
CHAPTER 9: DESIGNATED AREA POLICES

9.1 Overview

9.1.1 These policies serve to protect the natural, built and historic environments. I endorse the minor Green Belt boundary alterations proposed by the District Council, including land at Highland Road/Woodland Road, Kenilworth. I do not support removal of the remainder of Coventry Airport from the Green Belt, nor the former Alvis site adjacent. I consider that no amendments are required to the AoR boundaries, other than exclusion of the former Trinity School at Myton Road, Warwick. In my view, the Special Landscape Areas that featured in the First Deposit Plan should not be reintroduced. I recommend that Policies DAP4, DAP6, DAP10 and DAP11, and the reasoned justification to those policies and Policy DAP13, should be modified. I see no reason to introduce additional policies in respect of canals, scheduled ancient monuments, river corridors and unlisted buildings, amongst other matters.

9.2 Paragraphs 9.1 - 9.2 Introduction

Objection to First Deposit Version

302/AZ English Heritage (West Midlands Region)

Objections to Revised Deposit Version

No objections

Key Issue

9.2.1 Whether the introduction to this Chapter should better reflect the contribution of the historic environment.

Inspector’s Appraisal and Conclusions

9.2.2 In response to this objection, the District Council amended Paragraphs 9.1 and 9.2 at Revised Deposit stage to include specific references to the historic environment and to historic monuments and places. On that basis, English Heritage has conditionally withdrawn its objection. I support those alterations which emphasise the role of historical factors in defining the essential qualities of the District.

Recommendations

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

9.3 Paragraphs 9.3 - 9.10 Policy DAP1 Protecting the Green Belt

Objections to First Deposit Version

59/AA	Baginton Bridge Nurseries
66/AW	The Warwick Society
104/AC	Warwickshire County Council (Property Services Dept)
107/AC	University of Warwick
127/AB	Mr D H Smith
147/AE	Sundial Conference and Training Group
148/BJ	Campaign to Protect Rural England (Warwickshire Branch)
154/AO	National Farmers' Union
155/AE	Punch Taverns
170/AC	Mr Martin Wood
193/BR	Coten End and Emscote Residents' Association
195/AP	The Leamington Society
199/BR	James Mackay

Objections to Revised Deposit Version

52/RAH	Barford, Sherbourne & Wasperton Joint Parish Council
104/RAA ¹	Warwickshire County Council (Property Services Dept)
115/RAG	Alan Roberts
235/RAB	Kenilworth Rugby Football Club
321/RAA	West Midlands International Airport Ltd
321/RAB	West Midlands International Airport Ltd

Key Issues

- 9.3.1**
- (1) Whether the Green Belt boundary should be extended to protect the open areas of land south and east of Warwick and Leamington Spa, or the whole of the rural areas of the District.
 - (2) Whether Policy DAP1 is too general in its coverage.
 - (3) Whether the Policy should address farm diversification schemes in the Green Belt by adding a further criterion, cross-referenced to Policy RAP9.
 - (4) Whether the final sentence of Paragraph 9.8 should be omitted.
 - (5) Whether the words 'in appropriate instances' should be deleted and the Policy re-written in a manner more consistent with PPG2.
 - (6) Whether (a) park and ride sites (criterion g)) should only be entertained if they can be made to blend into the landscape, and (b) land allocated for employment purposes at South West Warwick should be made available for this purpose.

¹ This objection is considered in conjunction with a related objection to Policy SSP2
Warwick District Local Plan 1996-2011 Inquiry – Inspector's Report
 Chapter 9

- (7) Whether criterion g) (park and ride) should be deleted.
- (8) Whether Policy DAP1 should make it clear that 'agriculture' does not include equestrian uses.
- (9) Whether (a) the Green Belt boundary surrounding Lapworth should be subject of further review, particularly around Brome Hall Lane, and/or (b) consideration given to removing the village in its entirety from the Green Belt.
- (10) Whether Policy DAP1 should not apply within larger rural settlements like Offchurch.
- (11) Whether (a) there should be a site specific policy for the University of Warwick, and (b) Policy DAP1 should refer to the need to demonstrate 'very special circumstances' in order to justify inappropriate development in the Green Belt.
- (12) Whether (a) North Leamington and Manor Hall Schools should be excluded from the Green Belt, and (b) Policy DAP1 amended to include development within a school site in the list of appropriate forms of development.
- (13) Whether Baginton Bridge Nursery should be excluded from the Green Belt.
- (14) Whether land at Kenilworth Rugby Football Club should be included in the Green Belt.
- (15) Whether the Green Belt should be extended to cover all of Sherbourne Parish.
- (16) Whether the whole of Coventry Airport should be excluded from the Green Belt and be made subject of Policy SSP7.
- (17) Whether the northern part of the former Alvis site should be taken out of the Green Belt and allocated as an employment site under Policy SSP1.
- (18) Whether land between Rowley Road and the A45 at Baginton should be removed from the Green Belt and safeguarded for future employment use.

Inspector's Appraisal and Conclusions

9.3.2 Issue 1: A number of objectors are concerned regarding the amount of growth that has occurred on the south side of Warwick and Leamington Spa during the currency of the adopted Local Plan. They would like to see the Green Belt boundary extended to preclude urban sprawl in that direction, and to the east of the towns, in the future. However, the general extent of the Green Belt was reviewed when the current Structure Plan was approved. The County Council decided at that time that no changes were required. PPG2 makes it clear that Green Belt boundaries should only be altered in exceptional circumstances. The role of the Local Plan is confined to reviewing the detail of those boundaries and correcting any anomalies. I concur with the District Council that this Plan is not the correct vehicle for considering such a broad strategic alteration. In any event, I believe that the land in question is afforded adequate protection from development through the Plan's Rural Area Policies and the Areas of Restraint that have been designated in the most sensitive locations. It follows that I do not support Green Belt coverage across the whole of the rural areas of the District.

- 9.3.3 Issue 2:** I consider that Policy DAP1 adequately reflects the thrust of Government guidance set out in PPG2. It indicates a general presumption against inappropriate development in the Green Belt; it identifies the forms of development that will be permitted in the Green Belt; and it allows for very special circumstances to justify inappropriate development. Although broad in coverage, I do not feel that the Policy is too general in terms of its content.
- 9.3.4 Issue 3:** I am satisfied that Policy DAP1 is compliant with national planning policy advice in relation to farm diversification proposals. Criterion f) refers to Policy RAP8 (Converting Rural Buildings). The supporting text at Paragraph 9.8 refers to Policy RAP9. This gives detailed guidance on farm diversification schemes in the Green Belt. I see no reason to introduce an additional criterion into Policy DAP1. Criterion a) makes it clear that development for agricultural purposes is appropriate in the Green Belt, but there is no provision in PPG2 for non-agricultural farm diversification to be regarded in the same way.
- 9.3.5 Issue 4:** Neither PPG2 nor PPS7 indicate that replacement buildings in the Green Belt should be treated as appropriate development. Instead, they show a strong preference for utilising existing buildings for farm diversification schemes. In these circumstances, I see no grounds for amending the supporting text in the manner suggested.
- 9.3.6 Issue 5:** Although rather different from the wording employed by PPG2, I believe there is no inconsistency in the terminology used by the District Council.
- 9.3.7 Issue 6:** PPG2 (amended in March 2001 by Annex E of PPG13) states that park and ride schemes are not inappropriate in the Green Belt provided certain criteria are met. Any scheme coming forward would also have to comply with the general development policies of the Plan - and this would embrace landscaping. The objector has suggested that part of the South West Warwick employment allocation might be used for this purpose. However, I note that much of the area is already committed to other uses through an approved design brief.
- 9.3.8 Issue 7:** I have indicated above that PPG2 (Paragraphs 3.17-3.20) provides that park and ride development is not inappropriate in the Green Belt. In those circumstances, I can see no reason to delete criterion g).
- 9.3.9 Issue 8:** The District Council acknowledges that equine uses do not come within the definition of agriculture. However, PPS7 recognises them as popular forms of recreation that can fit in well with farming activities and assist in diversifying the rural economy. Appropriate forms of equine-related development in the Green Belt include re-use of buildings for stabling, new stables where these comprise essential facilities for sport and outdoor recreation, and outdoor areas for exercising and grazing horses. The planning authority's intention is to treat such proposals in the Green Belt on their merits. I support that approach which should, I feel, be set out in the supporting text. I recommend accordingly.
- 9.3.10 Issue 9:** The approach taken in the Plan has been to 'wash over' all of the villages in the Green Belt with the Green Belt designation, irrespective of whether they are identified as Limited Growth Villages. That is consistent with the advice in Paragraph 2.11 of PPG2. I see no reason to treat Lapworth any differently.

9.3.11 Issue 10: The Plan's rural housing strategy is based on a hierarchy of settlements, some in the Green Belt and some outside. Their position in that hierarchy is determined by the ability to accommodate limited growth to satisfy local needs. This is measured in terms of sustainability through the level of services and facilities available. With this in mind, I see no merit in identifying settlement boundaries to exclude certain villages from the Green Belt nor in defining policy areas (village envelopes) for all settlements within which residential infill proposals will be acceptable. Offchurch is similar to many other settlements in the Green Belt. It should, in my view, be subject to Policy DAP1. Where a proposal is considered to be inappropriate development in the Green Belt, the District Council says it will have regard to the scale, appearance and nature of the development and the extent to which it would support Green Belt objectives. However, in all such cases it will be necessary to demonstrate the very special circumstances required to justify inappropriate development.

9.3.12 Issue 11: In response to this objection and others, the University of Warwick was identified in the Revised Deposit Plan as a Major Developed Site in the Green Belt under Policy SSP2. In addition, Policy DAP1 was amended to indicate that applications for development in the Green Belt that do not accord with the policy criteria will have to demonstrate very special circumstances to justify inappropriate development. I support those alterations. However, I consider that the final paragraph of Policy DAP1 and the last sentence of Paragraph 9.6 would both benefit from some minor corrections. This is reflected in my recommendations.

9.3.13 Issue 12: (*North Leamington and Manor Hall Schools, Leamington Spa*) At Revised Deposit stage North Leamington School (including Manor Hall) was included as a Major Developed Site in the Green Belt under Policy SSP2. This allows the County Council the ability to undertake limited infill or redevelopment. Given that both schools include substantial areas of playing fields and other open land that contributes to the character and function of the Green Belt I see no grounds for excluding these sites from the Green Belt. As regards the suggested alteration to the wording of the Policy, this would I believe conflict with the guidance set out in PPG2. More detailed consideration is given to these school sites elsewhere in my report in response to other objections.

9.3.14 Issue 13: (*Baginton Bridge Nursery, Mill Hill, Baginton*) The objector argues that Baginton Bridge Nursery should be removed from the Green Belt since it houses a lawful commercial operation and does not comply with any of the 5 purposes of the Green Belt. Its designation as Green Belt is historical and has never been updated.

9.3.15 The site lies to the south of Mill Hill, Baginton and is bounded to the north-west by the embanked A46. It is largely open in character but contains a number of small buildings, glasshouses, polytunnels, outdoor storage areas and car parking. Mature trees surround the site and divide it internally. In my view, this tract of land serves the Green Belt purposes of checking the unrestricted sprawl of large built-up areas (Coventry) and assists in safeguarding the countryside from encroachment. It helps prevent Baginton from linking with the urban area of Coventry. I note that Green Belt has existed here since 1971 when it was part confirmed and part left as 'interim Green Belt' by the Secretary of State. The latter was subsequently confirmed as Green Belt in the County Council's 1982 Green Belt Local (Subject) Plan. That boundary was carried forward into the current adopted Local Plan 1995. I am told that the nursery has been in operation throughout that period.

- 9.3.16** No ‘exceptional circumstances’ have been advanced to support exclusion of this site from the Green Belt. I consider that its designation as Green Belt does not unreasonably restrict current commercial operations. On the other hand, it serves to protect the sensitive gap on the east side of the A46 between Coventry and Baginton from the threat of more intensive development likely to harm its open character. I note that in response to the Omission Sites Consultation 13 objections were received including representations from the CPRE (Warwickshire Branch), Baginton Parish Council and local residents.
- 9.3.17 Issue 14:** (*Kenilworth Rugby Football Club, Glasshouse Lane, Kenilworth*) The District Council is proposing to include within the Green Belt a small triangular shaped site at the north-west corner of Kenilworth Rugby Football Club’s grounds in Glasshouse Lane. The land is situated to the rear of residential properties. In the adopted Local Plan it is shown outside the Green Belt. The objector points out that there has been no change in the character of that land between adoption of the present Local Plan in 1995 and the Revised Deposit version of the emerging Local Plan. It is argued that such an alteration, through loss of part of the Club’s asset base, would have a substantial adverse impact upon the Club’s future. Kenilworth Rugby Football Club intends to relocate its existing clubhouse and facilities onto a recently established new site at Rocky Lane and needs to raise finance. It is envisaged that the land in question might be developed for housing at some future date, either in conjunction with adjoining land or as a stand-alone proposal.
- 9.3.18** Paragraph 2.6 of PPG2 indicates that once Green Belt boundaries have been approved in a statutory development plan, those boundaries should only be altered exceptionally. Case law in *Carpets of Worth v Wyre Forest DC* [1992] establishes that the requirement to show ‘exceptional circumstances’ applies both to situations where it is proposed to exclude land from the Green Belt and to include land within the Green Belt. The site is effectively unannotated (or ‘white land’) on the edge of the urban area. Realigning the Green Belt boundary here so that it runs along the back gardens of houses in Glasshouse Lane following a well defined hedge line would correct an inconsistency that has existed since 1982 when the County Council produced the Green Belt Local (Subject) Plan for Warwickshire. The District Council has, I am told, no knowledge of why this corner of the field was given a different status from the rest of the Club’s premises.
- 9.3.19** I acknowledge that Green Belt boundaries should endure and have a degree of permanence. However, it has been nearly 25 years since the boundary was fixed in such a seemingly arbitrary fashion. The land forms part of a sensitive tract of open countryside between the urban area of Kenilworth and the A46. It is open to the east and relates more to the adjoining rural area than it does to the urban environment to the north. The need to correct such an obvious anomaly and establish a more defensible Green Belt boundary to safeguard the countryside from encroachment constitutes, in my view, the exceptional circumstances necessary to justify the proposal. I support the broad aims of the Club. Nevertheless, I agree with the District Council that the continued exclusion of this land from the Green Belt cannot be justified by the need to finance future development. I note that through the ‘Omission Sites Consultation’ Kenilworth Town Council is supportive of the site being put into the Green Belt.
- 9.3.20** At the hearing into this objection the District Council accepted that inclusion of this site in the Green Belt should be recorded in Paragraph 9.10 of the supporting text, in order to be consistent with other Green Belt additions and subtractions made in the Plan. I agree and recommend accordingly.

- 9.3.21 Issue 15:** This objection, seeking to extend the Green Belt boundary to cover the whole of the Parish of Sherbourne, has effectively been addressed through my appraisal and conclusions in respect of Issue 1 above.
- 9.3.22 Issue 16:** (*Coventry Airport*) Most of Coventry Airport lies within the Green Belt including the runway and what is referred to as Airport West and Airport North. Only a relatively small area known as Airport South, from where passenger flights are operated, is excluded from the Green Belt designation. That excluded area falls under site specific Policy SSP7 (Coventry Airport) in the Revised Deposit Plan. WMIAL object to the continued Green Belt designation on the Proposals Map and to the associated Policy DAP1 (Protecting the Green Belt). The objector is seeking to remove the land from the Green Belt and for Policy SSP7 (as amended by WMIAL representations) to apply to the whole of Coventry Airport.
- 9.3.23** PPG2 indicates that the most important attribute of the Green Belt is its openness. It identifies 5 purposes for including land in the Green Belt as well as land use objectives. The guidance explains that while the general extent of Green Belts should be fixed through approval of structure plans, detailed boundaries should be set at local plan level. When local plans are under review, being revised and updated, the existing Green Belt boundary should only be altered if exceptional circumstances exist which necessitate such revision.
- 9.3.24** The exceptional circumstances argued here are as follows. Firstly, the site is considered not to be substantially open in character. Existing development comprises approximately 37% of the developable area of the Airport in the Green Belt. There is no basis for excluding tarmac areas which are heavily and regularly used to fulfil airport operational requirements. This has resulted in an area that is more urban in character than open countryside. Secondly, Coventry Airport enjoys extensive ‘permitted development’ rights in association with aviation activity under Part 18 of the GPDO. Development has come forward and will continue to do so through the exercise of those rights, further contributing to reduction of the rural and open character of the site. Thirdly, Coventry Airport is an important employment site within the sub-region. Fourthly, the impact of ‘permitted development’ rights was recognised by the planning authority in its consideration of the Parcelforce application in 1998. At that time, approval was granted for development considered inappropriate in the Green Belt because if it did not proceed, development could come forward in any event under the Airport’s ‘permitted development’ rights to further reduce openness. The District is now, through this Local Plan, amending the Green Belt boundary to address the anomaly that was created. Fifthly, Coventry Airport does not fulfil the majority of Green Belt purposes nor the fundamental objective of the policy such as to warrant its continued inclusion. And finally, alteration of the boundary to reflect the existence of the Airport and its future development (as per the boundary shown on Plan TLP1 in Appendix 1 of WMIAL’s proof of evidence) would, it is claimed, provide a clear, sensible and logical boundary to the edge of the Warwickshire Green Belt.
- 9.3.25** WMIAL maintains that there is a fundamental incompatibility between appropriate and lawful use/development at the Airport and the principles of Green Belt policy. Such a mismatch was recognised by the Inspectors for the Solihull UDP in respect of Birmingham International Airport (BIA) where the potentially over-restrictive constraints of Green Belt policy on airport operations, uses and future development was acknowledged. In that instance the Inspectors’ recommendation to remove BIA from the Green Belt was supported by the Borough Council and adopted in the current UDP.

- 9.3.26** Alterations to Green Belt boundaries require the identification of exceptional circumstances. Such circumstances should demonstrate that there has been a change of such significance as to undermine the rationale for inclusion. The detailed boundaries of the Green Belt in this locality were established by the Green Belt Local (Subject) Plan of 1982 prepared by the County Council. Because of the small scale of the Map it was necessary for the District Council to undertake some clarification of those boundaries in the 1995 Local Plan. I note that at Airport West there has been limited net additional development in the Green Belt since then. The original terminal buildings have been replaced with a smaller building and a number of small office and workshop buildings have been removed in accordance with a planning obligation associated with the Parcellforce development. That S106 agreement was drawn up to reduce the impact of airport activity on Baginton residents. In addition, a new office building for Atlantic Air has been constructed adjacent to hangar 5. At Airport North, there has again been limited change, primarily from the erection of a number of modest buildings erected under 'permitted development' rights plus a small-scale general aviation terminal that is now under construction. No development of buildings has taken place at any other part of the Airport within the Green Belt. This evidence demonstrates that overall there has been relatively modest change in the built environment of the Airport since Green Belt designation. In my view, the scale of that change does not warrant a wholesale review of Green Belt boundaries. My accompanied site inspections confirm that the Airport remains predominantly open in character and in this respect is entirely consistent with national planning policy advice on Green Belt boundary definition. As to *Copas v Royal Borough of Windsor and Maidenhead* [2002] 1 P&CR 199, I agree with WMIAL that this case has little bearing on the present situation. In that instance the Court of Appeal went out of its way to emphasise the approach where there is a proposal to increase the extent of the Green Belt. That is not the case here where the objectors are seeking to take land out of that designation.
- 9.3.27** I believe that maintenance of this site within the Green Belt accords with the strategic policy framework established by the Structure Plan and the RSS. Paragraph 4.4 of the Structure Plan makes it clear that the Structure Plan provides no remit for a general review of Green Belt boundaries in local plans. Removal of this area of land from the Green Belt immediately adjacent to the urban area of Coventry could create a prospect for extending the built-up area of Coventry. As regards the RSS, objective d) specifies a need to retain the Green Belt but to allow an adjustment of boundaries where this is necessary to support urban regeneration. Removal of 117ha or so from the Green Belt would not, in my opinion, contribute to urban regeneration.
- 9.3.28** Looking at the aviation-related 'permitted development' rights that apply in respect of operational land, their existence has in my view no great bearing on whether the site should remain in the Green Belt. Those rights existed prior to Green Belt definition and continue to do so. The presence of Green Belt does not hamper the exercise of those rights which have been granted nationally. While such developments could conceivably, over time, change the physical character of the land, to date they have had a relatively modest impact on openness, both individually and cumulatively. I consider that they do not constitute an exceptional circumstance that would justify the removal of Green Belt designation.
- 9.3.29** As the District Council points out, it is the physical characteristics on the ground that determine the appropriateness of the land for continued Green Belt protection, not the prospect of what may or may not happen as 'permitted development'. Even though large

sections of the site are surfaced in concrete/tarmac as runway and hardstandings, they retain a predominantly open character while much of the remainder of the airport grounds is still under grass. I consider that movements of aircraft even if regular and fairly frequent do not impact significantly upon openness.

- 9.3.30** I believe that the Airport's renaissance and ability to contribute to the sub-regional economy through employment provision arising from growth in passenger and freight operations is neither impeded nor arbitrarily and unjustifiably constrained by Green Belt designation. This is because of the extensive 'permitted development' rights that can be exercised in respect of operational land. In any event, the area where most airport expansion is currently envisaged by WMIAL lies outside the Green Belt.
- 9.3.31** The Parcelforce site was open at the time of Green Belt designation but now, as a consequence of planning permissions granted in the 1990s, an area of built development is bisected by the Green Belt boundary. I am told that 2 very special circumstances were considered at that time to outweigh harm to the Green Belt through inappropriateness. They were the willingness of the applicant to address concerns within Baginton village over the noise and fume impact of existing and potential ground-based aviation activity on the opposite side of the Airport close to residential property, and the opportunity to develop the Airport on the south side of the runway. A S106 agreement was concluded in May 1998. The District Council now proposes to amend the Green Belt boundary through this Local Plan to correct the anomaly that has arisen. Given that the change in circumstances is clear and permanent, with the area affected almost entirely changed in character by a building of substantial size, I believe that the test of 'exceptional circumstances' set out in PPG2 has been met. This situation is very different from the position that applies in respect of other parts of the Airport.
- 9.3.32** As regards the purposes of the Green Belt, the specific test as to whether there should be a change to Green Belt boundaries is not the extent to which the land fulfils one or more of these purposes, but whether exceptional circumstances exist that justify a change. Even so, there is a clear relationship between the purposes identified in PPG2 and the role of this site as Green Belt. I consider that the position today is fundamentally the same as it was when the Green Belt boundary was first designated. The site still fulfils most of the functions set out in national advice. Firstly, it checks the unrestricted sprawl of the large built-up area of Coventry in this direction. Secondly, it helps prevent Coventry from merging with Kenilworth/Stoneleigh. Within that relatively narrow gap there are already other large sites that are extensively developed, most notably Stoneleigh Park (formerly known as the National Agricultural Centre), Warwick University and the Severn-Trent Sewage Treatment Works. Thirdly, through its openness it assists in safeguarding the countryside from encroachment. And lastly, it assists in urban regeneration by encouraging the recycling of derelict and other urban land on the northern side of Coventry.
- 9.3.33** The objection site is located right at the edge of the urban area. The Green Belt here is irregular in form with the north-eastern half of the Airport flanked by built development on 3 sides. Nevertheless, I believe that its boundary is clearly defined and defensible, with the exception of the Parcelforce building. The boundary reflects in large measure the physical extent of the Airport, save for the passenger operations that are expected to grow more rapidly than freight and are appropriately concentrated onto land at Airport South beyond the Green Belt, adjacent to other more intensive development. The south-western half of the Airport projects even more clearly into open countryside. The fact that the Airport is 'part in/part out' of the Green Belt raises no major issues in my mind

in terms of possible future development and its control. I do not find the position anomalous and illogical as claimed by WMIAL. Indeed, given the location and physical attributes of this land use, I believe it would be wrong to apply a common policy to the entire land holding. Although not benefiting from the same 'permitted development' rights as an airport operator, I note that the University of Warwick finds itself in a somewhat similar position straddling the Green Belt boundary with part of the University in the Green Belt and part out.

9.3.34 To sum up, I see no incompatibility between the fundamental objective of Green Belt policy and operation of an airport that is able to take advantage of 'permitted development' rights as well as satisfying larger scale ambitions for expansion on land in its ownership that lies outside the Green Belt. While there is a tier of policy support for airport growth and Government backing for making best use of infrastructure, Coventry Airport is not the primary airport for the West Midlands region but must remain subsidiary and complementary to BIA. The scale of growth envisaged here is not in the same league as at BIA where the Solihull UDP Inspectors found that continued inclusion of that airport within Green Belt was no longer appropriate. I am satisfied that the Green Belt boundary identified in the Revised Deposit Plan will endure, does not include land which it is unnecessary to keep permanently open, has not been drawn excessively tightly, and is clearly defined and defensible using readily recognisable features. I concur with the District Council that there is no case on airport development grounds for releasing this site from the Green Belt and applying Policy SSP7 across the whole of the Airport.

9.3.35 Issue 17: (*Former Alvis site*) The Alvis site consists of a small group of industrial buildings situated to the south of Coventry Airport adjacent to the Bubbenhall Road and approximately 1km south of Baginton village. Projecting south-eastwards from the cluster of buildings is a test track forming an elongated loop. In total the site extends to some 16.19ha. It was formerly used for the testing of military vehicles and the manufacture/testing of engines. WMIAL is seeking removal of the northern part of this land from the Green Belt and its allocation under Policy SSP1 as an employment site. The objector has expressed a willingness to enter into a S106 planning obligation to reinstate the remainder of the site currently covered by vehicle testing tracks to open countryside, provided employment-led development is allowed to come forward on the northern section.

9.3.36 A number of exceptional circumstances are advanced which the objector argues necessitate a revision of the Green Belt boundary. Firstly, the site is previously developed at its northern end such that the area proposed for removal from the Green Belt is not substantially open in character. It displays built-up characteristics rather than being open countryside. The remainder of the land is occupied by vehicle testing tracks that reduce the open character of the site and detract from its landscape value. Secondly, the District Council has, through the Revised Deposit Plan, recognised the need to adjust Green Belt boundaries elsewhere in relation to pre-existing development (eg residential development at Roman Way, Finham). It is contended that the same principles should apply at the Alvis site. Thirdly, the built-up northern section of the site fails to fulfil any of the 5 purposes of including land in Green Belts set out in PPG2. None of those purposes, nor indeed the objectives for use of land in the Green Belt, would be compromised if this site was to be released. Fourthly, existing development at the site is lawful. If an application for this development came forward now for consideration it would most likely be considered inappropriate because of the harm it would have on the openness of the Green Belt and its failure to meet the purposes of Green Belt designation.

This indicates that it does not meet the fundamental aim of Green Belt policy which is to keep land permanently open. Finally, the site is not covered by any designations for landscape character or quality. It has been degraded by past industrial activity. This is acknowledged in the Warwickshire Landscape Guidelines which identify the site as falling within a landscape enhancement zone. Reinstatement of much of the site to open countryside and removal of the artificial mounding would improve its character and conservation value and improve the feeling of openness.

- 9.3.37** This is a longstanding industrial site containing a range of 1930s and later factory units, substations, redundant cooling tank, and hardstandings for cars and HGVs. It has seen very little development or change since its inception as a testing facility for locally produced military vehicles. The premises are currently used for the servicing and refurbishment of aircraft components and freight haulage/transport, together with a number of other small scale employment uses. The land is ‘washed over’ by the Green Belt. At no previous time when boundaries have been reviewed has it been suggested that the site should be taken out of the Green Belt. While the land adjoins Coventry Airport on its northern side, it does not lie adjacent to the Green Belt boundary.
- 9.3.38** Existing development here is relatively small in scale. Apart from 2 entrance buildings located adjacent to the Bubbenhall Road, the site has very little impact on the character of the area with the buildings to the rear falling away down a slope and largely hidden from view. The test track is only seen to a very limited degree from the highway. The site shares the characteristics of many other pre-existing developments in the Green Belt. The built element is smaller than, for example, at Stoneleigh Park (formerly the National Agricultural Centre) and Stoneleigh Business Park where it has not been suggested that Green Belt status be taken away.
- 9.3.39** PPG2 requires Green Belt boundaries to be amended in local plans only where exceptional circumstances exist. As I have indicated above, there has been very little change over the years in the extent of built development at the Alvis site. No significant alterations have occurred of such a scale that would undermine the reasons for designation as Green Belt in the first instance, and certainly none since adoption of the existing Local Plan in 1995. The situation is quite unlike that which exists at Roman Way, Finham. As the District Council points out, removing this relatively small site from the Green Belt would create an island fully enclosed by Green Belt, unlike anywhere else in Warwick District.
- 9.3.40** RSS objective d) is to retain the Green Belt, but to allow an adjustment of boundaries where this is necessary to support urban regeneration. In my view, the objector’s proposal does not amount to an adjustment but would create a wholly new boundary within a broader expanse of Green Belt. Moreover, being located outside the Regeneration Zone identified in the regional economic strategy, its excision from the Green Belt would not contribute to urban regeneration.
- 9.3.41** The fact that this site includes previously developed land does not support its removal from the Green Belt. Green Belt designation washes over many sites that incorporate brownfield land. Likewise, the argument that existing development on the land is lawful carries little weight. There are many lawful uses continuing within the Green Belt.
- 9.3.42** As to the purposes of including land in the Green Belt, I believe that this site assists in safeguarding the countryside from encroachment. Lifting Green Belt controls would remove a policy presumption against inappropriate development which would be likely to

engender the expansion/intensification of industrial activities at the site causing greater visual impact when viewed from Green Belt locations elsewhere and encroaching into the open countryside. The potential for such development is clearly shown in the photographs accompanying WMIAL's evidence on landscape and visual matters. I believe that retaining this site in the Green Belt would also, in a modest way, assist urban regeneration by encouraging the recycling of derelict and other urban land in preference to diverting resources to this site.

9.3.43 The offer of restoration of the test track to open countryside is not, in my opinion, a compelling argument in favour of removing the built part of this site from the Green Belt. The test track can barely be seen from outside the site. Because it contains well established vegetation including lines of closely planted Lombardy Poplars along the eastern and western boundaries, relatively modest mounding and agricultural-type tracks, it does not present an obviously derelict and man-made appearance harmful to its rural surroundings. I note that the offer of restoration is linked to the acceptability of future employment proposals involving, no doubt, an expansion of industrial/commercial activity on the site. Any benefit would, I feel, be largely offset by the visual impact of further built development, even if those restoration works could be justified through a planning obligation.

9.3.44 Turning to the proposed employment allocation, PPG2 allows for the re-use of existing buildings for employment purposes. Consequently, the request for removal of this site from Green Belt control must be to facilitate further development and/or redevelopment. WMIAL has not sought to criticise the employment land supply position in the District, and no other reasons have been advanced as to why this site should be added to those identified in Policy SSP1. I have concluded elsewhere in my report in response to other objections that an adequate supply and balanced portfolio of employment sites is provided through land that has already come forward for development since April 2006, through commitments, and through new allocations (with some relatively minor modifications). I agree with the District Council that there is every expectation that these sites and other windfalls will satisfy employment needs without the requirement to allocate the former Alvis site for employment purposes under Policy SSP1. In any event, such an allocation would conflict with guidance on sustainable development in PPS1 and with both RSS policy and the Local Plan core strategy.

9.3.45 I conclude that the whole of the former Alvis site should remain within the Green Belt and that the northern section should not be allocated under Policy SSP1 as an employment site.

9.3.46 Issue 18: (Recorded as a Chapter 10 policy omission, rather than as an objection to Policy DAP1) See Chapter 10, Policy omission, Issue 14.

Recommendations

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

(i) add the following additional text at the end of Paragraph 9.8:

“Equine uses do not come within the definition of agriculture, but they are popular forms of recreation that can fit in well with farming activities and help diversify rural economies. Proposals for equine-

related development in the Green Belt will be considered on their merits.”

(ii) amend the last paragraph of Policy DAP1 to read:

“Applications for development in the Green Belt that do not accord with the above policy will have to demonstrate very special circumstances to justify inappropriate development.”

(iii) amend the last sentence of Paragraph 9.6 to read:

“In such cases, applicants will need to demonstrate very special circumstances before development may be considered acceptable.”

(iv) amend the third sentence of Paragraph 9.10 to read:

“Land has been added to the Green Belt at the triangle of land bordered by Highland Road and Woodland Road in Kenilworth, at land south of the Thwaites factory in Cubbington, at playing fields in association with a number of schools bordering the Green Belt in Leamington Spa and Kenilworth, and at Kenilworth Rugby Football Club.”

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

9.4 Paragraphs 9.11 - 9.13 Policy DAP2 Protecting the Areas of Restraint

Objections to First Deposit Version

45/AA	Graham Leeke
67/AA	R. J Vickers
104/AD	Warwickshire County Council (Property Services Dept)
135/AB	Bishops Tachbrook Parish Council
154/AP	National Farmers' Union
227/AF	David Wilson Homes (East Midlands) Ltd
291/AD	George Wimpey UK Ltd
302/BA	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

104/RAD	Warwickshire County Council (Property Services Dept)
115/RAH	Alan Roberts
135/RAA	Bishops Tachbrook Parish Council
148/BK	Campaign to Protect Rural England (Warwickshire Branch)
152/RAA	Royal Leamington Spa Town Council
227/RAC	David Wilson Homes (East Midlands) Ltd
246/RAA	The Europa Way Consortium

246/RAB The Europa Way Consortium
283/RAT The Ancient Monuments Society

Key Issues

- 9.4.1**
- (1) Whether land south of Harbury Lane and Gallows Hill, Warwick/Leamington Spa extending as far as the M40 motorway should be identified as an AoR.
 - (2) Whether the aim of the Policy should be to prevent all urban sprawl, therefore the word ‘uncontrolled’ should be deleted from the final sentence of Paragraph 9.11.
 - (3) Whether the Policy should be based on a formal assessment of the qualities of the countryside and the contribution of selected areas to urban form.
 - (4) Whether the Policy should include gardens that contribute to the character and attractiveness of Leamington Spa.
 - (5) Whether the Policy should protect open areas in and around villages.
 - (6) Whether urban AoRs should be identified to protect the character of particular built-up areas.
 - (7) Whether land at Stratford Road, Warwick should be omitted from the Castle Park AoR and the boundary of that AoR repositioned to follow the watercourse of Fisher’s Brook or the Conservation Area boundary.
 - (8) Whether (a) the AoR between Whitnash and Bishops Tachbrook should be redefined to exclude the Leamington and County Golf Course and land south of Fieldgate Lane, Whitnash, and be extended to the south of Harbury Lane, and (b) land south of Fieldgate Lane should be identified as a reserve housing site and taken out of the area where Rural Area Policies apply.
 - (9) Whether the ‘Longbridge Triangle’ should be designated as an AoR to preserve its rural character.
 - (10) Whether the boundary of the AoR south of Myton Road, Warwick should be amended to exclude the site of the new special school to be located at the rear of the former Trinity School.
 - (11) Whether land west of Europa Way should be designated as an AoR or, if not, be identified as a reserve development site.

Inspector's Appraisal and Conclusions

- 9.4.2 Issue 1:** Bishops Tachbrook Parish Council seeks an additional Area of Restraint in respect of land bounded by the M40, Castle Park, Gallows Hill, Harbury Lane and the District boundary to the south-east, in order to protect the gap between Bishops Tachbrook and Leamington Spa. It points out that protection is already afforded by AoR designation to similar tracts of land between Leamington Spa and Radford Semele, and between Warwick and Leamington Spa. With areas to the north and west of the main towns protected by Green Belt and other AoRs, the concern is that future development is

being directed towards lesser protected areas placing the rural area south of Warwick Gates under threat.

- 9.4.3** The primary purpose of AoR designation is to defend the structure and character of the District's urban form by protecting the most valuable and vulnerable open areas of land from development. The 3 criteria used to define the AoRs are aesthetic, structural and strategic value. I note that the AoRs identified in this Local Plan are virtually identical to those in the adopted 1995 Local Plan. The key principles underpinning those designations were debated at the 1993 Local Plan inquiry when the Inspector concluded: "To my mind, this requires a rigorous approach to defining the boundaries rather than an expansive one. The more land an AoR contains that is clearly not contributing to its purpose, the less likely it is that the boundary can be sustained.....protection of the structure and character of a town is not necessarily the same thing as walling it in.....AoRs are not to be seen as a way of blocking off development in particular directions." I am told by the District Council that the boundary of the AoR to the south of Warwick and Leamington Spa shown on the Proposals Map in the 1992 Draft Deposit Plan showed a much broader area than that which was eventually included in the adopted Local Plan and which is now included in the Plan before me. I note that in response to the previous Inspector's recommendation the District Council removed land between Castle Park and Europa Way.
- 9.4.4** I agree with the District Council that a cautious approach needs to be taken in respect of the AoRs in order to avoid their devaluation and to ensure that they perform a specific function. Unlike the other AoRs included in the Revised Deposit Plan, much of the land identified by Bishops Tachbrook Parish Council (even with the reductions in area put forward at the hearing) is relatively remote from the urban area and not under immediate threat from urban expansion. The gap between Harbury Lane and Bishops Tachbrook is about 1.4km compared with only 300m or so between Leamington Spa and Radford Semele. Although there are objections before this inquiry that seek to allocate or designate sections of the land in question for other uses, and anecdotal evidence of options taken by developers, this is by no means unusual when a Local Plan is under review. I consider that this extensive tract of open land south of Gallows Hill/Harbury Lane is sufficiently well protected by the Rural Area Policies of the Plan, which are stronger than those in the previous Local Plan, without the need for additional protection. It is not the function of AoRs to give an added layer of protection to open countryside where appropriate policies already exist to control development. Should land have to be released in the future for urban expansion then the District Council says that this exercise would be done by a review of options on all sides of the urban area including sites subject of Green Belt and AoR designation. Land south of Harbury Lane outside an AoR would, it is argued, be placed at no disadvantage.
- 9.4.5** The AoRs also help to prevent urban sprawl and protect the immediately surrounding villages from merging into the towns. This can be seen in the AoR to the south of Whitnash which was included in the adopted Local Plan and has been carried forward into the emerging Local Plan. It serves to limit the continued expansion of the town in the direction of Bishops Tachbrook. I am satisfied that this gives adequate protection to the village and addresses the most vulnerable situation in this locality.
- 9.4.6** I conclude that while additional development has taken place to the south of Leamington Spa during the last 10 years or so since the previous Local Plan Inspector reported, his findings remain pertinent. Given the strength of the Rural Area Policies of the Plan, the current housing and employment land supply position and the degree of protection

afforded to the most critical areas by the AoRs already identified in the Revised Deposit Plan, there is no need for a further AoR south of Gallows Hill/Harbury Lane. To designate such an area in the absence of any serious threat would be premature at least and at worst a misuse of policy.

9.4.7 As regards the potential for a Park and Ride facility in this area, I note that the matter has been re-examined in the Revised Deposit Plan and an Area of Search identified in the vicinity of Greys Mallory under Policy SSP5. This alternative location lies outside an AoR.

9.4.8 Issue 2: I agree that the word ‘uncontrolled’ is inappropriate. It gives the impression that controlled sprawl might be acceptable. I note that the text of Paragraph 9.11 was amended at Revised Deposit stage to meet the objection.

9.4.9 Issue 3: AoRs are not local landscape designations as identified in PPS7. They are not valued intrinsically for their landscape character. The reasoned justification to Policy DAP2 makes it clear that their value and importance lies in their contribution to the structure and character of the urban areas, providing open areas in and around towns and preserving open wedges that separate particular elements of the urban form. In this, Policy DAP2 draws upon Structure Plan Policy ER.6 (Protection of Open Spaces). Consequently, I do not accept that the AoRs are deficient because they are not based upon a formal and robust assessment of the qualities of the landscape.

9.4.10 Issue 4: I concur with the District Council that the protection of private amenity space is satisfactorily addressed by the development policies of the Plan, particularly Policies DP1 and DP3. In contrast, the AoRs are strategic designations drawn up to protect the openness of large swathes of structurally significant land.

9.4.11 Issue 5: The AoRs fulfil a strategic role. I consider that Policy DAP2 is not the most appropriate way in which to protect open areas in and around villages, unless there is concern that those settlements might merge with nearby towns. In general, villages are best protected by the Plan’s development policies and the Rural Area Policies/DAP1 (Green Belt).

9.4.12 Issue 6: This is not a matter that falls within the scope of Policy DAP2. The objection from the Ancient Monuments Society raises issues, shared by local amenity groups and residents, that are most appropriately addressed under Policies DP1 (Layout and Design), DP2 (Amenity) and DAP10 (Protection of Conservation Areas).

9.4.13 Issue 7: (*Land at Stratford Road, Warwick*) This objection is addressed together with other related objections at Chapter 10, Policy omissions, Issue 20.

9.4.14 Issue 8: (*Fieldgate Lane/Golf Lane, Whitnash*) The objector, David Wilson Homes (East Midlands) Ltd, argues that if the Plan is to meet the strategic housing requirement with confidence then some sustainable reserve sites for potential housing development should be identified to meet needs to 2017 or 2021. This would guard against the possibility of the supply from commitments and windfalls proving to be insufficient.

9.4.15 In the objector’s opinion, the boundaries of the AoR separating Whitnash from Bishops Tachbrook should be amended. The golf course and adjoining land to the east should be taken out of the AoR in line with the conclusions of the previous Local Plan Inspector

who considered the land not to be under immediate threat of development. The AoR should then be extended on the opposite side of Harbury Lane as far south as Bishops Tachbrook. An area of grassland, approximately 4ha in extent, on the edge of Whitnash at Fieldgate Lane/Golf Lane would, it is contended, be a sustainable housing location. That land is situated some 400m from a transport corridor and 700m from a local shopping centre. The site is contained by existing very low density housing to the south (which the objector also says should be excluded from the AoR), lanes to the north and west, an embanked railway line to the east, and mature hawthorn hedges. Rising in elevation from north to south the site faces inwards towards Whitnash. It does not form part of the valley of the Tach Brook. The objector considers that this land does not qualify for designation as an AoR. It is not a key area of open land adjacent to the town, makes no significant contribution to the character of the urban area, and does not function as an open wedge separating elements of urban form. Moreover, its development would not result in the merging of Whitnash with Bishops Tachbrook nor would it constitute urban sprawl. Rather, it would infill between existing housing to the north and south.

9.4.16 I take a rather different view. Looking first at the boundary of the AoR, I acknowledge the previous Inspector's uncertainty about whether the golf course and land to the east contribute to the AoR objective of preventing Whitnash from merging with Bishops Tachbrook. However, the south-western part of the golf course is highly visible from Harbury Lane where it forms a backdrop to the new playing fields and pavilion such that any development there would significantly close the gap between these settlements. Moreover, while the rising nature of the ground at Fieldgate Lane/Golf Lane from north to south means that development would not be visible from Bishops Tachbrook, it would be clearly seen from southern parts of Whitnash where the land contributes to the rural setting of the town. It would also, I feel, be intrusive in long range views from east of the railway line. I find that the whole of the area (that is, the golf course and the land at Fieldgate Lane) contributes to the objectives of the AoR. The land has a role to play in the structure and character of this part of Whitnash, provides open areas in and around the town, safeguards its setting and helps prevent urban sprawl. In addition, the south-western section of the golf course maintains separation between Whitnash and Bishops Tachbrook. Consequently, I see no case for excluding the golf course or the Fieldgate Lane site from the AoR. As regards land south of Harbury Lane, this land forms part of the sensitive gap between Whitnash and Bishops Tachbrook. But I believe it to be less at risk of development because Harbury Lane/Gallows Hill provides a strong boundary to the urban area. In my view, there is no need for AoR designation to extend south of Harbury Lane.

9.4.17 Turning to the proposed housing allocation at Fieldgate Lane, I am content that adequate provision has been made in the Plan for new homes such that there is no need to release further land. There is clear evidence of an over-supply in relation to strategic targets set out in the RSS. This has resulted in the SPD 'Managing Housing Supply' being adopted by the District Council in 2005 to reduce the supply of urban windfall sites. Such action was taken with support of the GOWM, the Regional Assembly and the County Council. As regards housing needs beyond 2011, I consider it would be premature to safeguard land for further housing. This is because housing requirements are uncertain pending completion of the partial review of the RSS and because of the quantity of urban brownfield sites still available. The District Council is committed to preparing a Core Strategy DPD. Work on it will commence in 2007. This will tie in with the partial review of the RSS and be able to accommodate up-to-date housing requirements for the District to 2021. If any greenfield site releases are necessary, this should be done through

an Allocations DPD prepared in the context of a comparative analysis of all development opportunities, sustainability appraisal and public consultation.

9.4.18 Finally, the objector considers that as the Fieldgate Lane site is bordered by housing to the north and south it should be considered as part of the urban area, rather than one where the Plan's Rural Area Policies apply. I do not agree. As the District Council points out, all rural areas have an urban edge. In my opinion, that boundary is properly set by the suburban housing to the north of Fieldgate Lane.

9.4.19 The objector's proposals were subject of the Omission Sites Consultation undertaken in January/February 2006. Responses received from Whitnash and Bishops Tachbrook residents, CPRE (Warwickshire Branch) and Whitnash Town Council were against any removal of the golf course or Fieldgate Lane site from the AoR, any residential allocation at Fieldgate Lane and any exclusion of the proposed development site from the application of Rural Area Policies. I note that 251 responses were received against the Fieldgate Lane site and 496 objections in relation to the golf course (of which 240 were by way of a petition from members of the Leamington and County Golf Club). This is a clear indication of the strength of local feeling.

9.4.20 Issue 9: (*Longbridge Triangle, Warwick*) The 'Longbridge Triangle' comprises land south of Warwick between the M40 motorway and the Castle Park AoR. It embraces an extensive Severn Trent Water Authority depot and agricultural land at Longbridge Farm. The boundaries of the adjoining Castle Park AoR were, I note, carefully considered by my colleague Inspector at the previous Local Plan inquiry. He concluded: "...there appears to be little structural reason in terms of the present built-up area or what will result if South West Warwick is built, to take in the land to the south of the sewage treatment works. It is not my view that the purpose of the Area of Restraint is to protect the Castle Park per se, but its contribution to the character of Warwick."² He recommended that this part of the proposed AoR be deleted and the District Council agreed. I take a similar view. In my opinion, this land is afforded adequate protection from development through the Plan's Rural Area policies.

9.4.21 Issue 10: (*Land rear of former Trinity School, Warwick*) I am told that the District Council was unwilling to exclude from this AoR the new special education needs school to be sited at the rear of the former Trinity School, until such time as that development had been implemented. Now that construction has commenced in accordance with the scheme granted planning permission in January 2005 and the landtake is certain, the District Council is prepared to amend the AoR boundary.

9.4.22 The Omission Sites Consultation generated a number of objections to this proposal. I recognise the importance of the AoR in preventing further suburban sprawl and maintaining separation of Warwick from Leamington Spa and the surrounding rural area. Nevertheless, it seems sensible to me to exclude this new school since the land will no longer be open in character. This would accord with the treatment of other school premises in the vicinity. I therefore endorse the amended AoR boundary put forward by the District Council which reflects the site of planning permission 04/1257.

9.4.23 Issue 11: (*Land west of Europa Way, Warwick*) There are 2 sets of objections relating to this AoR. I address first the objection from Warwickshire County Council

² CD31 Para 2.1.219

(Property Services Dept) in respect of that part of the land in its ownership which lies to the east of Warwick Technology Park with frontages to Europa Way and Gallows Hill.

- 9.4.24** The objection to the First Deposit Plan was to its identification under Policy SSP5 as the Warwick and Leamington Spa Park and Ride site. At that time the Property Services Dept had in mind an alternative use as a training centre to replace the Education Development Service (EDS) base and training facility at Manor Hall, Sandy Lane. The Park and Ride allocation was subsequently deleted and replaced in the Revised Deposit Plan by an 'Area of Search' at Greys Mallory. In turn, the Property Services Dept decided to look at other options elsewhere for the EDS facility. While there are no longer any firm proposals to relocate it to Europa Way, the site is regarded as a significant asset in the County Council's property portfolio and objection to inclusion of the land in the AoR is sustained.
- 9.4.25** The County Council points out that the First Deposit Plan confirmed that this site had been chosen for Park and Ride in preference to other possible sites clustered around the Heathcote and Greys Mallory roundabouts because it would have least impact in extending urban activity into open areas to the south of the town. The subsequent change of emphasis to Greys Mallory was driven solely by further analysis of the relative highway benefits in taking the maximum number of cars off local roads. According to the objector, this implies that the weight to be given to the importance of retaining this part of the AoR free of development is relatively slight. While the previous Local Plan Inspector said it was a structural imperative to keep the adjoining Warwick Technology Park in an open setting, the way in which that neighbouring development has been designed to be inward looking suggests that a rural setting is not essential. In any event, the Property Services Dept believes that a Park and Ride facility immediately alongside would not have maintained an open rural setting.
- 9.4.26** It is argued that by not undertaking a landscape assessment of this AoR but relying instead on support afforded by the previous Local Plan Inspector, there is conflict with the advice given in PPS7 that local landscape designations should be rigorously examined and justified by a formal and robust assessment of the qualities of the landscape concerned. The objector supports the representations made in respect of the larger AoR by the Europa Way Consortium but considers that a decision on inclusion of this area is not dependant on the decision made in respect of the remainder of the AoR. In summary, the objector believes that the land between Warwick Technology Park and Heathcote roundabout does not make a contribution towards separation of Leamington Spa and Warwick, nor does it have a landscape character justifying retention as an AoR.
- 9.4.27** The land in question is currently in arable use, classified as Grade 2 (very good) agricultural land with just a small area of Grade 3a (good). It is 'best and most versatile' farming land as defined in PPS7. The site extends to about 24ha of which roughly the southern half was originally earmarked in the First Deposit Plan for Park and Ride. I believe the wider AoR provides a physical barrier of strategic importance in separating the urban areas of Warwick and Leamington Spa. The objection site is a vital part of this, linking through to open countryside on the south side of Gallows Hill. AoRs are not local landscape designations. The text supporting Policy DAP2 confirms that their value and importance lies in the contribution they make to the structure and character of the urban area, providing open areas in and around towns and preserving open wedges that separate particular elements of the urban form. I feel that this site falls squarely into that category. It is particularly sensitive within the wider AoR because of its prominent location on a plateau and the views obtaining from Gallows Hill and the Gallows

Hill/Europa Way roundabout. The land is situated at a key gateway into the urban area for traffic approaching from the M40 motorway to the south.

- 9.4.28** The District Council says that the site was selected for Park and Ride at First Deposit stage because this location on the edge of the urban area would involve least encroachment into the countryside, because the southern boundary of the urban area at this point is clearly defined by Harbury Lane to the east, and because it was satisfied that the site could be developed in a manner that protected the openness of the AoR. I accept that a Park and Ride facility is a predominantly open use of land. In my opinion, its development for that purpose would not have seriously detracted from its function as an AoR. Although commenting on the basis of its proposed use as a training centre, I note that representations made in respect of the Omission Sites Consultation indicated general support for the purposes of the AoR.
- 9.4.29** As regards the Warwick Technology Park, this was intended to be a business park in a rural setting. It was recognised and supported as such by the previous Local Plan Inspector. That setting would, I feel, be compromised by further significant building development in close proximity. The objector considers that this is an area where the Plan's Rural Area policies should not apply. I do not agree. In my opinion, it is entirely appropriate that the site should be subject to such policies given its character, appearance and use. It follows that I believe this site is correctly identified as part of a broader AoR.
- 9.4.30** The second set of objections are made by the Europa Way Consortium which comprises the King Henry VIII Endowed Trust Warwick, the Charity of Thomas Oken and Nicholas Eyffler, and the Trustees of the Gardner Discretionary Settlement. The Consortium controls 40ha of agricultural land lying to the north of the County Council owned site. It does not object to the principle of an AoR policy in the Plan but considers that such a policy should be soundly based on a formal assessment of the areas proposed to be designated and their contribution to the character and attractiveness of urban areas. The District Council has previously remarked that AoR is a landscape designation but has reconsidered its position in Topic Paper 4. The planning authority no longer recognises them as local landscape designations and argues that they are not covered by PPS7. Nevertheless, recent experience of other authorities in Warwickshire suggests that AoR designations are either being deleted from local plans or, where retained, they are being supported by a sound evidence base.
- 9.4.31** In identifying the objection site as part of a broader AoR, it is argued that the District Council has failed to correctly interpret Structure Plan Policy ER.6. While Policy DAP2 accords with the intent of the Structure Plan, the reasoned justification extends to purposes beyond character and attractiveness. It trespasses into areas like urban structure, controlling sprawl and avoiding coalescence. Such matters are a hangover from the previous Structure Plan policy. The lack of any formal assessment means that the District Council is not able to demonstrate why the areas designated as AoR are fundamental to the character and attractiveness of urban areas. The Revised Deposit Plan includes a suite of rural area policies that seek to balance development needs with protection and enhancement of countryside character. If those policies are considered adequate to safeguard sensitive countryside locations such as open land north of Bishops Tachbrook, the same should hold true of some areas currently designated as AoR. In these circumstances, the objector believes this AoR designation to be superfluous and argues that it should be removed.

- 9.4.32** In the Consortium's view, the objection site does not play a fundamental role in separating Warwick from Leamington Spa nor does it contribute to the character and attractiveness of the urban area sufficient to justify the extra protection afforded by AoR status. Its function as an open wedge is only really noticeable on plan. In fact, it has a negative impact on connectivity between land uses in Warwick. The County Council's park and ride scheme has been relocated from the AoR for transport reasons and not because of the impact it would have on the AoR's separating function.
- 9.4.33** The objector contends that the AoRs have been drawn too widely in an endeavour to perform the pseudo Green Belt function of preventing urban sprawl. Nearly all land on the edge of the District's 3 main settlements, if not Green Belt, is subject to AoR designation. Offering the best scope for sustainable development, the Consortium would like the objection site to be considered as a potential reserve development site to avoid 'town cramming'.
- 9.4.34** The objector has undertaken a landscape appraisal of the AoR. The land is not covered by any national or local landscape designations but consists of well-managed farmland and functional sports pitches. Large-scale development along Europa Way forms a harsh urban boundary, visually dominating and disrupting the area. Overhead electricity lines and pylons cut through the AoR from north-east to south-west detracting from its rural ambience. The objectors conclude that due to low scenic quality and 'ordinary' landscape the site does not contribute fundamentally to the character or attractiveness of the urban area. The AoR's irregular shape and varied character and topography results in a patchwork of compartments, some enclosed and others more open, that adds little to the structure of the urban area and the open nature criterion of Policy DAP2. These features curtail the sense that the site has a separating function within the urban area. In any event, Warwick and Leamington Spa have already merged and there are limited public views into and across the site and no public rights of access. The land makes a very limited contribution to the setting of either settlement. Overall, the objector considers that the site does not contribute to the primary or secondary purposes of AoR policy and argues that the designation should be removed.
- 9.4.35** I accept the District Council's contention that AoRs are not countryside landscape designations. They play an important role in maintaining the structure and character of urban areas and preserving open wedges that separate towns and village. I note that AoRs were designated in the 1995 Local Plan under Policy (DW) ENV2. My colleague Inspector pointed out that it was the Secretary of State in revising Policy G.3.2 of the previous Structure Plan who indicated that AoRs were areas requiring special protection as "open areas important to the structure of towns where development would not normally be permitted". Current Structure Plan Policy ER.6 seeks to protect openness and places responsibility for identifying suitable key areas of open space on Local Plans.
- 9.4.36** I believe this AoR has a particular role to play in preserving the separate identities of Warwick and Leamington Spa. The site is of restricted size and has clear boundaries that were set in the earlier Local Plan following the Inspector's recommendations. The urban area of Warwick, closely linked in its history and morphology with Warwick Castle and Warwick Castle Park, lies to the west while immediately to the east of Europa Way is the Heathcote Industrial Estate and the Shires Retail Park forming part of the Leamington Spa urban area which has grown due to its commercial and industrial heritage. Like the District Council, I am of the opinion that there has been no material change in circumstances since the previous Local Plan was adopted in 1995. In particular, the development needs of the District can be met within the lifetime of this Plan without

putting at risk the structural openness of this AoR which maintains the southern separation of the urban areas of Warwick at Gallows Hill from those of Leamington Spa at Europa Way.

- 9.4.37** I consider it would be premature to amend the boundary of this AoR at the present time when the future housing and employment needs of the District beyond 2011 are not yet known. If the partial review of the RSS requires the planning authority to make large-scale greenfield allocations on the fringe of the urban areas, then this should be done through preparation of an appropriate DPD supported by a comprehensive examination of all options - and with the benefit of full landscape character assessment, sustainability appraisal and public consultation.
- 9.4.38** While the Consortium has undertaken a comparative assessment of the AoR sites adjacent to Warwick and Leamington Spa, it is clear that considerable emphasis has been placed on their landscape characteristics. I feel this has been done at the expense of a wider analysis in the context of Paragraph 26 of PPS7. As the District Council has explained, AoRs are not local landscape designations. In my opinion, the objection site fulfils a vital urban separation role. It does not 'merely separate compatible land uses within Warwick'. Moreover, given my conclusion that there is no requirement for further housing/employment land during the Plan period, development of this site would not score well against a number of the sustainability appraisal objectives against which the Local Plan has been assessed. I note, for example, that the site falls almost entirely within agricultural land quality grades 1, 2 and 3a. This is the best and most versatile agricultural land which PPS7 indicates should be taken into account alongside other sustainability considerations. The site was subject to the Omission Sites Consultation. Neither the County Council nor the West Midlands Regional Assembly support allocation of this greenfield land for development at this time. A total of 12 representations were received. Nine objected to the principle of development, including the Warwick Society, CPRE (Warwickshire Branch), and Bishops Tachbrook Parish Council.
- 9.4.39** As regards allocation of land within the AoR as a park and ride facility in the First Deposit Plan, I have already addressed this matter when examining the objections from Warwickshire County Council (Property Services Dept). In brief, I am satisfied that the need for minimal built development would not have impacted significantly upon the open character of the landscape. However, for transport-related reasons the location of that park and ride proposal has subsequently shifted to the Greys Mallory area.
- 9.4.40** Turning to the objector's detailed analysis of the site's character, I consider it does not justify any revision to Policy DAP2 or to the AoR boundary. Even though the District Council has not itself carried out any formal assessment of the merits of the site, the structural importance of this land was recognised by the previous Local Plan Inspector. I feel that those conclusions remain valid today. In terms of the approach taken by other local planning authorities in Warwickshire, I believe that North Warwickshire and Rugby are dissimilar cases. Those were local landscape designations. At Nuneaton and Bedworth the main issue was the number of AoRs rather than a challenge to their concept, while at Stratford upon Avon there was held to be "no compelling reason deriving from national policy to delete it."
- 9.4.41** In my judgement, the objector's landscape character assessment does not carry great weight. It is the openness of the AoR which is of prime significance rather than its landscape quality. There is no justification for the claim that the AoR does not extend

into open countryside. Approximately 50% of the land, beyond the grounds of the Myton Road schools, is farmed as either arable or pasture. The photographs submitted to the inquiry show that from various viewpoints the open character of the land can be appreciated, including from national cycle network route 41 that runs along the northern boundary of the Consortium ownership. I concur with the District Council that it is unrealistic to expect to take in a view of all of the site from a single location. That does not affect the intrinsic value of the AoR to the urban communities of Warwick and Leamington Spa. The opportunity to provide long-range public views of Warwick Castle from within the site, as shown on the Consortium's illustrative 'development concept and landscape framework', does not constitute a sound reason to promote development in this location. In any event, it is St Mary's Church tower which is the most significant distance focal feature from the Europa Way/Gallows Hill area.

9.4.42 I conclude that there are no grounds for deleting this AoR, for amending its boundaries (other than by excluding the site of the new special needs school, Myton Road - see Issue 10 above), or for altering Policy DAP2. Nor do I support identification of this land as a reserve development site.

Recommendations

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

exclude the site of the new special needs school at the rear of the former Trinity School, Myton Road, Warwick from the Area of Restraint - in accordance with the plan attached to the District Council's response statement.

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

9.5 Paragraphs 9.14 - 9.16 Policy DAP3 Protecting Special Landscape Areas

Objections to First Deposit Version

25/AB	M.J. Maguire
109/AX	Warwickshire County Council (Planning, Transport & Economic Strategy)
110/AH	Government Office for the West Midlands
118/AB	Mr and Mrs G Bull
119/AB	Bloor Homes Ltd
147/AF	Sundial Conference and Training Group
148/BL	Campaign to Protect Rural England (Warwickshire Branch)
154/AQ	National Farmers' Union
170/AF	Mr Martin Wood
187/AX	The Countryside Agency (West Midlands Region)
302/BB	English Heritage (West Midlands Region)
304/AB	Stoneleigh and Ashow Joint Parish Council

Objections to Revised Deposit Version

52/RAG	Barford, Sherbourne & Wasperton Joint Parish Council
115/RAJ	Alan Roberts
148/RAQ	Campaign to Protect Rural England (Warwickshire Branch)
221/RAA	Kenilworth Society
266/RAG	Warwick Town Council
66/RBF	The Warwick Society

Key Issues

- 9.5.1** (1) Whether Policy DAP3 should be reinstated and Special Landscape Areas (SLAs) indicated on the Proposals Map.
- (2) Whether Stoneleigh Park should be included as part of a SLA.
- (3) Whether the extent of the SLA surrounding Lapworth should be subject of further review, particularly in the vicinity of Brome Hall Lane.
- (4) Whether there is a wording error in Paragraph 9.15 that should be corrected.
- (5) Whether (a) Policy DAP3 is too restrictive, and (b) the Woodside Management Training Centre, Kenilworth should be excluded from the SLA to facilitate limited infill development.
- (6) Whether an area to the south of Kenilworth between the urban area and the A46 has been incorrectly excluded from the SLA.

Inspector's Appraisal and Conclusions

- 9.5.2 Issue 1:** Several objectors are concerned about deletion of Policy DAP3 from the Revised Deposit Plan and removal of both the Arden SLA and the Leam Valley SLA from the Proposals Map. Objectors believe that revised Policy DP3 does not afford sufficient protection for high quality rural landscapes. It is an overarching policy that addresses general issues affecting the natural and historic environment and the landscape. SLAs feature in both the Structure Plan, where Policy ER.4 requires local plans to include them and determine their boundaries, and in the adopted Local Plan under Policy (DW) C8. It is argued that SLAs have previously done for the countryside what conservation areas have done for the best townscapes and village street scenes, and should be reinstated.
- 9.5.3** The District Council has cited PPS7 as the reason for deleting Policy DAP3. However, in the case of the Stratford upon Avon Local Plan inquiry the Inspector concluded that retention of SLAs was justified on the grounds that while development plans must 'have regard' to Government guidance, a local plan must be in 'general conformity' with the Structure Plan. The Kenilworth Society points out that if the SLAs are not reintroduced there will be an inconsistency in the County with the Arden SLA ending abruptly at Claverdon on the boundary between Stratford and Warwick Districts. The CPRE (Warwickshire Branch) argues that this Local Plan with a shelf life of only 3 years from its anticipated date of adoption is not at the stage at which a radical change should be made from the adopted Structure Plan. Rather, the future need and extent of SLAs should be determined through the LDF process.

- 9.5.4** Paragraph 24 of PPS7 indicates that carefully drafted criteria-based policies utilising tools such as landscape character assessment should provide sufficient protection for high quality rural landscapes without the need for rigid local designations that may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas. It goes on to say that local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. When reviewing their local area-wide development plans, planning authorities are told to rigorously consider the justification for retaining such designations.
- 9.5.5** Notwithstanding the detailed criticisms made, I consider that when read together the relevant criteria-based policies of the Plan do provide adequate protection of the landscape, equivalent to that afforded by Policy DAP3 - which precluded development that would have a detrimental effect on the landscape character and open nature of the SLAs. Such policies include DP1 and DP3, and several of the Rural Areas policies. That is also the view of GOWM who objected to inclusion of Policy DAP3 in the First Deposit Plan and indicated at Revised Deposit stage that their objection would be met if the deletion was carried through to adoption.
- 9.5.6** In order to ensure that the objectives of Policy DAP3 are adequately covered elsewhere in the Plan, the District Council added a new Paragraph 4.19A at Revised Deposit stage in support of Policy DP3. This requires development proposals to accord with the principles set out in the Warwickshire Landscape Guidelines. Those Guidelines, saved in the Local Development Scheme, have the status of supplementary planning guidance. I am told that in the absence of any re-examination of landscape character, they are the District Council's most informative reference in respect of landscape characteristics. Via Policy DP3 they are applied not just to the SLAs but throughout the District. The same Paragraph also refers to the broad identification of SLAs in the Structure Plan. It goes on to say that although SLAs are not shown on the Local Plan Proposals Map, the Warwickshire Landscape Guidelines will provide a framework in which to consider all proposals in these sensitive areas. In my view, this achieves a reasonable compromise. It addresses the tension that exists between the need for general conformity with the Structure Plan (Policy ER.4 in particular) and the need to have regard to national planning policy advice. I note that Warwickshire County Council did not object to the absence of a specific SLA policy in the Revised Deposit Plan nor to the absence of SLA designations on the Proposals Map. Moreover, the County Council has not issued any specific advice to Districts on the matter.
- 9.5.7** I conclude that Policy DAP3 should not be reinstated and that SLAs should not be shown on the Proposals Map.
- 9.5.8 Issue 2:** I agree with the District Council that Policies DAP1 (Green Belt) and DAP13 (Protecting Historic Parks and Gardens) provide adequate protection of the special character of Stoneleigh Park. That character derives from the 'park' landscaping applied to it rather than reflecting geology, historic farming practices and the like that define the landscape character typical of the Arden Landscape that the SLA seeks to protect. So even if the SLAs were to be retained and Policy DAP3 reintroduced, I would not recommend inclusion of Stoneleigh Park.
- 9.5.9 Issue 3:** I see no reason to treat the landscape value of the area at Brome Hall Lane in any different way from other locations in the vicinity of Lapworth. This matter is, I

note, related to others objections, the objective of which is to secure residential development of the land.

9.5.10 Issue 4: The District Council accepts that the second sentence of Paragraph 9.15 contains a typographical error. However, this is of no consequence since the entire paragraph and others relating to the former Policy DAP3 have been deleted in the Revised Deposit Plan. For reasons set out above, I support those deletions.

9.5.11 Issue 5: (*Woodside Management Training Centre, Glasshouse Lane, Kenilworth*) Had I recommended that Policy DAP3 be reinstated, there would have been no reason, in my view, to exclude this particular site. I do not agree that Woodside and its surroundings has none of the landscape attributes associated with the SLA. In any event, SLAs are broad landscape designations that should not exclude individual properties. As regards the potential for future infilling, I note that the Revised Deposit Plan includes the Woodside Training Centre in Policy SSP2 as a Major Developed Site in the Green Belt where limited infilling and redevelopment for employment purpose will be considered appropriate development. The main elements of Policy DAP3 have been addressed elsewhere in the Plan through development Policies DP1 and DP3, as amended. I do not regard either of those Policies as being unduly restrictive.

9.5.12 Issue 6: The District Council accepts that there was an anomaly in the First Deposit Plan, carried through from the adopted Local Plan, in the boundary of the SLA shown on the Proposals Map to the south of Kenilworth. Since I recommend that the SLAs be deleted from the Proposals Map and Policy DAP3 not be reinstated no action is required to address this matter.

Recommendations

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

9.6 Paragraphs 9.17 - 9.24 Policy DAP4 Protecting Nature Conservation, Geology and Geomorphology

Objections to First Deposit Version

1/AC	Warwickshire Wildlife Trust
110/AJ	Government Office for the West Midlands
115/AJ	Alan Roberts
150/AF	Warwickshire County Council (Museum Field Services - Ecology)
210/AO	English Nature
226/AD	Environment Agency

Objections to Revised Deposit Version

110/RAC	Government Office for the West Midlands
150/RAD	Warwickshire County Council (Museum Field Services - Ecology)
321/RAT	West Midlands International Airport Ltd

Key Issues

- 9.6.1**
- (1) Whether Policy criterion d) is properly worded given that appropriate mitigation and/or compensation measures should always be sought where the benefits of development outweigh the importance of a local designation.
 - (2) Whether, for reasons of accuracy, the reference in Paragraph 9.20 to Oak Tree Farm Meadows SSSI at Rowington should be altered to read 'Oak Tree Farm Meadows (part)'.
 - (3) Whether the Policy should be revised to include not only currently designated sites but those that might be made during the Plan period.
 - (4) Whether reference should be made in the supporting text to potential Sites of Importance for Nature Conservation (pSINCs) and the emerging Geodiversity Action Plan.
 - (5) Whether Paragraph 9.23 should include Regionally Important Geological and Geomorphological Sites (RIGS).
 - (6) Whether Paragraph 9.18 should include a specific reference to European protected species.
 - (7) Whether the Policy should be reworded to also make reference to geomorphological sites.
 - (8) Whether the word 'adversely' should be removed from the Policy.
 - (9) Whether the Policy should be amended to accord with PPS9 and better reflect the relative significance of national and local designations.
 - (10) Whether further changes to the wording of the Policy and its supporting text are desirable to clarify and to eradicate typing errors and minor inconsistencies.
 - (11) Whether the reasoned justification should be augmented to give further support to criterion e) of Policy DAP4 which refers to protected, rare and endangered wildlife species.
 - (12) Whether designated Ancient Woodlands should be afforded a different level of protection from SSSIs.
 - (13) Whether Policy DAP4 is unduly restrictive.

Inspector's Appraisal and Conclusions

- 9.6.2 Issue 1:** I agree that appropriate compensation measures should be sought in the circumstances outlined. Criterion d) of Policy DAP4 was amended at Revised Deposit stage to reflect this. However, in doing so it duplicates similar provisions included in the last paragraph of the Policy. In the interests of clarity and simplicity I recommend that this duplication be addressed.

- 9.6.3 Issue 2:** The suggested amendment was made at Revised Deposit stage. I endorse that alteration.
- 9.6.4 Issue 3:** The District Council has taken this objection on board. The text of the Policy was amended at Revised Deposit stage to indicate that ‘currently designated sites are shown on the Proposals Map’. This implies that any further designations made during the currency of the Plan will be afforded a similar degree of protection. I support that alteration.
- 9.6.5 Issue 4:** I note that references to pSINCs and the emerging Geodiversity Action Plan were added to Paragraph 9.24 of the reasoned justification at Revised Deposit stage. I endorse those alterations.
- 9.6.6 Issue 5:** A reference to RIGS was added to Paragraph 9.23 of the Revised Deposit Plan, thereby satisfying the objection. I support that change.
- 9.6.7 Issue 6:** Again, this objection was addressed by alterations made to Paragraph 9.18 of the Revised Deposit Plan which I support. I note all of the above objections made by English Nature have been conditionally withdrawn.
- 9.6.8 Issue 7:** References to geomorphological sites were added at Revised Deposit stage to both the Policy and the reasoned justification (Paragraphs 9.17, 9.19, 9.23). As a result, the objection made by Warwickshire County Council (Museum Field Services – Ecology) has been addressed.
- 9.6.9 Issue 8:** I do not agree with the objector that use of the word ‘adversely’ raises expectations that other development will be permitted. It simply refers to the unfavourable impact caused to features that the Policy is seeking to protect.
- 9.6.10 Issue 9:** This objection by GOWM has been satisfied by amendments made to the Policy at Revised Deposit stage. The Policy now distinguishes clearly between sites of national importance and locally important sites/features, in accordance with PPS9. In consequence, the objection has been conditionally withdrawn. I endorse those alterations.
- 9.6.11 Issue 10:** The District Council says it has relied upon the expertise of Warwickshire County Council (Museum Field Services – Ecology) and included in proposed changes to the Revised Deposit Plan all of the amendments to the Policy and the reasoned justification set out in the detailed objection. Having reviewed those suggestions, I am content that they are appropriate and benefit the Plan.
- 9.6.12 Issue 11:** The District Council has included in its proposed changes a new Paragraph 9.25A. This gives the necessary support to Policy criterion e) sought by the objector. I endorse that additional reasoned justification.
- 9.6.13 Issue 12:** This objection by GOWM is met through the District Council’s proposed changes to Policy DAP4. Designated Ancient Woodland is not regarded as a feature of national importance but of local importance. I endorse that alteration which is consistent with PPS7.
- 9.6.14 Issue 13:** I am content that Policy DAP4 reflects the approach set out in national planning policy guidance. It provides a different level of protection in relation to national

and locally important interests and, in respect of the latter, allows for mitigation and compensation measures. I do not regard the provisions in respect of locally important sites/features as being too restrictive.

9.6.15 Nevertheless, as indicated at Issue 1 above, I believe the Policy would benefit from some further improvement to its wording. This is reflected in my recommendations.

Recommendations

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

(i) amend Policy DAP4 to read:

“Development will not be permitted which will destroy or adversely affect the following sites of national importance:

a) designated Sites of Special Scientific Interest (SSSIs).

Currently designated sites are shown on the Proposals Map;

Development will be strongly resisted that will destroy or adversely affect the following locally important sites/features:-

b) designated Ancient Woodlands. Currently designated sites are shown on the Proposals Map;

c) designated Local Nature Reserves (LNRs). Currently designated sites are shown on the Proposals Map;

d) any other sites subject to a local ecological or geological/geomorphological designation unless the applicant can demonstrate that the benefits of the proposal significantly outweigh the ecological/geological/geomorphological importance of the area;

e) protected, rare, endangered or other wildlife species of conservation importance.

In assessing the effect of development on a nature conservation or geological/geomorphological site in relation to b), c), d) and e), proposals will not be permitted unless the applicant can demonstrate that consideration has been given to any mitigation and compensatory measures proposed that take account of the importance of the site/species, the extent to which ecological, geological or geomorphological impact is minimised, the nature of the measures proposed, and proposed long term management of features/sites/habitats of ecological/geological/geomorphological importance.”

(ii) amend Paragraph 9.17 to read:

“It is important to protect ecological, geological and geomorphological features/sites/species of importance within the District from the adverse impacts of development. There is concern that the diversity of habitats and species continues to be eroded and fragmented by development, therefore there is a need to safeguard the resources that remain. In Warwick District there are two types of nature

conservation sites. Statutory sites cover Sites of Special Scientific Interest (SSSIs), Ancient Woodlands and Local Nature Reserves. These are designated by Natural England. Non-statutory sites include Sites of Importance for Nature Conservation (SINCs – see below) and Regionally Important Geological and Geomorphological Sites (RIGS – see below). Both types of site are important components of the District’s ecological/geological/geomorphological resources.”

(iii) amend Paragraph 9.18 to read:

“Government policy has given prominence to biodiversity as an issue that needs more action on the part of planning authorities. Local Plans are advised to identify relevant international, national and local features of conservation and geological/geomorphological value within their area and to ensure that their protection and enhancement is properly provided for. Furthermore, the presence of protected species is a material consideration in the planning process. Developers are advised to check for the presence of European protected species and seek professional advice to ensure that their proposals safeguard any species using the application site. This approach is reflected in the Structure Plan that requires environmental assets of the County to be protected. In addition, the pre-deposit consultation exercise revealed there was strong support for the protection of areas of wildlife value.”

(iv) amend Paragraph 9.22 to read:

“There are nine Local Nature Reserves (LNRs) that have been designated within Warwick District. They are defined on the Proposals Map and listed in Appendix 3. Local Nature Reserves are habitats and sites of local significance that make a useful contribution to nature conservation, geological science and education.”

(v) amend Paragraph 9.23 to read:

“Many other sites and features within the District are subject to non-statutory designations. Non-statutory designated sites of substantive ecological or geological/geomorphological value fall into two categories:

- **Sites of Importance for Nature Conservation (SINCs).** There are currently 10 SINCs designated in Warwick District. These are designated for their wildlife value by a panel drawn from Warwickshire Museum Ecology Unit, Warwickshire Wildlife Trust and Natural England. Further sites are being designated through the Wildlife Sites Project. This project has used data held in the Warwickshire Biological Records Centre (mainly information on ecosites) and data produced by the Habitat Biodiversity Audit (a comprehensive survey of habitats found in the County) to identify those sites of substantive nature conservation value in terms of Planning Policy Statement 9: Biodiversity and Geological Conservation. There are also

potential SINC_s (pSINC_s) requiring more detailed assessment before being submitted to the panel. SINC_s and features of substantive value will be afforded protection under Policy DAP4 above, pSINC_s will be afforded this protection until assessed. It should be noted that wildlife species of nature conservation importance are not necessarily confined to sites subject to nature conservation designations.

- **Regionally Important Geological and Geomorphological Sites (RIGS).** There are currently 9 RIGS in Warwick District. These sites are designated by the Warwickshire Geological Conservation Group.

(vi) add a new Paragraph 9.25A to read:

“Protected, rare, endangered or other wildlife species of conservation concern will be taken into consideration within any development proposal. European protected species will be regarded as a material consideration with information to be submitted prior to any determination. UK protected, UK and Local Biodiversity Action Plan, Red Data Book and RSPB notable species are to be regarded as significant considerations as part of any application. It should also be noted that habitat supporting these species would also need to be considered within an application.”

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

9.7 Paragraphs 9.25 - 9.28 Policy DAP5 Trees, Woodlands and Hedgerows

Objections to First Deposit Version

54/AM	Conservative Group of Councillors
110/AK	Government Office for the West Midlands
115/AK	Alan Roberts
148/BM	Campaign to Protect Rural England (Warwickshire Branch)
171/AB	Portland Place Residents Association
195/AK	The Leamington Society
221/BE	Kenilworth Society
223/BA	Kenilworth Town Council

Objections to Revised Deposit Version

115/RAK	Alan Roberts
148/RAR	Campaign to Protect Rural England (Warwickshire Branch)
266/RAH	Warwick Town Council
283/RAU	The Ancient Monuments Society
66/RBG	The Warwick Society

Key Issues

- 9.7.1** (1) Whether Policy DAP5 is necessary and should be reinstated.
- (2) Whether the provisions of Paragraphs 9.27 and 9.28 encourage prospective developers to destroy hedges before they are surveyed and declared important.
- (3) Whether the Plan should protect important green areas from intrusion by cycle tracks.
- (4) Whether Policy DAP5 should encourage the planting of trees, woodlands and hedgerows to maintain a green environment and the leafy character of Warwickshire.

Inspector's Appraisal and Conclusions

- 9.7.2 Issue 1:** I concur with GOWM that Policy DAP5 is not necessary. Trees within conservation areas and those subject of Tree Preservation Orders (TPOs) are already afforded protection under other planning control regimes. In my opinion, there is no need to duplicate those provisions through a specific policy. That would conflict with advice in PPG12. I note that the requirement for the planning authority to be notified of works to trees in conservation areas is referred to in Policy DAP10 (Protection of Conservation Areas). As regards important hedgerows, the District Council has included a reference to these in Paragraph 4.22B in support of Policy DP3 (Natural and Historic Environment and Landscape). Other Plan policies such as DP1 and DAP4 also address trees, woodlands and hedgerows in relation to development proposals. I consider that the matters referred to above serve to make Policy DAP5 redundant. I have no doubts as to the efficacy of the Council's alternative approach which does not, I feel, undermine its commitment to protection of these landscape features.
- 9.7.3 Issue 2:** Paragraph 4.22B added at Revised Deposit stage recognises the value of hedgerows. It refers to Government regulations to protect 'important' specimens and sets out a presumption against their removal unless the relevant notification procedure has been complied with. In my view, it provides no incentive to destroy hedgerows in advance of survey. I consider the District Council's approach at Revised Deposit stage to be satisfactory and a reasonable alternative to including a reference to hedgerows in Policy DAP5.
- 9.7.4 Issue 3:** I agree with the planning authority that this concern is not relevant to Policy DAP5. It is a matter that falls to be considered under other Plan Policies, such as DP1-3 and SC4.
- 9.7.5 Issue 4:** Landscaping in connection with development proposals is addressed through Policies DP1 and DP3. In the interests of achieving concise and well-focused policy documents, I consider that statements which merely 'encourage' are not appropriate in development plans.

Recommendations

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

9.8 Paragraphs 9.29 - 9.32A Policy DAP6 Protection of Listed Buildings

Objections to First Deposit Version

115/AL	Alan Roberts
148/BN	Campaign to Protect Rural England (Warwickshire Branch)
214/AA	Mrs J Biles
221/BJ	Kenilworth Society
302/BC	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

66/RBH	The Warwick Society
115/RAL	Alan Roberts
283/RAV	The Ancient Monuments Society
321/RAU	West Midlands International Airport Ltd
354/RAM	Roger Higgins

Key Issues

- 9.8.1**
- (1) Whether the Policy accurately reflects Government guidance in PPG15.
 - (2) Whether the Policy should be applied strictly.
 - (3) Whether the word ‘adversely’ should be removed from the Policy.
 - (4) Whether the Policy is unduly restrictive in respect of the setting of listed buildings.
 - (5) Whether the Policy needs to be clarified in respect of new buildings in conservation areas.
 - (6) Whether (a) in dealing with demolition of listed buildings, the exceptional circumstances outlined in PPG15 should be noted, and (b) the Policy should be made more flexible in terms of alterations and extensions.
 - (7) Whether only modern additions to historic buildings should be considered for demolition.
 - (8) Whether Paragraph 9.32 relating to access for the disabled should be deleted.
 - (9) Whether reference to Scheduled Ancient Monuments should be made within the supporting text.
 - (10) Whether the special treatment given to listed buildings under the Building Regulations should be acknowledged.

Inspector's Appraisal and Conclusions

- 9.8.2 Issue 1:** At Revised Deposit stage the District Council has replaced the word ‘character’ used in the Policy and in Paragraph 9.33 of the reasoned justification with the words ‘special architectural or historic interest’. I agree that this is appropriate. It more accurately reflects Government guidance in PPG15 and the terminology employed in the statutory provisions. ‘Character’ is a broad subjective term which, because it is open to interpretation, could weaken the Policy. As regards the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, this is clearly set out in Paragraph 9.31 of the supporting text.
- 9.8.3 Issue 2:** I do not consider there is any need to include additional text indicating that Policy DAP6 will be strictly applied. If a scheme does not accord with the Policy, then it will be refused consent unless there are other material considerations of such weight that indicate otherwise.
- 9.8.4 Issue 3:** I see disadvantage in omitting the word ‘adversely’ from Policy DAP6. This would preclude alterations or extensions to a listed building that affect its special architectural or historic interest, integrity or setting, together with other works which affect the setting of a listed building, but which are positive in nature and could enhance a listed building or its setting by adding quality. The District Council gives the example of reinstatement of original features or repairs.
- 9.8.5 Issue 4:** In response to objection at First Deposit stage, Policy DAP6 was augmented by the statement: “Other development will not be permitted that will adversely affect the setting of a Listed Building.” This has given rise to further objection at Revised Deposit stage on the grounds that the Policy is now too restrictive. Amended wording has been suggested, namely: “Other development will not be permitted if it will have significant adverse impact upon the setting of a Listed Building that cannot be mitigated or compensated for unless the benefits of the development proposals outweigh any such disbenefit.” It seems to me, though, that the Policy would be significantly weakened by this text. I am satisfied that the Policy as presented in the Revised Deposit Plan accords with the thrust of Government advice. In my view it is not unduly onerous.
- 9.8.6 Issue 5:** Policy DAP6 is concerned specifically with protection of listed buildings whereas development in conservation areas is addressed by Policy DAP10 (Protection of Conservation Areas). In these circumstances, it would not be appropriate to add the further supporting text suggested by the objector as a new Paragraph 9.32B.
- 9.8.7 Issue 6:** By drawing attention to the possibility of demolition in exceptional circumstances, I agree with the District Council that the protective nature of the Policy would be weakened. Under Policy DAP6 as currently drafted, any such proposals would have to be considered in light of the strength of other material considerations. As regards alterations and extensions, these are not precluded providing they would not prove detrimental to a listed building or its setting. There is no need in my view to make Policy DAP6 more flexible in this regard.
- 9.8.8 Issue 7:** I consider that a specific reference in the Policy to the demolition of modern or later additions of no historic or architectural interest where this would improve the listed building or its setting would complicate and weaken the Policy. It is far better, in my view, to take a firm stance against demolition in general and consider proposals, as and when they occur, on their merits in the light of other material considerations. Partial

demolition in association with development is covered adequately under the first part of Policy DAP6 and Paragraph 9.31 of the supporting text.

9.8.9 Issue 8: Policy DP14 (Accessibility and Inclusion) does not specifically deal with the difficulties of access to listed buildings. Because this is such an important issue I consider it right to address it here. Paragraph 9.32 indicates that the District Council will expect applicants to demonstrate how they have sought to reasonably balance the competing objectives of protecting listed buildings with the need to promote accessibility and inclusion, and where they have made clear choices between policies. I consider that to be appropriate.

9.8.10 Issue 9: Archaeology and Scheduled Ancient Monuments are adequately dealt with through Policy DP4. I see no need to include a reference to such matters in the reasoned justification of Policy DAP6 which relates specifically to the protection of listed buildings.

9.8.11 Issue 10: Provision is made under the Building Regulations for treating listed buildings as special cases where appropriate relaxations may be granted. This is a control regime separate from planning. In my opinion, there is no need to address such matters within Policy DAP6.

9.8.12 Finally, I believe that Policy DAP6 would benefit from some minor wording changes to improve the accuracy of the text and correct a typographical error. My recommendations reflect this.

Recommendations

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

amend Policy DAP6 to read:

“Consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting.

Consent will not be granted for the demolition of a listed building.

Development will not be permitted that will adversely affect the setting of a listed building.”

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

9.9 Paragraphs 9.33 - 9.34 Policy DAP7 Changes of use of Listed Buildings

Objections to First Deposit Version

110/AL Government Office for the West Midlands

Objection to Revised Deposit Version

354/RAN Roger Higgins

Key Issues

- 9.9.1** (1) Whether priority should be given to affordable housing as an acceptable re-use of listed buildings.
- (2) Whether the Policy is necessary given that Paragraph 2.18 of PPG15 indicates that in general the same provisions on change of use should apply to historic buildings as to other buildings.
- (3) Whether the Policy should be applied strictly.

Inspector's Appraisal and Conclusions

9.9.2 Issue 1: I agree with the District Council that this Policy is not the correct vehicle for promoting affordable housing. Some listed buildings may not lend themselves to a residential conversion. It might be that the original use of the building was not for housing. In those circumstances affordable housing would not normally be the preferred use.

9.9.3 Issue 2: I am satisfied that, notwithstanding the advice in PPG15, Policy DAP7 fulfils a useful and necessary purpose. The original use of a listed building is generally regarded as the best use where it is still appropriate and viable. Any alternative use should be sympathetic to that building's special architectural or historic interest and setting. I consider that those factors need to be taken into account before permission is granted.

9.9.4 Issue 3: I see no need to add the further sentence sought by the objector. In my opinion, it would not improve the Policy. Development that is contrary to Policy DAP7 would be resisted unless there are other material considerations of such merit as to outweigh that conflict.

Recommendations

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

9.10 Paragraphs 9.35 - 9.36 Policy DAP8 Upper Floors within Listed Buildings and Conservation Areas

Objections to First Deposit Version

No objections

Objection to Revised Deposit Version

354/RAP Roger Higgins

Key Issue

9.10.1 Whether the Policy should be applied strictly.

Inspector's Appraisal and Conclusion

9.10.2 This objection is identical to others made in respect of Policies DAP6 and DAP7. I see no need to indicate that the Policy will be applied in a strict manner. Development contrary to Policy will be refused unless other material considerations are of such weight as to warrant a different decision.

Recommendations

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

9.11 Paragraphs 9.37 - 9.38 Policy DAP9 Restoration of Listed Buildings

Objection to First Deposit Version

302/BG English Heritage (West Midlands Region)

Objection to Revised Deposit Version

354/RAQ Roger Higgins

Key Issues

9.11.1 (1) Whether the Policy should be applied strictly.

(2) Whether the Policy should be incorporated as part of an amended Policy DAP7.

Inspector's Appraisal and Conclusions

9.11.2 Issue 1: This objection is identical to others made in respect of many of the DAP Policies (See, for example, Policy DAP8).

9.11.3 Issue 2: GOWM objected to this Policy (and to Policies DAP6 and DAP7) at First Deposit stage. It was argued that the planning authority's overall aim would be better served by including Policy DAP9 as part of an expanded Policy DAP7 on the alteration, extension and change of use of listed buildings. The use of traditional natural materials and appropriate colours and finishes would then have comprised one of a series of criteria

against which proposals would be appraised. Other criteria might have included design and scale.

9.11.4 In the event, the District Council chose not to follow that line when preparing the Revised Deposit Plan. I acknowledge that the objector's suggestion would have rationalised the number of policies dealing with listed buildings. Nevertheless, I see nothing wrong with the alternative, disaggregated approach taken by the Council. In my opinion, it deals adequately with the major policy issues surrounding listed buildings. I note that despite the earlier concern expressed, GOWM has subsequently conditionally withdrawn its objection.

Recommendations

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

9.12 Paragraphs 9.39 - 9.44B Policy DAP10 Protection of Conservation Areas

Objections to First Deposit Version

55/AA	Andrew Faulkner
105/AA	Alison Spalding
115/AM	Alan Roberts
122/AC	Warwick Castle
128/AB	Mr and Mrs Devereux
129/AA	Sheila Faulkner
131/AA	Mrs Phylis & Dr Peter Davies
146/AA	Bruce Paxton
163/AB	Roger Copping
193/BS	Coten End and Emscote Residents' Association
194/AE	Vernon Lawton
195/AJ	The Leamington Society
198/AH	John Henderson
199/BS	James Mackay
214/AE	Mrs J Biles
231/AA	John Moss
254/AA	Steven and Clare Twigger
260/AB	Baginton Parish Council
263/AB	Christopher Wilson
272/AA	Alison Sanders
283/AA	The Ancient Monuments Society
296/AA	CLARA
302/BH	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

115/RAM	Alan Roberts
195/RBD	The Leamington Society
221/RAE	Kenilworth Society

223/RAM	Kenilworth Town Council
260/RAA	Baginton Parish Council
283/RAW	The Ancient Monuments Society
302/RAF	English Heritage (West Midlands Region)
353/RAA	A Brown
354/RAR	Roger Higgins

Key Issues

- 9.12.1** (1) Whether the Leamington Spa Conservation Area should be extended in a northerly direction.
- (2) Whether the Kenilworth Conservation Area should be enlarged.
- (3) Whether the Plan should include a commitment to designate two areas within Baginton Village as conservation areas.
- (4) Whether (a) there should be more design controls in conservation areas, including Article 4 directions, (b) applicants should be required to provide full specifications of all building materials and finishes to be used in conservation areas, and (c) the District Council should confirm in the reasoned justification that the Rock Townsend Study will be updated and SPD produced relating to the enhancement of conservation areas.
- (5) Whether the Policy should be amended to more accurately reflect the requirement of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (6) Whether the Plan should safeguard open spaces within and adjacent to conservation areas.
- (7) Whether the Policy should be strictly applied.
- (8) Whether the wording of Policy DAP10: (a) adequately reflects PPG15, and (b) should be amended to address the setting of conservation areas and important views into and out of them.
- (9) Whether Policy DAP10 is sufficiently flexible.

Inspector's Appraisal and Conclusions

9.12.2 Issue 1: An extensive review of the Leamington Spa Conservation Area was undertaken in 2004 in conjunction with English Heritage. Following public consultation various extensions to the Conservation Area were made including Northumberland Road to the north of the town. A further District-wide comparative study of late nineteenth and early twentieth century housing was carried out in 2005/6. As a result, recommendations for further minor extensions to the Conservation Area are currently out for public consultation. I am told that not all of the areas suggested by objectors to the Plan for inclusion would meet the criteria for conservation area status. Given the work that has recently been carried out or is ongoing in respect of this Conservation Area, I do not believe that the matter should be considered as part of the Local Plan review process.

- 9.12.3 Issue 2:** Similarly, a review of the Kenilworth Conservation Area was carried out in conjunction with English Heritage in 2005. Like the Leamington Spa exercise, it included consultation with affected households, the Town Council and local amenity societies. Various extensions resulted including Waverley Road and Station Road. But, unlike Leamington Spa, the District-wide comparative study of turn of the century housing undertaken in 2005-6 did not recommend further additions. Again, in light of this separate work I do not feel it is necessary to review the Kenilworth Conservation Area boundaries as part of this Local Plan.
- 9.12.4** The District Council intends to identify in plan form all of the conservation area boundaries that are confirmed at the time this Local Plan is adopted. I support that proposal. I note that it is also the Council's intention to update the list of conservation areas at Paragraph 9.42. To that end, 4 recently designated conservation areas are identified in the proposed further changes to the Plan. I endorse those alterations.
- 9.12.5 Issue 3:** A District-wide review of villages not currently designated as conservation areas is to be carried out in late 2006/7. Because there is an established process for conservation area designation and review that is separate from development plan preparation, I do not believe it is appropriate to consider whether sections of Baginton village, or indeed any other parts of the District, should be afforded conservation area status in connection with this Local Plan.
- 9.12.6 Issue 4:** The Plan incorporates Policy DP1. This relates specifically to layout and design, setting out a number of criteria to ensure that all development contributes positively to the character and quality of its environment. In addition, there are other documents that will provide protection for conservation areas and guidance on what forms of development are considered appropriate. They include the Conservation Area Statements for Leamington Spa, Warwick, Kenilworth and Whitnash, approved in early 2006; the Residential Design Guide to be published in late 2006; and the 'Developers Guide' leaflet, work on which will begin shortly for publication in 2007. As regards Article 4 directions, Paragraph 9.41 (as amended by the District Council's proposed changes) indicates that the Council will continue to seek these in order to restrict 'permitted development' rights so as to maintain areas of high quality townscape. I am satisfied that, taken together, these various measures afford adequate control of design in conservation areas.
- 9.12.7** The District Council intends, through its proposed changes, to amend the second paragraph of Policy DAP10 to require detailed plans submitted for all types of applications involving building works in conservation areas to include a full specification of building materials and finishes. I support that change.
- 9.12.8** Finally, concerning the position of the Rock Townsend Study, I consider the text at Paragraph 9.44 to be appropriate. The Conservation Area statement for Leamington Spa will shortly be published. This will partly supersede the Rock Townsend guide. That guidance will be fully replaced when the Residential Design Guide and the 'Developers Guide' leaflet are issued.
- 9.12.9 Issue 5:** The Policy has been reworded in the Revised Deposit Plan to follow more closely the terms of S72. Instead of requiring development to 'protect and enhance' it now requires development to 'preserve or enhance'. I endorse that amendment which satisfies the objection.

9.12.10 Issue 6: The District Council accepts that an additional Paragraph 9.39A could usefully be added to the reasoned justification referring to the value of gardens and open spaces that contribute to the historic appearance and interest of conservation areas. A proposed change has been put forward to accommodate this. I support that change.

9.12.11 Issue 7: This objection is identical to others made in respect of many of the DAP Policies. My response is the same in each case (see for example Policy DAP8).

9.12.12 Issue 8: I agree with the District Council that the amendments suggested by English Heritage to the first paragraph of the Policy do little to alter its general thrust. I note that the current wording in the Revised Deposit Plan was arrived at following suggestions made at First Deposit stage. I see no inconsistency with PPG15 and no need for further alterations.

9.12.13 As regards the second point, the District Council accepts that the final sentence of Paragraph 9.39, added at Revised Deposit stage, should be incorporated into the Policy to give it greater weight. I agree that this would be beneficial. I endorse the proposed changes to the Policy and the reasoned justification put forward by the Council.

9.12.14 Issue 9: I do not regard Policy DAP10 as inflexible. It reflects the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Warwick Castle's suggested additional policy wording would, in my view, be inconsistent with the advice set out in PPG15 and would significantly weaken the Policy.

Recommendations

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

(i) amend Policy DAP10 to read:

“Development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas as defined on the Proposals Map.

Development will also be expected to respect the setting of Conservation Areas and important views both in and out of them.

Detailed plans shall be submitted for all types of applications involving building works in Conservation Areas, including a full specification of building materials and finishes to be used, to demonstrate how they comply with this policy. Notification of works to trees in Conservation Areas will also be required.”

(ii) substitute the following text for the last sentence of Paragraph 9.39:

“It is important that development both within and outside of Conservation Areas should not adversely affect the setting of a Conservation Area by impacting on important views and groups of buildings from inside and outside the boundary.”

(iii) add the following new Paragraph 9.39A:

“Gardens and open spaces that add to the historic appearance and interest of Conservation Areas should be protected from development.”

(iv) amend Paragraph 9.41 to read:

“The Council will also continue to seek directions under Article 4 of the Town and Country Planning Act 1995, to restrict permitted development rights in order to maintain the areas of high quality townscape.”

(v) add the following Conservation Areas to the list at Paragraph 9.42:

**“Kenilworth (Clarendon Road)
Kenilworth (Waverley Road)
Leamington Spa (Lillington Village)
Leamington Spa (Lillington Road North)”**

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

9.13 Paragraph 9.45 Policy DAP11 Unlisted Buildings in Conservation Areas

Objections to First Deposit Version

148/BO Campaign to Protect Rural England (Warwickshire Branch)
302/BJ English Heritage (West Midlands Region)

Objections to Revised Deposit Version

217/RAC McCarthy and Stone (Developments) Ltd
221/RAF Kenilworth Society
283/RAX The Ancient Monuments Society
354/RAS Roger Higgins

Key Issues

- 9.13.1** (1) Whether the Policy would be strengthened by a commitment to drawing up a list of locally important unlisted buildings.
- (2) Whether the wording of the Policy should accord more closely with that of PPG15.
- (3) Whether road traffic signs in conservation areas should be subject to planning control.

- (4) Whether a presumption in favour of retaining unlisted buildings in conservation areas is a legitimate element of the Policy.
- (5) Whether the Policy should be applied strictly.

Inspector's Appraisal and Conclusions

- 9.13.2 Issue 1:** The Kenilworth Society endorses the objectives of Policy DAP11 and the presumption in favour of the retention of unlisted buildings that make a positive contribution to the character of a conservation area. However, it feels that drawing up a schedule of locally important buildings would indicate to developers, the public and property owners alike that the planning authority places special value on certain features of the built environment. In its judgement it would be effective in protecting high quality Victorian and Edwardian buildings in particular. Everyone would be aware that demolition of, or major alterations to, those specified unlisted buildings in conservation areas would not be acceptable. Such a list would, it is argued, support and strengthen the Policy.
- 9.13.3** The District Council takes a diametrically opposed view. It believes that the majority of unlisted buildings of note in the District lie within the extensive conservation areas. These cover much of the historic areas of Warwick, Leamington Spa and Kenilworth as well as many of the core areas of villages. Over the last 4 years or so the planning authority has carried out extensive reviews that have resulted in significant additions. It has also produced draft Conservation Area Statements for Kenilworth, Leamington Spa, Warwick and Whitnash which break them down into identifiable and distinctive character areas rather than singling out individual buildings. Moreover, it is carrying out a further review in autumn 2006 of rural conservation areas with a view to supplementing them.
- 9.13.4** Conservation area coverage means that there is control over demolition and removes some of the more generous 'permitted development' rights. It also facilitates the making of Article 4 directions where necessary. Those controls are substantial and, in my view, adequate to protect the non-listed buildings that contribute to the character of conservation areas. I share the concern of the District Council that in attempting to single out buildings, those not on the list might be regarded as having little or no worth and could become prime candidates for demolition or alteration leading to erosion of the character of a conservation area. As the District Council indicates, the value of an unlisted building might not be appreciated until it is too late and has become the focus of developer attention.
- 9.13.5** The Society points out that other planning authorities regard local lists as a useful tool. Wyre Forest and South Gloucestershire Districts, for instance, have both prepared such lists. The Society would like Warwick to follow the South Gloucestershire example by adopting as SPD a schedule of unlisted buildings that make a significant contribution to the distinctiveness of the District's conservation areas. That list could, it says, be prefaced by a statement to the effect that the omission of a building does not imply that it has no merit and can be demolished.
- 9.13.6** I acknowledge that for some local authorities, particularly rural authorities with small rural conservation areas, the production of a local list has historically formed the basis of their approach to protecting unlisted buildings. But in the context of Warwick District I see no advantage in following that model. I am of the opinion that on balance the benefits of a local list would be outweighed by the disadvantages including the resource

implications. I consider that the preparation of a local list is not necessary to accord with the guidance in Paragraph 4.9 of PPG15 nor with the duty placed on local planning authorities under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to formulate and publish proposals for the preservation and enhancement of conservation areas. I conclude that even if it was possible to draw up a list of locally important unlisted buildings using consistent criteria across a diverse range of properties it would serve to weaken rather than strengthen Policy DAP11.

9.13.7 Issue 2: English Heritage has made a number of detailed comments on the drafting of Policy DAP11 and its reasoned justification. Most of these have been taken on board at Revised Deposit stage. The term ‘historic integrity’ has been omitted and a new paragraph added establishing a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a conservation area. I support those alterations which bring the Policy more into line with the advice in PPG15. The only element of the objection that has not been addressed concerns Paragraph 4.29 of PPG15. This indicates that in order to prevent ugly gaps appearing in conservation areas it will often be appropriate to impose on the grant of consent a condition preventing demolition until a contract for redevelopment has been made and planning permission for those works has been granted. In my opinion, such a requirement should be included in the supporting text.

9.13.8 Issue 3: Road traffic signs are subject to Highway Regulations rather than planning control. Nonetheless, the District Council says that it liaises with the various agencies when new signs are proposed in an effort to avoid adverse impacts. In recognition of the concern that inappropriately designed and located signage can have on a conservation area, a new Paragraph 9.44B has been added to the supporting text at Revised Deposit stage. I endorse that amendment.

9.13.9 Issue 4: I am satisfied that the second paragraph of Policy DAP11 is consistent with PPG15. Paragraphs 4.25-4.29 of that guidance set out a presumption in favour of retaining unlisted buildings that make a positive contribution to the character of a conservation area. In my view, it is perfectly proper and desirable to translate that advice into Local Plan policy. I do not accept that the correct method would be to list such buildings. The Policy does not prohibit demolition under all circumstances - for example, where unlisted buildings might be run down and vacant, and non-viable in economic and practical terms for refurbishment or conversion - but it requires the detailed design of any replacement to bring about a genuine qualitative improvement to the conservation area and to the setting of adjacent buildings.

9.13.10 Issue 5: This objection is identical to others made in respect of many of the DAP Policies. My response is the same in each case (see for example Policy DAP8).

9.13.11 Although not raised by objectors, I consider that the first and third paragraphs of Policy DAP11 would benefit from minor rewording to improve the accuracy of the text and provide greater consistency. I recommend accordingly.

Recommendations

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

(i) amend Policy DAP11 to read:

“Alterations or extensions to unlisted buildings which will adversely affect the character, appearance or setting of a Conservation Area will not be permitted.

There will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area.

Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings.”

(ii) **add the following text to the end of Paragraph 9.45:**

“In such cases a condition will be imposed to ensure that demolition does not take place until a contract for redevelopment has been entered into and planning permission for those works has been granted. This will prevent unsightly gaps appearing as a result of demolition far in advance of redevelopment.”

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

9.14 Paragraph 9.46 Policy DAP12 Control of Advertisement Hoardings

Objection to First Deposit Version

115/AN Alan Roberts

Objections to Revised Deposit Version

283/RAY The Ancient Monuments Society

350/RBL Tesco Stores Ltd

354/RAT Roger Higgins

Key Issues

- 9.14.1** (1) Whether the Policy should also preclude road/information signs erected by the Council.
- (2) Whether this or another Policy should control estate agents’ sale boards in urban areas, limiting the duration of their display to, say, 3 months.
- (3) Whether the Policy should be strictly applied.
- (4) Whether Policy DAP12 is unduly negative and should be replaced with a criteria-based policy.

Inspector's Appraisal and Conclusions

- 9.14.2 Issue 1:** Road and directional information signs are required under highways legislation. An additional Paragraph 9.44B has been added to the reasoned justification of Policy DAP10 at Revised Deposit stage. It explains: "There are concerns regarding the detrimental impact of statutory signage (such as highway information) within conservation areas. The Council will continue to work with the relevant agencies to minimise the impact of such signage wherever possible." I am satisfied that this statement goes some way towards meeting the objector's concern.
- 9.14.3 Issue 2:** As pointed out by the District Council, control over the display of estate agents' sale boards is already provided for under the Town and Country Planning (Control of Advertisements) Regulations 1992, as amended (Schedule 3, Part 1, Class 3 'Miscellaneous temporary advertisements'). In these circumstances, a specific policy is not required to enforce the Regulations.
- 9.14.4 Issue 3:** This objection is identical to others made in respect of many of the DAP Policies. My response is the same in each case (see for example Policy DAP8).
- 9.14.5 Issue 4:** I concur with the District Council that further advertisement hoardings in conservation areas would be likely to harm their character and appearance. Policy DAP11 is, in my view, necessarily very restrictive. For that reason, I believe a criteria-based approach would be inappropriate.

Recommendations

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

9.15 Paragraphs 9.47 - 9.51A Policy DAP13 Protecting Historic Parks and Gardens

Objections to First Deposit Version

66/AX	The Warwick Society
110/AM	Government Office for the West Midlands
149/AH	Warwickshire County Council (Museum Field Services - Archaeology)
189/AA	Warwickshire Gardens Trust
302/BK	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

115/RAN	Alan Roberts
189/RAB	Warwickshire Gardens Trust
199/RAK	James Mackay
288/RAE	Warwickshire Police Authority
321/RAV	West Midlands International Airport Ltd
354/RAU	Roger Higgins

Key Issues

- 9.15.1** (1) Whether (a) Warwickshire Gardens Trust should be recognised as an official consultee on the content of the Local List and the development of garden land, and (b) provision should be made for extension of the Local List.
- (2) Whether Warwick Castle Park should be added to the list of gardens in Paragraph 9.49.
- (3) Whether the reference in Paragraph 9.51A to St Johns House Garden should be changed to read ‘St Johns House Garden and Allotments’, Warwick.
- (4) Whether the Policy should be strictly applied.
- (5) Whether Policy DAP13 is overly restrictive, particularly the second part relating to locally important historic parks or gardens.
- (6) Whether gardens of both national and local importance should be protected against all forms of development.
- (7) Whether further additions and corrections are required to the lists of historic parks and gardens.
- (8) Whether (a) the entry for Guy’s Cliffe, Warwick should also refer to Gaveston Cross, and (b) the entry for Wootton Court, Leek Wootton should also refer to the Arboretum.

Inspector's Appraisal and Conclusions

9.15.2 Issue 1: Through proposed changes to the Revised Deposit Plan the District Council has resolved to add a further sentence to the end of Paragraph 9.51A. It states: “The Planning Authority will consult Warwickshire Gardens Trust on planning applications affecting sites included on the Local Register.” I support that amendment. As regards the second point, Paragraph 9.51A introduced at Revised Deposit stage confirms that additions can be made if new parks and gardens are found to be worthy of inclusion during the course of the Plan, and vice versa.

9.15.3 Issue 2: I note that the Grade I Warwick Castle Park was added as a separate item to the list of historic parks and gardens in the Revised Deposit Plan. However, the subsequent proposed changes place Warwick Castle and Warwick Castle Park together as a single entry. I support the latter which I assume to be the more accurate position.

9.15.4 Issue 3: The additional wording requested by the objector has, I note, been included in the proposed changes made by the District Council. I endorse that amendment.

9.15.5 Issue 4: This objection is identical to others made in respect of many of the DAP Policies. My response is the same in each case (see for example Policy DAP8).

9.15.6 Issue 5: I do not agree with objectors that Policy DAP13 is unduly restrictive in relation to Government guidance set out in PPG15, nor that the alternative forms of

wording put forward would improve the Plan. In particular, I see no need for adjustment of the second part of the Policy to allow development that could mitigate or compensate for any adverse impact on locally important historic parks or gardens. In my view, the various amendments suggested would significantly weaken the Policy and the level of protection afforded to parks and gardens on the two registers. I note that English Heritage has no objection to the Policy as drafted.

9.15.7 Issue 6: I consider that Policy DAP13 rightly differentiates between parks and gardens of national significance and those of local significance. The difference is measured in terms of importance and reflected in the strength of control exercised over development. It would be wrong, in my view, to apply the same provisions to each or to preclude all possible forms of development.

9.15.8 Issue 7: Warwickshire Gardens Trust has put forward a number of additions and corrections to the entries on the lists of historic parks and gardens. The District Council has incorporated those into its proposed changes. I endorse those amendments. However, I concur with the planning authority that the alternative policy wording suggested by the objector adds little of substance to Policy DAP13.

9.15.9 Issue 8: The District Council accepts that the Arboretum should be included in the entry for Wootton Court but considers Gaveston Cross to be insufficiently related to a park or garden to warrant listing as a garden element. I accept that line of reasoning.

Recommendations

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

(i) amend the (English Heritage) list of parks and gardens of special interest in Paragraph 9.49 by:

- **combining the entries for Stoneleigh Abbey and Stoneleigh Deer Park to read: “Stoneleigh Abbey and Deer Park, Stoneleigh. Grade II*”.**
- **combining the entries for Warwick Castle and Warwick Castle Park to read: “Warwick Castle and Castle Park, Warwick. Grade I”.**
- **adding a further entry: “Mallory Court, Bishops Tachbrook. Grade II”.**

(ii) add further text between the fourth and fifth sentences of Paragraph 9.49 to read:

“The Planning Authority will consult English Heritage on planning applications affecting grade 1 and grade II* registered sites and their settings, and The Garden History Society on applications affecting registered sites of all grades.”

(iii) amend the first sentence of Paragraph 9.51 to read:

“The Council maintains its own list of parks and gardens which are of historical interest but which do not at present meet the criteria for inclusion on the national register.”

(iv) amend the (Warwick District Council) list of locally important parks and gardens in Paragraph 9.51A by:

- amending the entry for St John’s House Garden to read: “St John’s House Garden and Allotments, Warwick”.
- amending the entry for Wootton Court to read: “Wootton Court and Arboretum, Leek Wootton”.
- deleting the reference to Mallory Court, Bishops Tachbrook.
- deleting the reference to Lord Leycester Hospital Garden, Warwick.

(v) add further text after the second sentence of Paragraph 9.51A to read:

“The Planning Authority will consult Warwickshire Gardens Trust on planning applications affecting sites included on the Local Register.”

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

9.16 Paragraph 9.52 Policy DAP14 Protecting Safeguarded Areas

Objections to First Deposit Version

1/AD Warwickshire Wildlife Trust
115/AO Alan Roberts

Objections to Revised Deposit Version

321/RAW West Midlands International Airport Ltd
354/RAV Roger Higgins

Key Issues

- 9.16.1 (1) Whether the Policy serves to encourage major airport development.
- (2) Whether habitat creation or expansion would be constrained by airport safeguarding.
- (3) Whether the supporting text fully reflects the advice set out in Annex 2 of Circular 01/2003.
- (4) Whether the Policy should be strictly applied.

Inspector's Appraisal and Conclusions

9.16.2 Issue 1: The objective of Policy DAP14 is to protect existing aerodromes and technical sites from development of a scale and type that could cause safety problems for existing uses. I am satisfied that this is necessary to accord with Government guidance. The Policy does not suggest that airports can expand without going through the normal development control processes.

9.16.3 Issue 2: The reasoned justification was amended in the Revised Deposit Plan to require sufficient evidence of the threat of birdstrike before habitat creation or expansion is restricted. On that basis, Warwickshire Wildlife Trust conditionally withdrew its objection. I note, though, that the District Council is now proposing further changes in response to other objections made at Revised Deposit stage. Those proposed changes introduce a more comprehensive list of factors to be taken into consideration to ensure the safe operation of an aerodrome. I support that new/additional text.

9.16.4 Issue 3: While not adopting the precise form of words employed in Circular 01/2003, I consider that the proposed changes to Paragraph 9.52 adequately reflect the guidance given in Annex 2. There is no reason, in my view, why the text should be exactly the same as in the Circular. The important point is that, as in this case, the thrust of the advice is properly conveyed.

9.16.5 Issue 4: This objection is identical to others made in respect of many of the DAP Policies. My response is the same in each case (see for example Policy DAP8).

Recommendations

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

substitute the following text for the second sentence of Paragraph 9.52:

“In particular, consultation with the relevant airport operator will be required, and restrictions will be imposed where necessary to safeguard the safe operation of an aerodrome, in respect of any of the following:

- 1) the height or detailed design of buildings within the safeguarding zone**
- 2) proposed development in the vicinity of the aerodrome which has the potential to interfere with the operation of navigational aids, radio aids or telecommunications systems**
- 3) proposed development which has lighting proposals which have the potential to distract or confuse pilots**
- 4) proposed development likely to increase the number of birds or the risk of bird strike**
- 5) other proposed aviation uses within the safeguarding zone.**

In respect of certain types of development listed in paragraph 8 of Annex 2 to Circular 01/2003 it may be necessary for the Council to ask an applicant to provide information to enable it to consider whether or not a proposed development would be likely to increase the bird hazard risk to aircraft.”

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

9.17 Chapter 9 – Policy omissions

Objections to First Deposit Version

148/AU	Campaign to Protect Rural England (Warwickshire Branch)
148/CA	Campaign to Protect Rural England (Warwickshire Branch)
149/AE	Warwickshire County Council (Museum Field Services - Archaeology)
187/AE	The Countryside Agency (West Midlands Region)
260/AA	Baginton Parish Council
302/BE	English Heritage (West Midlands Region)
302/BL	English Heritage (West Midlands Region)
302/BM	English Heritage (West Midlands Region)

Objection to Revised Deposit Version

No objections

Key Issues

- 9.17.1** (1) Whether the Plan should contain a specific policy to protect and enhance canals and their surroundings.
- (2) Whether the Plan should restrict the extent of development at Warwick University to that approved in the Development Brief.
- (3) Whether Chapter 9 should include a policy on scheduled ancient monuments (SAMs) cross-referenced to Chapter 4, and list all such features throughout the District.
- (4) Whether the Plan should include a policy to protect river corridors for reasons other than flooding - such as biodiversity, landscape, access and recreation.
- (5) Whether the Plan should include a policy in respect of Baggot's Castle, Fishponds and the Lunt Roman Fort at Baginton.
- (6) Whether the Plan should include an overarching policy on listed buildings incorporating a clear statement on the District Council's statutory duty to preserve such buildings.
- (7) Whether the Plan should incorporate a general policy on unlisted buildings that are considered important heritage features at a regional, county or local level.

Inspector's Appraisal and Conclusions

- 9.17.2 Issue 1:** I believe that the importance of the canal network, particularly in terms of its towpaths, is properly emphasised through Policies SC4 (Supporting Cycle and Pedestrian Facilities) and SC10 (Sustainable Transport Improvements) while Policy DP1 (Layout and Design) gives general protection of canal interests. In my view, there is no need to incorporate a specific policy to protect and enhance canals and their surroundings. To do so would make the Plan less concise and add little of substance. I

note that following discussions between the objector and the District Council, CPRE (Warwickshire Branch) has conditionally withdrawn this objection.

9.17.3 Issue 2: Reflecting Government guidance that supports the development of higher education establishments, the Plan identifies Warwick University as a Major Developed Site in the Green Belt under Policy SSP2. This Policy affords no further development potential than the University's existing development brief. I consider that to be appropriate. As the District Council points out, any proposals for expansion beyond the boundary defined in the brief would need to be considered in relation to all other relevant Plan policies. I note that again, this objection by CPRE (Warwickshire Branch) is recorded as being conditionally withdrawn.

9.17.4 Issue 3: I am satisfied that Policy DP4 (Archaeology) affords sufficient protection of scheduled ancient monuments and their settings without the need for a further, more specific policy in the Designated Areas Chapter or cross-referencing. A new policy would, in my view, inappropriately add to the bulk of the Plan with little, if any, gain. Since the location of all SAMs in the District is shown on the Proposals Map, I see no benefit in listing them whether in a policy, in the reasoned justification or in an appendix. I note that Paragraph 4.23 identifies the definitive source of information on SAMs which is the County Sites and Monuments Record maintained by Warwickshire Museum (Warwickshire County Council).

9.17.5 Issue 4: In my view, Policies DP1 and DP3 taken together provide adequate protection of river corridors from development pressures. In an urban context, the Areas of Restraint identified under Policy DAP2 give further protection from development for much of the river network. I see no need for a specific policy.

9.17.6 Issue 5: The features identified are all scheduled ancient monuments. They are therefore covered by Policy DP4. Baginton Parish Council's objection has, I note, been conditionally withdrawn.

9.17.7 Issue 6: Paragraph 9.31 supports Policy DAP6 (Protection of Listed Buildings). In that reasoned justification the statutory duty to have special regard to the desirability of preserving any listed building, its setting or any features of special architectural or interest it possesses is clearly set out. I am told that the objection by English Heritage has subsequently been withdrawn, although this is not recorded in the District Council's database.

9.17.8 Issue 7: Warwick District has extensive conservation areas. As well as a high proportion of listed buildings, these contain many of the District's unlisted buildings that are of local interest. Policy DAP11 (Unlisted Buildings in Conservation Areas) seeks to safeguard such buildings because of their contribution to the integrity of the conservation areas. Elsewhere in the District, reliance is placed on the Plan's general Development Policies to protect unlisted buildings from harmful development. I consider that to be appropriate. I see no need to include a more general policy in respect of these buildings which do not qualify for inclusion on the statutory list. I note that the planning authority does not maintain an alternative register of these unlisted buildings.

Recommendations

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