

Warwick District Local Plan 1996 - 2011
Topic Response Analysis – Revised Deposit Version

Topic: Chapter 9 Introduction – No objections received.

Topic: DAP1 Protecting The Green Belt

Summary of matters raised in objections.

1. There is concern that the revised Green Belt Boundary around North Leamington School may preclude development / expansion within the site. The County Council would like to see an amendment to the list of appropriate forms of development to allow for development within a school site. *ref 104/ RAA Warwickshire County Council Property Services.*
2. Objection to paragraph 9.10, there is no justification for the inclusion of the land to the rear of Glasshouse Lane in the Green Belt. *ref 235 /RAB Kenilworth Rugby Club*
3. The Green Belt should be extended to cover all of Sherbourne Parish. *Ref 52/ RAH Barford , Sherbourne and Wasperton Joint Parish Council.*
4. Objection to criterion g of DAP1, in that the objector considers that park and ride sites should only be considered if they can blend into the landscape, room should be made available for this form of development on the South West Warwick commercial development. *ref 115 / RAG Alan Roberts*
5. All of Coventry airport should be removed from the Green Belt and paragraph 9.10 should reflect this. *Ref 321 / RAA West Midlands International Airport*
6. The former Alvis test track site should be deleted from the Green Belt and reallocated as an employment site under policy SSP1. *ref 321 /RAB West Midlands International Airport.*

Response of Head of Planning & Engineering to matters raised

1. North Leamington School lies on the edge of the urban area and the Green Belt boundary has been drawn to reflect this sites relationship with the urban edge. Much of this school site has been designated as a Major Developed Site in the Green Belt and is now subject to Policy SSP2. The precise boundary of the Major Developed site has been drawn so as to exclude the playing fields/ most open aspects of the site. SSP2 allows for limited infilling and redevelopment of the site for employment purposes, therefore the objectors concerns about development being precluded are unwarranted.
2. This land has been included in the Green Belt as it considered that the extent of the Green Belt is best defined by utilising the boundary to the rear of the properties that address Glasshouse Lane. The land within the boundary of the Rugby club is considered to have characteristics that lend it towards inclusion

within this designation.

3. It is the function of a review of the Regional Spatial Strategy to (RSS) to consider large scale/ strategic adjustments to the Green Belt boundary. The Local Plan process should ensure that the an appropriate definition of the Green Belt Boundary is made at the Local level (this was set out in the current Plan adopted 1995). This Plan review will focus on small scale adjustments to rationalise the previous detailed boundary in relation to local (small scale) considerations.
4. Park and ride schemes are appropriate in the Green Belt in accordance with paras 3.17 – 3.20 (Park and Ride) included PPG2 in March 2001. Any such proposals would still have to satisfy general development control considerations as set out in the DP Policies of this plan. Much of the South West Warwick employment area is committed to detailed proposals, therefore this development is too advanced to be given further consideration in relation to park and ride location.
5. Large scale Green Belt alterations (with strategic implications) should be considered by revisions to the Regional Spatial Strategy. It is the function of the Local Plan to suggest 'minor' amendments to rationalise detail at the local level.
6. It is not considered appropriate to allocate this site within SSP1. All of the sites in that policy are urban brown field sites. This site lies within the Green Belt.

Recommended revision (s)

1. No changes required.
2. No changes required.
3. No changes required.
4. No changes required.
5. No changes required.
6. No changes required.

Topic: DAP2 Protecting the Areas of Restraint

Summary of matters raised in objections.

1. It is suggested that account be taken of the new school building (special school) to be sited at the rear of the Former Trinity School Site. The area of restraint boundary should be re-aligned to exclude the new site from this designation. *Ref 104 / RAD Warwickshire County Council Property Services.*
2. Objects to Policy DAP2 on the grounds that no formal assesment of the qualities of the Countryside or the contribution of selected areas may have to urban form and urban areas, therefore they are not compliant with PPS7. The policy should be deleted. *ref 246 / RAA The Europa Way Consortium.*

3. The land west of Europa Way should be deleted from the Proposals Map (Part 2 Warwick and Leamington Urban Inset). *ref 246 / RAB The Europa Way Consortium.*
4. Objects to the methodology used to calculate housing supply and therefore wishes to re-iterate its desire for the land at Golf Lane (the subject of an initial objection to the first draft) to be removed from the Area of Restraint and allocated for housing. *ref 227 /RAC David Wilson Homes*
5. Policy DAP2 should include reference to areas of residential amenity land (gardens etc) that contribute to the character and attractiveness of Leamington Spa. *Ref 152 RAA Leamington Town Council*
6. An additional Area of restraint should be included on the map to the south of Gallows Hill and Harbury Lane extending to the M40. *ref 135/ RAA Bishops Tachbrook Town Council*
7. The policy should include the need to protect open areas in and around villages *Ref 115 /RAH Alan Roberts.*
8. DAP2 needs to make provision for urban areas of restraint to allow for the control of housing styles. *ref 283 / RAT The Ancient Monuments Society.*

Response of Head of Planning & Engineering to matters raised

1. The boundary of the Area of Restraint should only be adjusted to exclude the new special school building at the rear of the Former Trinity School site following the completion of the development. In the event that the planning application is not implemented the Area of Restraint Designation and due consideration of it will still apply.
2. The Areas of Restraint that are in the current Plan (Adopted 1995) have been identified by the Council and ratified by an Inspector as an integral part of the previous Local Plan production process. At that time their particular aesthetic, structural and strategic value was recognised. The designations were also well supported by the local population as a preventative measure to ensure the protection of these potentially vulnerable locations. The revised PPS7 call for such local landscape designations to be based on a formal and robust assessment of the qualities of the landscape concerned. If the plan had been under intense pressure to allocate large areas for housing or employment uses such an assessment may have been required to inform difficult allocative decisions that may have involved consideration of the release of some of the Areas of Restraint.
3. As there would appear to be no immediate/ identified development pressure, the deletion of the land west of Europa Way would appear premature. If a development proposal was promoted in the face of this designation it could be assessed against the particular need for the use proposed as a departure from the Development plan. Until a particular pressing need is required and alternative locations have been discounted the designation should remain in place.

4. This objection has brought into question the Councils housing land supply analysis. The methodology used to calculate housing supply should be considered with reference to the objections relating to Appendix 2 of the Revised Deposit Plan.
5. Areas of Restraint are strategic by nature and relate to the protection of considerable swathes of open land that are of particular value. The protection of amenity in relation to the scale of area suggested by the objector would be best served by development control considerations (DP policies).
6. Bishops Tachbrook Parish Council are concerned with the protection of land south of Harbury Lane. However it is considered that the the existing limit of the Areas of Restraint are appropriate for the purposes that it serves. The land south of Harbury Lane is considered to have adeqate protection by the Rural Area policies of this plan.
7. The purpose of this plan is to protect valuable areas within the urban context and thwart the merging of the urban areas with outlying villages. The villages beyond the immediate urban core are not under such threat and are afforded protection either by Green Belt or Rural Area policy.
8. Areas of Restraint are strategic by nature and relate to the protection of considerable swathes of open land that are of particular value. The protection of amenity in relation to the scale of area suggested by the objector would be best served by development control considerations (DP policies).

Recommended revision (s)

1. No changes required.
2. No changes required.
3. No changes required.
4. No changes required.
5. No changes required.
6. No changes required.
7. No changes required.
8. No changes required.

Topic: DAP3 Protecting Special Landscape Areas

Summary of matters raised in objections.

1. Object to the deletion of DAP3 , the reasons for its inclusion in the first deposit remain sound. This policy should also recognise the ongoing work of the Countryside Agency and others to identify landscape character and to protect it. *ref 148 / RAQ Campaign to Protect Rural England (Warwickshire Branch)*
2. Policy DAP3 should be retained and the Proposals Map should continue to show special Landscape areas. *ref 221/ RAA Kenilworth Society*
3. Doubts that the reference in policy DP3 will be an efficient way of protecting the Special Landscape Areas – Policy DAP3 should be reinstated. *ref 66 / RBF The Warwick Society*
4. Policy DAP3 should be retained and reinforced. Special Landscape areas should be designated according to scientific criteria. *ref 52 / RAG Barford , Sherbourne and Wasperton Joint Parish Council*
5. Policy DAP3 should be retained to emphasise the Council's commitment to this designation. *ref 266 /RAG Warwick Town Council*
6. Removal increases the risk of development, DAP3 should be retained. *Ref 115 /RAJ Alan Roberts*

Response of Head of Planning & Engineering to matters raised

1. PPS7 states that Local Landscape designations should only be maintained or exceptionally extended where it can clearly be shown that criteria based planning policies cannot provide the necessary protection. It is my opinion that the inclusion of reference to the protection of landscape character, plus the specific reference to Special Landscape Areas in para 4.19 of policy DP3 are adequate with regard to this matter. The District Council recognises the ongoing work of the Countryside Agency and others to identify landscape character, and is committed to working with the Countryside Agency to commence an evaluation of landscape within the District in 2006.
2. See response to 1.
3. See response to 1.
4. See response to 1.
5. See response to 1.
6. See response to 1.

Recommended revision (s)

1. No changes required
2. No changes required
3. No changes required
4. No changes required
5. No changes required
6. No changes required

Topic: DAP4 Protecting Nature Conservation, Geology and Geomorphology

Summary of matters raised in objections.

1. The policy is generally supported, however the objector has suggested some wording changes that will, clarify issues and also eradicate typographical errors and minor inconsistencies in the text. The objector suggests that Local Nature Reserves are statutory designations and that paragraph 9.17 should be changed to reflect this. The objector has also suggested that a paragraph (9.25) should be added to give further support to criterion e) of the policy that refers to protected, rare and endangered wildlife species. *ref 150 / RAD Warwickshire County Council, Museum Field Services.*
2. A policy objection has been lodged with regard to designated Ancient Woodland, the objection considers that they should not be afforded the same level of protection as SSSI's in this policy and the policy should be ammended accordingly. *ref 110 /RAC Government Office for The West Midlands.*
3. The policy as drawn is too restrictive and should be amended. Only significant impacts to locally important sites / features should lead to development not being permitted. The second paragraph should therefore be deleted and replaced with "development will not be permitted which will destroy or have a significant adverse impact on the following that cannot be mitigated or compensated for". *ref 321 /RAT.West Midlands International Airport.*

Response of Head of Planning & Engineering to matters raised

1. It is intended to utilise the objectors expertise in relation to this policy and include all of the proposed ammendments to the policy and reasoned justification as set out in the detailed objection.
2. It would appear that ancient woodlands should be included in the list of local features to which ' strong resistance' should be given to development proposals in accordance with the objection.
3. This policy is considered to be correct in its approach as its sets out the criteria that should be assessed and the extent to which mitigation / compensatory

measures will be considered in support of development proposals.

Recommended revision (s)

1. The policy should be revised as follows “ Development will be strongly resisted that will destroy or adversely ~~effect~~ **affect** the following locally important sites / features”.

The reasoned justification should be altered as follows:-

Paragraph 9.17 “ It is important Statutory sites cover ~~both~~ Sites of Special Scientific Interest (SSSI's), Ancient Woodland **and Local Nature Reserves**,...Non - Statutory sites include ~~both Local Nature Reserves and~~ Sites of Importance for Nature Conservation(SINCS - see below) and **Regional Important Geological and Geomorphological Sites (RIGS – see below)**. Both types of sites are important components of the District's ecological/ geological/ geomorphological resources”.

Paragraph 9.18 “Government policy geological / **geomorphological** value within their area

Paragraph 9.22 – “There are nine Local Nature reserves that ~~can~~ make a useful ...

Paragraph 9.23 – “ Many other sites and featuresNon – statutory designated sites of substantive ecological or geological/ **geomorphological** value are ~~are now referred to as Sites of Importance for Nature Conservation (SINC's), or potential Sites of Importance for Nature Conservation (pSINC's)~~ There are currently 10 designated SINC's in Warwick District and they fall into two categories **fall into two categories:**

- ~~Wildlife Sites~~ **Sites of Importance for Nature Conservation (SINC's)**. **There are currently 10 SINC's designated in Warwick District.** These are designated for their.... This project has used data held.... to identify those sites of substantive conservation value in terms of Planning Policy Guidance Note **Statement 9 : Nature Conservation Biodiversity and Geological Conservation. There are also potential SINC's (pSINC's) requiring more detailed assessment before being submitted to the panel.** Sites **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....
- Geological ~~——~~ sites. **Regionally Important Geological and Geomorphological Sites (RIGS)**. These include sites which are known as 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

Add a further paragraph. Paragraph **9.25A. 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.

2. The policy should now read as follows:-

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

- a) designated Sites of Special Scientific Interest (SSSI's). Currently designated sites are shown on the Proposals Map;
- ~~b) designated Ancient Woodlands. 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;

c) 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. When development is allowed appropriate compensatory measures will be sought.

d) 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 will be given to any mitigation and compensatory measures proposed that takes 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.

3. No changes required

Topic: DAP5 Trees, Woodlands and Hedgerows

Summary of matters raised in objections.

- 1. The draft policy should be reinstated as trees , woodlands and hedges should be afforded special protection. *ref 148 / RAR Campaign to Protect Rural England.*
- 2. DAP5 should be reinstated *ref 283/ RAV Ancient Monuments Society.*

3. Objects to the deletion of this policy in as much as there are doubts over the efficiency of its replacement DP3. The policy should be reinstated. *ref 66/RBG The Warwick Society.*
4. The policy should be retained in order to emphasise the planning authority's commitment to these features. *ref 266/RAH Warwick Town Council.*
5. As above (4) *ref 115/RAK Alan Roberts*

Response of Head of Planning & Engineering to matters raised

1. The previous policy was considered to be in conflict with PPG12 as TPO trees and trees in conservation areas are covered by other provisions. The second part of the first deposit policy relating to hedgerows has been relocated within DP3 (with specific reference to the hedgerow regulations) The council does not consider that this approach has undermined its commitment to the protection of these features.
2. See response to point 1
3. See response to point 1
4. See response to point 1
5. See response to point 1

Recommended revision (s)

1,2,3,4,5 No changes required.

Topic: DAP6 Protection of Listed Buildings

Summary of matters raised in objections.

1. All buildings on the Statutory List are to be treated as special cases under the Building Regulations and when permission is applied for any alterations or extensions to such buildings 'exceptions' to the Building Regulations may be granted to allow work to be carried out. The policy regarding new buildings in Conservation Areas needs to be clarified, the Council may require proposals for any new buildings to be complimentary to the existing Regency Buildings (particularly when infilling an original terrace). The objector would also like a reference to the fact that permission may be granted for the demolition of only those parts of a Listed Building which are a later or modern addition which can be proved to be of no historic or architectural interest, but only where this work would result in an overall improvement to the Listed Building or its setting. An additional paragraph (9.32b) should be added to state that buildings in Conservation areas will require planning permission to change the type , colour and materials of any roof covering apart from essential repairs that must be carried out using exactly the same type of materials as forming the original roof covering. . *ref 283/RAV The Ancient*

Monuments Society.

2. The objector would like an additional sentence included to recognise the need for the policies to be 'strictly' used in decision making. *ref 354 /RAM Roger Higgens*

3. The word character used in conjunction with buildings and landscapes means more than its architectural or historic interest therefore it should be reinstated in Policy DAP6 (it was deleted following the first deposit). *ref 66 /RBH The Warwick Society.*

4. The word adversely should be removed from the policy, the objective should be to protect the historic form from even minor changes. *ref 115/ RAL Alan Roberts*

5. The policy is overly restrictive in respect of the setting of Listed Buildings, the third paragraph of this policy should be deleted and replaced with "Other development will not be permitted if it will have a 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". *ref 321 /RAV West Midlands International Airport*

Response of Head of Planning & Engineering to matters raised

1. This objection refers to the fact that buildings on the Statutory List are to be treated as special cases under the Building Regulations, however I do not consider that this is particularly useful for the purpose of enhancing this policy. A guidance leaflet is going to be prepared by the Council with particular relevance to the development of Listed Buildings, this will include reference to Building Regulation issues. It is considered that paragraph 9.32a gives sufficient guidance with regard to the introduction of new buildings. The objectors wish to refer to the appropriate demolition of parts of Listed Buildings is considered likely to weaken this policy that starts with a presumption against demolition (in totality of Listed Buildings). The objectors wish to protect buildings from development that utilises inappropriate materials by direct reference in the policy (particularly roof coverings) is considered to be sufficiently addressed in as much as such works to Listed Buildings require consent, and unlisted buildings in conservation areas are best protected by the use of Article 4 directions.
2. It is not felt that an additional sentence(as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very careful examination of the particular case may be examined as a 'departure' from the development plan.
3. The reference to character was omitted from the Revised Deposit policy to ensure the wording was in line with that set out in PPG15, (and the requirement within it to assess development against its impact on special architectural or historic interest, integrity or setting). This wording is preferred because a definition of 'character' is far more subjective and open to interpretation/ challenge.

4. The word adversely is used appropriately in conjunction with this policy to thwart any development proposals that are injurious to a Listed Building or its setting. The deletion of this word could preclude development that could add quality to such a building (e.g.) the reinstatement of original features, or repairs done in a sympathetic manner.
5. The policy is not considered to be overly restrictive as it is in accordance with Government Guidance.

Recommended revision (s)

1. No changes required
2. No changes required
3. No changes required
4. No changes required
5. No changes required

Topic: DAP7 Changes of Use of Listed Buildings

Summary of matters raised in objections.

1. The objector would like the addition of an extra sentence to the policy to recognise the need for the policy to be 'strictly' used in decision making. *ref 354 /RAN Roger Higgins.*

Response of Head of Planning & Engineering to matters raised

1. It is not felt that an additional sentence (as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very careful examination of the particular case may be examined as a 'departure' from the development plan

Recommended revision (s)

1. No changes required.

Topic: DAP8 Upper Floors within Listed Buildings and Conservation Area.

Summary of matters raised in objections.

1. The objector would like the addition of an extra sentence to the policy to recognise the need for the policy to be 'strictly' used in decision making. *ref 354 / RAP Roger Higgens.*

Response of Head of Planning & Engineering to matters raised

1. It is not felt that an additional sentence(as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very carefull examination of the particular case may be examined as a 'departure' from the development plan

Recommended revision (s)

1. No changes required

Topic: DAP9 Restoration of Listed Buildings

Summary of matters raised in objections.

1. The objector would like the addition of an extra sentence to the policy to recognise the need for the policy to be 'strictly' used in decision making. *ref 354 / RAQ Roger Higgens.*

Response of Head of Planning & Engineering to matters raised

1. It is not felt that an additional sentence(as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very carefull examination of the particular case may be examined as a 'departure' from the development plan

Recommended revision (s)

1. No changes required

Topic: DAP10 Protection of Conservation Areas

Summary of matters raised in objections.

1. The objector would like the addition of an extra sentence to the policy to recognise the need for the policy to be 'strictly' used in decision making. *ref 354 / RAQ Roger Higgs.*
2. The Plan should include a commitment to designate two areas within Baginton Village as Conservation Areas as the objector believes them to be of significant historic and architectural interest. *ref 353 / RAA Alan Brown*
3. The wording of the first part of the Policy should be clarified further to better reflect PPG15. It should read " Development will be required to preserve or enhance the character and appearance of Conservation Areas (as defined on the Proposals Map), including all features which contribute to the special architectural or historic interest of the area.' It is further recommended that the proposed text at the end of paragraph 9.39 on the setting and views into and out of conservation areas, is incorporated directly into the policy. *ref 302 / RAF English Heritage (West Midlands Region).*
4. The objector has suggested detailed wording to be added to the reasoned justification to the effect that the Council will produce detailed guidance / SPD's relating to the enhancement of Conservation areas and the use / application of Article four directions. *ref 283 / RAW The Ancient Monuments Society.*
- 5 The objector points out that there are now 4 Conservation Areas in Kenilworth and that there are no references to the new Conservation Areas in Station Rd / Waverley Rd and Clarendon Rd. The map itself is seriously out of date eg it does not show Gloster Drive and Mulberry Court (adj to Abbey End). *ref 221 / RAE The Kenilworth Society.*
6. The objector wishes to propose two new conservation areas within Baginton Village. *ref 260 / RAA Baginton Parish Council.*
7. The policy should include a reference regarding the need to protect open spaces whether small areas such as a gardens, to larger areas which contribute to forming the quality of Conservation Areas whether within the boundaries or adjacent. *ref 115 / RAM Alan Roberts.*
8. This objection proposes the addition of a sentence to the policy and further wording to the reasoned justification requiring applicants to provide a full specification of all building materials and finishes to be used on development proposals within Conservation Areas. The objection would also like to see a firmer stance in relation to the use of Article 4 Directions and a statement that the Rock Townsend Study will be updated (it is considered to provide an appropriate/ well founded basis for a revised version). *ref 195 / RBD The Leamington Society*

Response of Head of Planning & Engineering to matters raised

1. It is not felt that an additional sentence (as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very carefull examination of the particular case may be examined as a 'departure' from the development plan
2. The reasoned justification outlines the Councils commitment to consider (when appropriate) the designation of new Conservation Areas.
3. It is considered that the suggested wording does little to alter the thrust of the policy,. The current wording reflects section 69 of the Act and was set out at the suggestion of English Heritage as a response to the first Deposit. The proposed text relating to the setting and views into and out of conservation areas could be incorporated into the policy to give it more weight.
4. It is not considered that the policy will benefit from the proposed additional text, a commitment to consider new designations and the review of existing Conservation Areas is given in the reasoned justification as well as an indication of the Councils intent to prepare Conservation Area Statements. The reasoned justification also sets out the Councils continued commitment to seek Article 4 Directions (as appropriate) to maintain areas of high quality townscape.
5. The new Conservation Areas in Kenilworth should be added to the list within the preasoned justification. It is also considered appropriate to add the two new Conservation Areas designated in Leamington Spa. The map base for the information plan is considered appropriate for the purposes of defining the boundary.
6. The reasoned justification outlines the Councils commitment to consider (when appropriate) the designation of new Conservation Areas.
7. The reasoned justification will be revisited and reference to the value of small areas of open space and gardens will be added to protect them from development.
8. A reference relating to applicants providing full information re building materials and finishes should be added to the policy. Para 9.41 should be changed to be more proactive about the stance in relation to Article 4 Directions. The current wording relating to the Rock Townsend Study in paragraph 9.44 is considered appropriate.

Recommended revision (s)

1. No changes required
2. No changes required
3. The following text should be deleted from paragraph 9.39 (4th sentence) of the reasoned justification and added to the policy ***“Development will also be expected to respect the setting of Conservation Areas and important views both in and out of them”***. The text above (now incorporated into the policy) should be replaced with the following in paragraph 9.39 ***“ It is important that development both within and outside of Conservation Areas should not***

adversely effect the setting of a Conservation Area by impacting on important views and groups of buildings from inside and outside the boundary”.

4. No changes required
5. Paragraph 9.42 add the following Conservation Areas:-
 - ***Kenilworth (Clarendon Road)***
 - ***Kenilworth (Waverley Road)***
 - ***Leamington Spa (Lillington Village)***
 - ***Leamington Spa (Lillington Road North)***
6. No changes required.
7. A new paragraph 9.39A should be added to the reasoned justification as follows:- ***“Gardens and open spaces that add to the historic appearance and interest of Conservation Areas should be protected from development”.***
8. The second paragraph of policy DAP10 should be amended to read as follows; ‘ 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 too trees in Conservation Areas will also be required’. Paragraph 9.41 should be amended to read ‘ The Council ~~may also~~ ***will***

Topic: DAP11 Unlisted Buildings in Conservation Areas

Summary of matters raised in objections.

1.Concerned with the content of DAP11 and its emphasis that unlisted buildings that make a positive contribution to the character of an area will be resisted from being demolished. Respectfully suggests that the Council cannot legitimately seek to control such demolition through such a policy. (the correct method being to List such buildings).Furthermore there may be unlisted buildings that are run down and vacant, and may be not be viable in economic and practical terms for conversion or refurbishment. Poicy DAP 11 should be deleted accordingly. *ref 271 /RAC Mcarthy and Stone (Development Limited).*

2.It is hoped that the Policy will make reference to the Council producing Local Lists to protect certain buildings within the District. *ref 283/ RAX The Ancient Monuments Society.*

3. The objector would like the addition of an extra sentence to the policy to recognise the need for the policy to be ‘strictly’ used in decision making. *ref 354 / RAS Roger Higgins.*

4.The policy would be strengthened by a commitment from the Council to prepare a list of locally important buildings. *ref 221/ RAF The Kenilworth Society.*

Response of Head of Planning & Engineering to matters raised

1.The policy is considered to be consistent with paras 4.25 – 4.29 of PPG15 that sets out a presumption in favour of retaining unlisted buildings that make a positive contribution to the character or appearance of a Conservation Area.

2.The policy as set out does not make a reference to the production of Local Lists. It is considered that the majority of unlisted properties that may be of particular worth are within the urban areas and afforded protection by the existing, extensive Conservation Areas. There is also a commitment by the Council to review existing and consider the designation of new Conservation Areas in the rural areas that will assist in protecting locally valuable buildings from development. The Council is however prepared to review the necessity for Local Lists following the completion of the Conservation Area reviews in due course.

3. It is not felt that an additional sentence (as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very carefull examination of the particular case may be examined as a 'departure' from the development plan.

4. The policy as set out does not make a reference to the protection of Local Lists. It is considered that the majority of unlisted properties that may be of particular worth are within the urban areas and afforded protection by the extensive Conservation Areas. There is also a commitment by the Council to review existing and consider the designation of new Conservation Areas in the rural areas that will assist in protecting locally valuable buildings from development. The Council is however prepared to review the necessity for Local Lists following the completion of the Conservation Area reviews in due course.

Recommended revision (s)

1. No changes required
2. No changes required
3. No changes required
4. No changes required

Topic: DAP12 Control of Advertisement Hoardings

Summary of matters raised in objections.

1. A new policy should be added to this section allowing some control over Estates Agents Sale Boards in urban areas that requires these to be removed from a property if they have been fixed for a period of say three months or longer. ref 283 /RAY The Ancient Monuments Society.
2. The objector would like the addition of an extra sentence to the policy to recognise the need for the policy to be 'strictly' used in decision making. ref 354 / RAT Roger Higgins
3. DAP12 should be reworded to a criteria based policy for the introduction of advertisement hoardings within Conservation Areas. The existing policy is seen as being too onerous. Ref 350 /RBL Tesco Stores Ltd.

Response of Head of Planning & Engineering to matters raised

1. It is considered that the control of Estate Agent's boards are adequately provided for in the Town and Country (Control of Advertisements) Regulations 1992, and that we do not require a specific policy.
2. It is not felt that an additional sentence (as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very carefull examination of the particular case may be examined as a 'departure' from the development plan.
3. It is considered that the introduction of further advertisement hoardings would be damaging to the District's Conservation Areas, therefore the proposed policy as set out is both necessary and appropriate.

Recommended revision (s)

1. No changes required
2. No changes required
3. No changes required

Topic: DAP13 Protecting Historic Parks and Gardens

Summary of matters raised in objections.

1. Supports the policy but the entry regarding St Johns House needs to be altered to include reference to the 'Garden and Allotments, Warwick'. *ref 199/ RAK James Mackay.*
2. The objector would like the addition of an extra sentence to the policy to recognise the need for the policy to be 'strictly' used in decision making. *ref 354 / RAU Roger Higgins*
3. The policy is overly restrictive the second paragraph should be deleted and replaced with alternative wording "Development will not be permitted if it would cause unacceptable significant harm to the historic structure, character, principal components and setting of locally important historic parks and gardens included in the Warwick District Local Register which cannot be mitigated or compensated for unless such harm is outweighed by the benefits of the development proposals". *ref 321/ RAV West Midlands International Airport.*
4. Gardens of both National and Local Importance should be protected against any form of development. *ref 115/ RAN Alan Roberts*
5. Warwickshire Police have no objection to the inclusion of Woodcote Leek Wooton being included in the Local Register, however there is objection to development being 'strongly resisted', the policy should be amended to state " development would be resisted if it would seriously harm". *ref 288 /RAE Warwickshire Police.Authority.*
6. This objection suggests alternative wording for the policy and itemises instances where gardens have been incorrectly Listed. The objection would also like to see additional text indicating that the Planning Authority will consult with the Warwickshire Gardens Trust and other relevant groups in relation to planning applications affecting such sites. *ref 189 / RAB Warwickshire Gardens Trust.*
7. Guys Cliffe is mentioned, with no reference to Gaveston Cross. In paragraph 9.51 the Arboretum (in the Warwickshire Golf Club) should be included in the reference to Wooton Court as this contains many ancient trees. *ref 64 / AA Leek Wootton and Guys Cliffe Parish Council*

Response of Head of Planning & Engineering to matters raised

1. It is considered that the proposed additional wording is acceptable.
2. It is not felt that an additional sentence (as proposed) would add to the purpose of the policy. Any development proposals that are contrary to this policy will be refused, unless there are particular circumstances that merit consideration. In such circumstances very careful examination of the particular case may be examined as a 'departure' from the

development plan.

3. It is not considered that the policy as worded is overly restrictive.

4. It is considered that the existing criteria for the assessment of proposals that might have an impact on historic parks and gardens is appropriate. Development that can add to their quality should not be precluded.

5. The wording of the policy as set out is considered relevant/ appropriate.

6. The Warwickshire Gardens Trust has suggested alternative wording for the policy that is considered to add little to the policy itself, however the detailed additions regarding corrections to entries on the lists, and the requirement to consult with English Heritage and The Garden History Society / Warwickshire Gardens Trust should be taken on board and added to the reasoned justification.

7. The arboretum should be added to the description in the Council's list of parks and gardens in paragraph 9.51a, the reference to Wootton Court, Leek Wootton should now read as follows ' Wootton Court **and Arboretum**, Leek Wootton. Gaveston Cross is not physically attached to warrant forming an element of this garden listing.

Recommended revision (s)

1. The reference in paragraph 9.15 to St Johns House Garden, Warwick should be changed to read **St Johns House Garden and Allotments**.

2. No changes required

3. No changes required

4. No changes required

5. No changes required

6. The English Heritage Register of Parks and Gardens (paragraph 9.49) should be amended as follows;- Stoneleigh Abbey and Stoneleigh Deer Park (currently two separate entries) should be one entry **Stoneleigh Abbey and Deer Park, Stoneleigh. Grade II**

Warwick Castle and Castle Park are currently two sepearte entries, they should be amended to read as follows, **Warwick Castle and Castle Park, Warwick. Grade I.**

A further entry to this list should be added **Mallory Court, Bishops Tachbrook. Grade II.**

A sentence should be added to the end of paragraph 9.49 stating that :- **The Planning Authority will consult English Heritage on planning applications affecting grade I and grade II * registered sites and their settings, and The Garden History Society on applications affecting registered sites of all grades.**

Paragraph 9.51 should be altered as follows The Council maintains its own list of parks and gardens which are of historical interest but **which** do not **at present** qualify for **meet the criteria for inclusion on** the national register. These are...

Paragraph 9.51 should have the following revisions made, the reference to ~~Mallory Court, Bishops Tachbrook~~ and ~~Lord Leicester Hospital Garden, Warwick~~ should both be deleted as they are correctly included within paragraph 9.49.

An additional sentence should be added to the end of paragraph 9.51A stating that :- **The Planning Authority will consult Warwickshire Gardens Trust on planning**

applications affecting sites included on the Local Register.

7. In paragraph 9.51a, the reference to Wootton Court, Leek Wootton should now read as follows 'Wootton Court **and Arboretum**, Leek Wootton.

Topic: DAP14 – Safeguarded Areas

Summary of matters raised in objections.

1. Paragraph 9.52 does not reflect Annex 2, Circular 01/03. The safeguarding aims of the circular go beyond the heights and details designs of buildings to address, for example, development which may have an impact on airport navigation systems and other aviation uses. The onus should not be on the airport operator to demonstrate that a development will result in an increased risk of bird strike. The objector therefore proposes that the second sentence of para 9.52 is amended. (West Midlands International Airport Ltd 321/RAW).
2. The policy should include a sentence to state that the policy should be strictly adhered to in decision making.

Response of Head of Planning & Engineering to matters raised

1. The introduction of the suggested change (in slightly amended form – see below) would ensure that paragraph 9.52 properly reflects the advice given in circular 01/2003.
2. The User Guide set out in Chapter 2 of the Plan describes how the policies will be used in decision making.

Recommended revision (s)

1. Amend second sentence of paragraph 9.52 as follows:-

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.

2. No changes recommended.

Topic: Chapter 9 Omissions – No objections received.