.12.8 Issue 7:** I agree with the District Council that while sustainable drainage is important in minimising flooding, questions such as the extent of hard surfacing and the planting of trees and shrubs as rainwater buffers are matters for detailed consideration at planning application stage in the light of Policy DP11 (Drainage). Given the limited resources available to the District Council, I can see no urgent case for producing SPD to address the matter of flooding.
- 4.12.9 Issue 8:** The District Council has accepted that there is an inconsistency between the Policy and the supporting text in Paragraph 4.57. A proposed change has been put forward to address the matter. I support that amendment.
- 4.12.10 Issue 9:** Further detailed changes to Policy DP10 and its supporting text have been suggested by the Environment Agency. I agree with the objector that criteria g) and h), relating to dwellings and essential civil infrastructure respectively, would benefit from further refinement. The wording put forward by the Environment Agency is, I feel, preferable to that contained in the Revised Deposit Plan. For all residential development, dry pedestrian access to land not at high risk should be a minimum requirement; while in the case of essential civil infrastructure, access must be guaranteed 24/7 and must be capable of remaining operational during all flooding events. I endorse the Environment Agency’s suggested amendments to Paragraphs 4.56 and 4.57. These make the text simpler and clearer, and reinforce the importance of the sequential test set out in Policy criterion b). I recommend accordingly.

**4.12.11 Issue 10:** The 2<sup>nd</sup> Warwick Sea Scouts have been in discussion with the Environment Agency regarding redevelopment and rationalisation of their sites, buildings and other facilities. Agreement has been reached in principle for redevelopment in the floodplain of the River Avon. They are concerned that criterion e) of Policy DP10, which requires a site not to be subject to regular flooding, could preclude such a scheme. They request, as part of their Option 1 (Revised Policies), an addition to the reasoned justification at Paragraph 4.56 to address this situation. While Policy DP10 also provides for a Flood Risk Assessment to evaluate individual schemes, I agree with the objector that the text could usefully be clarified by making reference to site specific advice issued by the Environment Agency. I incorporate that revision in my recommendations.

## **Recommendations**

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

**(i) amend Policy DP10 to read:**

**“Development in areas at risk of flooding will only be permitted where the following criteria are met:**

**.....;**

**g) in the case of dwellings, it is evident that as a minimum safe, dry pedestrian access would be available to land not at high risk; and**

**h) in the case of essential civil infrastructure, access must be guaranteed and must be capable of remaining operational during all flooding events.**

**Where development is supported as an exception to this policy within high risk areas, applicants will need to demonstrate that they strictly comply with criteria b), c), d) and g).**

**.....”**

**(ii) amend Paragraph 4.56 to read:**

**“In accordance with PPG25, the policy recognises that where the location is essential to the development proposed eg water-based recreation uses or agriculture, permission will be granted provided the applicant can demonstrate that they strictly comply with either this policy or site specific advice issued by the Environment Agency, and any other relevant local plan policy.”**

**(iii) amend the second sentence of Paragraph 4.57 to read:**

**“Where, in the wider overall interest, development is supported as an exception to this policy within high risk areas, applicants will need to demonstrate that they strictly comply with criteria b), c), d) and g) of the policy in that the development is and remains safe throughout its lifetime and does not increase flood risk elsewhere.”**

(iv) amend Paragraph 4.59 to read:

**“The Environment Agency is the land drainage authority for main rivers and has produced indicative flood zone maps for these and other watercourses. These are shown on the proposals map. These maps are based upon the approximate extent of flooding with a 1% annual occurrence for rivers, or where this is greater, the highest recorded flood event. The maps represent the best information available at the time but are indicative only and should be used as a basis for consultation rather than decision making. Applicants are advised to refer to the Environment Agency for the most up-to-date indicative flood zone maps to identify any changes. These maps will also enable applicants to identify areas of high flood risk. Where floodplains for some other watercourses are not yet available applicants are asked to contact the Local Authority Drainage Engineers who are the Land Drainage Authority for non main rivers, to check the location of the nearest watercourse to their development site.”**

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

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#### **4.13 Paragraphs 4.61 - 4.65 Policy DP11 Drainage**

##### Objections to First Deposit Version

69/AA	Linda Forbes
156/AB	Alan Moore
198/AG	John Henderson
201/AF	Home Builders' Federation
210/AJ	English Nature
223/AN	Kenilworth Town Council

##### Objections to Revised Deposit Version

66/RAM	The Warwick Society
223/RAC	Kenilworth Town Council
223/RAL	Kenilworth Town Council
226/RAF	Environment Agency

##### **Key Issues**

- 4.13.1** (1) Whether Policy DP11 adequately addresses drainage issues of particular relevance to Kenilworth.

- (2) Whether applicants should be required to justify their position if sustainable drainage systems are not incorporated into a scheme.
- (3) Whether it should be made clear which organisation will enforce the Policy.
- (4) Whether restrictions should be placed on impermeable paving and encouragement given to the planting of trees and shrubs to act as rainwater buffers, through SPD.
- (5) Whether there are typographical errors in criterion b) of Policy DP11 and in Paragraph 4.61.
- (6) Whether the Policy should be re-ordered so that the re-use and recycling of surface water and domestic waste water is dealt with first.
- (7) Whether it is reasonable for the Policy to 'require' the use of sustainable drainage systems.

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

**4.13.2 Issues 1, 2 and 3:** Kenilworth Town Council points out that the population of Kenilworth has more than doubled in the last 50 years and that this has put a huge strain on the town's sewerage system, part of which dates back to the 1880s. Severn Trent Water Authority is in the middle of a £16m scheme to replace sewers (equating to £1,500 per household). While the Town Council has no argument with the principle of sustainable drainage systems it is concerned to prevent the recurrence of drainage problems in respect of storm water. Changes to the Plan are sought to make it clear that Policy DP11 applies to all development or, if not, to specified classes of development. It argues that Paragraph 4.65 of the reasoned justification should be amended to include a requirement for all applicants to demonstrate how they can comply with the objective of the Policy or why the small scale of development proposed should exempt them, and should clarify which agency will take responsibility for managing the effects of the Policy.

**4.13.3** The purpose of Policy DP11 is to foster sustainable drainage systems that use a variety of techniques to control surface water run-off as close to its origin as possible. By seeking to mimic natural drainage processes, they are less likely to lead to flooding and surcharging. Phase 2 of the Kenilworth Sewerage Strategy currently underway is designed to allow for some limited future housing. The modelling that has been undertaken includes allowances for smaller developments, 'permitted development' that does not require planning permission, and takes account of a variety of other growth factors. Monitoring the impact of development on drainage is the responsibility of the statutory water authority rather than the District Council. To that end STWA requires consultation on all schemes involving 10 or more dwellings, and the District Council feeds back information to STWA through the Building Regulations. For its part, the planning authority will monitor whether Policy DP11 is successful in achieving sustainable drainage systems in new development.

**4.13.4** In my view, there is no need to clarify that the Policy applies to all development. Paragraph 4.1 of the reasoned justification introducing Chapter 4 explains that the development policies in the chapter are generic and that all development proposals will be assessed against them. Under Paragraph 4.65 applicants need to demonstrate how they can comply with the objective of the Policy. I see no particular benefit in adding the

words ‘to the approval of the Council and The Environment Agency’. There is recognition that some developments, like changes of use, may have little or no impact on drainage. In those cases the Plan indicates that an exception will be made. Clearly, the District Council will be the body deciding whether there is likely to be a potential impact and whether further information is required.

**4.13.5 Issue 4:** I agree with the District Council that it is for individual planning applications to address such matters as the need to control hard landscaping and to encourage rainwater buffers. This will be done in consultation with the relevant statutory undertaker. There is no compelling argument, in my view, for giving priority to the preparation of SPD on flooding and drainage at this time.

**4.13.6 Issue 5:** A proposed change has been put forward by the District Council to meet the objection by the Environment Agency. It is suggested that the word ‘flood’ in Policy DP11b) and in Paragraph 4.61 should be amended to ‘flooding’. I support that correction.

**4.13.7 Issue 6:** Kenilworth Town Council argues that the Policy should be re-ordered so that the final section regarding water re-cycling should come first. I do not agree. The Policy focuses on sustainable drainage systems and that is what needs to be considered initially.

**4.13.8 Issue 7:** The HBF point to the reluctance of some water companies and local authorities to adopt SUDS. In their view, the Policy should either ‘encourage’ the use of SUDS or seek the implementation of SUDS ‘wherever practicable’ until such time as a suitable mechanism for dealing with the adoption of SUDS schemes is established. I acknowledge the difficulties that have arisen. A SUDS scheme needs maintenance if it is to work properly. I have not been made aware of any general arrangements for adoption agreed between local authorities, water companies and the Environment Agency. In these circumstances, I feel it would be appropriate for Policy DP11 to indicate that development will be ‘encouraged’ rather than ‘required’ to incorporate SUDS. This would be consistent with the statement made in Paragraph 4.62 of the supporting text that ‘(Government guidance)... *encourages* reduction and restriction of surface water run off from new developments by the provision of sustainable drainage systems.’ A consequential amendment would also be required to Paragraph 4.65. I recommend accordingly.

### **Recommendations**

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

**(i) amend the first sentence of Policy DP11 to read:**

**“Development will be encouraged to incorporate sustainable drainage systems which provide for the disposal of surface water.”**

**(ii) amend the first sentence of Paragraph 4.65 to read:**

**“Applicants will need to demonstrate how they comply with the objective of this policy.”**

(iii) substitute the word “flooding” for the word ‘flood’ in criterion b) of Policy DP11 and in the 11<sup>th</sup> line of Paragraph 4.61.

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

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#### 4.14 Paragraphs 4.66 - 4.71 Policy DP12 Energy Efficiency

##### Objections to First Deposit Version

79/AA	Matthew Rhodes
138/AA	Laing Homes Midlands
141/AA	Parkridge Homes Ltd
142/AC	A C Lloyd Ltd
148/AL	Campaign to Protect Rural England (Warwickshire Branch)
168/AD	Advantage West Midlands
201/AG	Home Builders’ Federation
220/AC	Cala Homes (Midlands) Ltd
262/AC	Warwick & Leamington Spa Green Party
298/AA	Action 21

##### Objections to Revised Deposit Version

66/RAN	The Warwick Society
350/RAU	Tesco Stores Ltd

##### Key Issues

- 4.14.1** (1) Whether Policy DP12 should be expanded to encompass renewable energy generation, and reflect the guidance in PPS22.
- (2) Whether the Policy is inconsistent in itself and in relation to the supporting text, and overly prescriptive.
- (3) Whether criterion d) is appropriate and accurate.
- (4) Whether energy efficiency and conservation in new homes is best achieved through the Building Regulations, rather than through planning policy.
- (5) Whether Paragraph 4.69 should be expanded to include domestic property extensions and other minor developments.
- (6) Whether the Plan should indicate that SPD will be prepared covering the installation of solar panels and other alternative energy sources.
- (7) Whether the typographical error in Paragraph 4.68 has been corrected.

##### Inspector's Appraisal and Conclusions

- 4.14.2 Issue 1:** National, regional and Structure Plan policy all emphasise the urgency of increasing the proportion of energy from renewable resources. Paragraphs 7, 8 and 18 of PPS22 are particularly relevant, as is RSS Policy EN1 and Structure Plan Policy GD.1. With this in mind, the District Council agreed that 2 new policy areas needed to be addressed in the emerging Local Plan. These were: (a) criteria for consideration of applications for renewable energy projects, and (b) a requirement that a proportion of appropriate developments meet their predicted energy requirements from renewable sources. Policy DP12a (Renewable Energy Developments) was introduced into the Revised Deposit Plan by way of response. In doing so, this objection has effectively been met.
- 4.14.3 Issue 2:** The first sentence of the Policy encourages energy efficiency while the second requires compliance with all 5 of the detailed criteria that follow. The District Council has accepted, and I agree, that this is inconsistent and inflexible. It does not accord with the reasoned justification which clarifies at Paragraphs 4.69 and 4.70 that only large scale developments can be expected to meet criterion e), and that minor developments and changes of use that have little impact on energy conservation will not be expected to comply. The District Council has put forward further proposed changes to the Revised Deposit Plan to address these concerns. I endorse those changes which in large measure meet the objections. As regards the need to balance the objectives of Policy DP12 with those of other policies, referred to in Paragraph 4.71, I see no argument for including this statement in the Policy itself.
- 4.14.4 Issue 3:** An objector argues that recycled materials do not necessarily have a reduced energy input as the recycling process can be energy intensive. I accept, though, that recycled materials can save on landfill costs and the costs involved in producing new materials in terms of natural resources and transportation. I note that the District Council deleted the original reference to materials ‘produced locally’ when preparing the Revised Deposit Plan. I agree that this was too stringent. Insertion in the Policy of the words ‘where appropriate’ goes some way towards satisfying the objection. It follows that I do not support the deletion of criterion d).
- 4.14.5 Issue 4:** In my view, energy efficiency in homes is relevant to both planning and Building Regulations. This is confirmed through Policy EN2 of the RSS which states that development plans should include measures to: (i) minimise energy demands from development by encouraging the use of sustainable construction techniques, best practice in energy efficient design and the orientation of buildings to maximise passive solar gain, and (ii) encourage the use of good quality combined heat and power systems and district heating schemes for developments, particularly major new mixed use developments.
- 4.14.6 Issue 5:** I see no need to extend Paragraph 4.69 in the manner suggested. I do, however, recognise that technologies exist enabling individual homeowners to contribute to energy conservation and pollution reduction by, for instance, incorporating solar thermal systems or ground source heat pumps in extensions, or by providing small wind turbines.
- 4.14.7 Issue 6:** I agree with the District Council that the subject of energy efficiency is adequately covered in Policy DP12, as proposed to be amended, without the need for SPD. This Policy requires to be balanced with others requiring good design (DP1) and protecting listed buildings and conservation areas (DAP6 and DAP10).

**4.14.8 Issue 7:** The District Council has amended the word ‘principle’ to read ‘principal’ in Paragraph 4.68 of the Revised Deposit Plan, thereby satisfying the objection by CPRE (Warwickshire Branch).

### **Recommendations**

**4.14.9 (a) That Policy DP12 of the Revised Deposit Plan be modified to read:**

**“The layout and design of development will be encouraged to promote energy efficient buildings. Where appropriate, development proposals will be expected to demonstrate that they have considered:-**

- a) opportunities to maximise passive solar gain, minimise heat loss and wind tunnelling and eddying;**
- b) opportunities to limit overshadowing of buildings to minimise loss of useful solar gain;**
- c) opportunities for landscaping to provide shelter belts to improve energy conservation;**
- d) the use of materials with a reduced energy input, such as recycled products;  
and**
- e) the use of sustainable and renewable forms of heating such as solar panels and CHP (Combined Heat and Power) schemes.”**

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

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### **4.15 Paragraphs 4.71A - 4.71H Policy DP12a Renewable Energy Developments**

Objections to First Deposit Version

No objections

Objections to Revised Deposit Version

66/RAO	The Warwick Society
110/RAB	Government Office for the West Midlands
154/RAD	National Farmers’ Union
283/RAH	The Ancient Monuments Society
351/RAA	British Wind Energy Association

### **Key Issues**

**4.15.1 (1) Whether the Plan should indicate that SPD will be prepared covering the installation of solar panels and other alternative energy sources.**

- (2) Whether the Policy should discourage inappropriate renewable energy installations on listed buildings, in conservation areas and close to ancient monuments .
- (3) Whether Part B of the Policy is properly justified and in accord with PPS22.
- (4) Whether the detailed wording of the Policy and its reasoned justification is appropriate.
- (5) Whether Part B of the Policy should allow for the fact that biomass might be grown locally but not on site.

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

**4.15.2 Issue 1:** The matters raised by the Warwick Society have already been addressed in considering a similar objection to Policy DP12 (see Paragraph 4.14.7 of this report).

**4.15.3 Issue 2:** I consider that criteria a), c) and e) of Part A of Policy DP12a, together with other Plan policies that foster good design and seek to protect listed buildings, conservation areas and ancient monuments (DP1, DP4, DAP6 and DAP10), afford adequate protection for the historic environment.

**4.15.4 Issue 3:** Renewable energy is a field where technological innovations are taking place. Part B of Policy DP12a deals with a relatively new area of Government policy. It aims to establish a baseline position from which further work can be done by the District Council in conjunction with the County Council, development industry and other stakeholders. The principles incorporated into the Policy are firstly, that it is appropriate to require a percentage of energy from renewable sources and secondly, that this should be done only where it is viable and would not place an undue burden on developers. I am satisfied that these considerations reflect the advice in PPS22. The reasoned justification to Policy DP12a makes it clear that the 10% requirement will be applied to 'appropriate' developments which will include those where the installation of micro generation equipment is viable given the type of development proposed, its location and design. This meets the criteria in Paragraph 8 of PPS22. Paragraph 4.71H (as amended in the Council's proposed changes) indicates that further guidance on implementation of this Policy will be set out in SPD. In my view, this is to be preferred to burdening the Policy with detail. Such SPD will, in any event, be subject to public consultation.

**4.15.5 Issue 4:** While supporting the introduction of Policy DP12a in the Revised Deposit Plan, the British Wind Energy Association (BWEA) has a number of concerns regarding detailed wording. On reflection, the District Council agrees with the objector that the word 'intrusion' in criterion a) of the Policy is emotive and should be replaced with the word 'appearance'; and that the first sentence of Paragraph 4.71F should be amended to include reference to the Environmental Assessment process. The latter would address a number of the BWEA objections including the question of subjectivity. I support those proposed further changes which would improve the Plan. As regards the other points, I agree with the District Council that only in the case of larger schemes will pre-application consultation with local communities be expected. I consider that the reference in Paragraph 4.71B to a lower regional target of at least 5% of electricity to be generated from renewable means by 2010 compared with the 10% national target, and an explanation as to how this figure has been derived, is pertinent information that should be retained in the text.

**4.15.6 Issue 5:** The District Council agrees that the Policy should acknowledge that energy may be produced on site ‘or in the locality’ from renewable sources and has put forward a proposed change to that effect. I support that amendment.

### **Recommendations**

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

**(i) amend criterion a) of Part A of Policy DP12a to read:**

**“a) local amenity including visual appearance, noise, dust, odour, and traffic generation;”**

**(ii) amend Part B of Policy DP12a to read:**

**“B. In appropriate residential and non-residential developments, including conversions, the Council will require 10% of the predicted energy requirements to be produced on site, or in the locality, from renewable energy resources.”**

**(iii) amend the first sentence of Paragraph 4.71F to read:**

**“Where appropriate, Environmental Assessment will be used to determine the effect of any proposal on amenity, public health and safety, townscape and/or landscape character, the natural and historic environment, climate and other factors.”**

**(iv) amend the final sentence of Paragraph 4.71H to read:**

**“Further guidance on the implementation of this policy will be set out in a Supplementary Planning Document.”**

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

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## **4.16 Paragraphs 4.72 - 4.76 Policy DP13 Crime Prevention**

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

27/AA	Warwickshire Police
115/AA	Alan Roberts
122/AD	Warwick Castle
193/BF	Coten End and Emscote Residents’ Association
199/BF	James Mackay

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

### **Key Issues**

- 4.16.1** (1) Whether Paragraph 4.76 implies that there is conflict between crime prevention and achieving good design.
- (2) Whether the design of security lighting should be required to produce minimal light pollution.
- (3) Whether the Policy should be extended to ensure that development does not create opportunities for crime or anti-social activity in adjoining areas.
- (4) Whether the Policy reacts to crime rather than fostering good design which minimises its likelihood.
- (5) Whether the Policy should prevent the appearance of exclusive gated closed communities.

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

**4.16.2 Issue 1:** The supporting text recognises the possibility that the most appropriate layout and design from a crime prevention perspective may not necessarily accord with other policy objectives such as achieving the highest quality design or most accessible layout. But it does not suggest the need to design for a safe environment is a lower priority than other factors. The Policy requires applicants to demonstrate how they have sought to balance competing objectives and show where choices have been made. I consider that to be proper and acknowledge that in most cases it should be possible to produce a scheme that satisfies many if not all requirements.

**4.16.3 Issue 2:** I agree with the District Council that issues surrounding light pollution can be addressed most fittingly through Policy DP9 (Pollution Control).

**4.16.4 Issue 3:** Policy DP13 is aimed at minimising the potential for crime and anti-social behaviour generally and not just within a development site. Reflecting this, Paragraph 4.72 of the Plan also refers to the surrounding environment. In these circumstances, I see no need to extend the Policy.

**4.16.5 Issue 4:** I do not believe that Policy DP13 is simply reactive. Criteria a) to c) refer to positive aspects of design, the aim of which is to minimise the potential for crime and anti-social behaviour and improve community safety. I note that in implementing the Policy the District Council routinely consults the Architectural Liaison Officer within the Warwickshire Police Authority, and applicants are encouraged to seek a 'Secured by Design' certificate.

**4.16.6 Issue 5:** Policy DP13 deals in general terms with crime prevention. How developers best address the matter in any given circumstance falls to be determined at application stage in the light of this and other policies (including DP14: Accessibility and Inclusion), and consultation with the Police Architectural Liaison Officer. It may or may not involve the use of gated communities. I see no place for such a level of detail in this generic policy.

## Recommendations

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

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### **4.17 Paragraphs 4.77 - 4.81 Policy DP14 Accessibility and Inclusion**

Objections to First Deposit Version

37/AA	Sport England
201/AH	Home Builders' Federation
213/AF	Warwickshire Rural Community Council

Objections to Revised Deposit Version

No objections

#### **Key Issues**

- 4.17.1** (1) Whether Paragraph 4.79 should make specific reference to children's play spaces.
- (2) Whether Policy DP14 duplicates the provisions of Part M of the Building Regulations and is unnecessary.
- (3) Whether the word 'inclusion' is appropriate for use in the Policy.

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

**4.17.2 Issue 1:** The District Council accepted this objection and incorporated a reference to children's play spaces in the Revised Deposit Plan in acknowledgement of the ODPM publication 'Developing Accessible Play Space' (Nov 2003). The objector, Sport England, has conditionally withdrawn its objection on that basis. I endorse that amendment which improves the text.

**4.17.3 Issue 2:** The Building Regulations are primarily concerned with access to and within buildings. In contrast, the scope of Policy DP14 is broader. It applies to all aspects of a scheme, not just the buildings, encouraging developers to meet the highest standards of accessibility and inclusion for all potential users and sectors of the population. Consequently, I see no inappropriate duplication of the kind discouraged in Government guidance.

**4.17.4 Issue 3:** Since the aim of Policy DP14 is to promote social inclusion through access to, and use of, new developments and facilities, I consider it to be quite proper to associate the words accessibility and inclusion. I note that Policy SC1 later in the Plan deals with inclusive communities in terms of securing a mix of housing in new developments.

## Recommendations

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

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**4.18 Chapter 4 – Policy omissions**

Objections to First Deposit Version

7/AB	The Ramblers' Association
7/AD	The Ramblers' Association
24/AA	Future Energy Solutions (on behalf of DTI)
66/AF	The Warwick Society
109/AK	Warwickshire County Council (Planning, Transport & Economic Strategy)
109/BC	Warwickshire County Council (Planning, Transport & Economic Strategy)
158/AG	Tyler-Parkes Partnership
221/BB	Kenilworth Society
223/AY	Kenilworth Town Council
226/AJ	Environment Agency
234/BB	Parish Councillor (Sherbourne)
248/AA	Mr & Dr C.G. Oliver
262/AD	Warwick & Leamington Spa Green Party
302/AK	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

No objections

**Key Issues**

- 4.18.1** (1) Whether the Plan should include a requirement for developers to provide off-site links to the existing footpath network.
- (2) Whether the Plan should incorporate a policy to encourage safe road crossings.
- (3) Whether the Plan should contain a policy on renewable energy and renewable technologies, and set minimum standards.
- (4) Whether the Plan should include a policy requiring acceptable standards of accommodation in terms of daylight, size and outlook.
- (5) Whether there should be a policy steering development to particular locations.
- (6) Whether the Plan should contain a policy encouraging developers to provide space and facilities for waste recycling and composting in residential developments.

- (7) Whether the Plan should make provision for long-term (post-2011) housing needs by excluding land from the Green Belt.
- (8) Whether the Plan should include policies on extensions and replacement dwellings covering the whole of the District (similar to Policies RAP3 and RAP4 that currently apply to the rural areas only).
- (9) Whether the Plan should include a policy on water conservation.
- (10) Whether the Plan should include a policy to control home working where this generates traffic resulting in environmental disturbance.
- (11) Whether the Plan should contain a policy that precludes the demolition of high quality housing and its replacement with high density housing.
- (12) Whether the Plan should contain separate policies in respect of landscape character and the historic environment.

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

**4.18.2 Issue 1:** The District Council accepts that it is reasonable to seek contributions from new developments for footpath and cycleway improvements where these are directly related to the development sought. Policy SC10 (Sustainable Transport Improvements) has been amended in the Revised Deposit Plan and a new Paragraph 5.64B added. The second part of the Policy indicates that: "Contributions will also be sought in appropriate cases towards footpaths, cycleways and towpaths both within development sites, and to create links with the wider network." The objection by the Ramblers' Association has been met. I endorse those alterations.

**4.18.3 Issue 2:** Although the provision of safe road crossings is a legitimate aim, I agree with the District Council that this a matter more appropriately addressed by the County Council in its capacity as highway authority, rather than through this Local Plan. The Ramblers' Association has accepted the point and withdrawn its objection.

**4.18.4 Issue 3:** Policy DP12a (Renewable Energy Developments) was introduced at Revised Deposit stage in response to this and other objections.

**4.18.5 Issue 4:** I consider that these matters are adequately dealt with under other Policies of the Plan, principally DP1 (Layout and Design) and DP2 (Amenity). The Building Regulations also have a role to play. I see no need to amend the Plan in the manner suggested by the Warwick Society. It would, in any event, be inappropriate to apply the Social Housing Design Standards to market housing.

**4.18.6 Issue 5:** The core strategy of the First Deposit Plan was augmented at Revised Deposit stage by a spatial strategy which is also set out in Chapter 3. This meets the objection and in consequence the objector, Warwickshire County Council (Planning, Transport and Economic Strategy), has conditionally withdrawn its objection. I support that spatial strategy which sets out clearly the locations to which most new development will be directed.

- 4.18.7 Issue 6:** PPS10 (Planning for Sustainable Waste Management) and the RSS both support measures to promote better waste management. In view of this, the District Council included a further criterion in Policy DP1 at Revised Deposit stage. Amongst other matters, development proposals will be expected to demonstrate that they: “make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.” The County Council has conditionally withdrawn its objection on that basis. I endorse that amendment.
- 4.18.8 Issue 7:** This matter is addressed elsewhere in my report in response to other objections. In summary, I conclude that there is no need for greenfield land to be allocated for housing up to 2011 and no requirement at this time to amend Green Belt boundaries to allow for longer term housing needs beyond the Local Plan period. I agree with the District Council that if and when further land is required for housing no changes should be made to Green Belt boundaries without a full comparative assessment of all options supported by a Sustainability Appraisal.
- 4.18.9 Issue 8:** I agree with the District Council that the coverage of Policies RAP3 and RAP4 should not be extended to apply to the urban areas. RAP3 and RAP4 deal specifically with rural issues - principally the effect of development on the open character of the countryside. They draw much support from PPG2 which applies to the Green Belt areas. Generally, a more positive approach is taken in respect of extensions and replacement dwellings in urban areas, subject to appropriate safeguards applied through District-wide Policies DP1 and DP2. In my view, there are clear differences in circumstances that merit a dissimilar approach in rural and urban locations.
- 4.18.10 Issue 9:** Recycling of surface water and domestic waste water is encouraged by Policy DP11. However, incorporation of other water efficiency measures and achievement of a secure water supply are matters that, in my view, fall outside the scope of this Local Plan.
- 4.18.11 Issue 10:** The Plan is generally supportive of home working in that such activity reduces the need to travel in furtherance of objective 3A. Where this does lead to adverse impacts, I am confident that these can be adequately dealt with under other Plan policies, particularly DP1, DP2 and RAP10. I see no need therefore to incorporate a specific policy on homeworking.
- 4.18.12 Issue 11:** Policies DP1, DP2 and DP5 seek to ensure that in any redevelopment a high quality of design and layout is achieved. This will be supplemented in due course by a Residential Design Guide which will have the status of SPD. I am told that this will be going out to public consultation in late 2006. Given the general thrust of PPG3 which encourages greater efficiency in the use of land, I consider that a specific policy that resists the demolition of high quality houses and their replacement with higher density schemes would be incompatible with national planning policy advice. I note that this objection by Mr D Shakespeare has subsequently been withdrawn.
- 4.18.13 Issue 12:** This matter has been addressed elsewhere in my report in response to other similar objections by English Heritage (see Issue 1, Policy DP3). My conclusion is that a composite policy is appropriate and workable. It recognises the complex inter-relationship that exists between the natural environment, the historic environment and landscape character and serves to keep the Plan succinct.

## **Recommendations**

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

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