

**Warwick District Council
Local Plan Examination**

Response to Inspector's Matters and Issues

Matter 13 – Other Policies

Built Environment

Policy BE1 – Layout and Design

Policy BE2 - Developing Strategic Housing Sites

Policy BE3 – Amenity

Policy BE4 – Converting Rural Buildings

Policy BE5 – Broadband Infrastructure

(Proposed Policy BE6 – Telecommunications)

Issue

Whether other policies are justified, effective and consistent with national policy.

October 2016

Policy BE1 Layout and Design

1. What is the basis for the policy? What is it seeking to achieve?

- a) Warwick District is a relatively prosperous area with a rich historic background and many listed buildings, Conservation Areas, Scheduled Monuments and high quality landscapes. The three main town centres of Royal Leamington Spa, Kenilworth and Warwick provide a focus for retail, leisure and employment. Against a backdrop of features that provide the high quality environment that makes this district such an attractive place to live, work and visit there is pressure to develop further and assist with the provision of housing to serve the Coventry City area. Good design will be vital to provide and protect an enduring built environment. High quality design and an attractive environment can encourage investment and economic development and is a key element in achieving sustainable development and the Plan objectives. The policy aims to support these objectives.
- b) It should be noted that the Council has proposed some amendments to this Policy in document LP21 which was submitted alongside the Local Plan in 2015. These amendments sought to respond to representations from the Environment Agency

2. How does the policy relate to the evidence base?

- a) The Council has agreed a Strategy for the Future and Sustainable Prosperity of Warwick District (Dec 2011). This includes supporting growth in the District on new allocated housing sites which will be well designed, distinctive neighbourhoods based on the principles of Garden Towns. The Council has therefore published 'Garden Towns, Villages and Suburbs' (May 2012) (BE01) a Prospectus for new housing development in the district based on the existing garden suburb neighbourhoods across the area. The document illustrates the overarching principles and potential of the approach so that this can be developed further and remains flexible enough to allow specific sites to adopt the principles as they best apply to the site. The Policy seeks to align with this.
- b) In addition the policy is supported by a range of evidence documents relating to landscape, heritage and transport.

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy clearly lists the relevant criteria against which planning applications will be judged for their design content. These 16 criteria plus the additional requirement for a Layout and Design Statement to accompany an application, will ensure that applicants and those involved in the decision process, prepare and assess the application with the knowledge of what needs to be included to ensure good design.

4. How will the policy be implemented? Is this clear?

- a) The policy will be implemented during the planning application process. Applicants will be expected to address the relevant criteria and those making decisions on planning applications will test them against those criteria.
- b) The policy makes it clear that new development will be permitted in design terms when

proposals demonstrate that the criteria have been considered and addressed

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The NPPF requires good design as a key to sustainable development. *‘Good design.....is indivisible from good planning’*. (para 56) And*‘Plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area’* (para 58). In addition, the NPPF stipulates that these policies should not be prescriptive by being too detailed or imposing specific styles or taste (para.60). In these respects Policy BE1 is consistent with national policy. It states the need to bring forward quality in design and gives guidance as to the issues which will be examined as part of the planning application process, without stating what architectural style should be employed or other aspects beyond aesthetic considerations.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) The policy is justified as it meets the ambitions of the Government to provide a quality in design that respects that which defines the overall quality of the area, responds to the historic environment and is visually attractive in its setting.
- b) Given this aim and the special characteristics and existing quality of the environment in this district, it is a justified approach.

Policy BE2 Developing Strategic Housing Sites

1. What is the basis for the policy? What is it seeking to achieve?

- a) The policy seeks to give guidance to those wishing to develop the large, strategic housing sites in excess of 200 dwellings or other developments which have a significant impact on the character and appearance of an area whilst ensuring a consistent approach across the Plan area. It provides a vehicle for requiring a development brief which deals with all aspects of the development and includes a requirement to adopt the design principles in the ‘Garden Towns, Villages and Suburbs’ prospectus (BE01) and ‘Buildings for Life 12 (Appended to this Statement)’. The policy adds a layer of certainty by proposing to adopt development briefs as supplementary planning guidance. Where these are not provided, the criteria within the policy will provide the tool by which applications will be decided.
- b) By taking this approach, it is expected that the majority of developers will wish to submit development briefs which address both the specific site issues and those of the wider area, particularly in respect of local distinctiveness and context. By reference to the ‘Garden Towns, Villages and Suburbs’ prospectus, the aims of the Council to provide high quality designs and layout within an attractive setting can be assured and applied across the whole area.
- c) The policy applies to all stages of the application process and therefore early adherence

to the guidance at the outline stage will result in a high quality design which will have addressed the criteria from inception.

2. How does the policy relate to the evidence base?

- a) The Council has agreed a Strategy for the Future and Sustainable Prosperity of Warwick District (Dec 2011) (LP04). This includes supporting growth in the District on new allocated housing sites which will be well designed, distinctive neighbourhoods based on the principles of Garden Towns. The Council has therefore published 'Garden Towns, Villages and Suburbs' (May 2012) (BE01) a Prospectus for new housing development in the district based on the existing garden suburb neighbourhoods across the area. The document illustrates the overarching principles and potential of the approach so that this can be developed further and yet remains flexible enough to allow specific sites to adopt the principles as they best apply to that site.

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) In setting out the criteria for the policy, the Council has reiterated the need for quality in design and layout in its strategic housing sites. By referencing the 'Garden Towns, Villages and Suburbs' prospectus, it has clearly signposted what is expected of developers when preparing development briefs or submitting planning applications of this magnitude and confirms the Council's objective to provide a high quality and level of design in its new developments.
- b) The policy provides the tools which developers will employ when considering all aspects of their submission and for those making decisions on planning applications, who can reference the criteria to assess whether these aspects of the submitted plans have been suitably met.

4. How will the policy be implemented? Is this clear?

- a) The policy will be implemented at every stage of the process leading to a successful planning application. The policy makes it clear that developers should assure that the criteria are met throughout the preparation process. This will lead to an easier progression for applications through the planning process and result in a well thought out scheme consistent with design policies and the objectives of the Plan.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The NPPF refers specifically to larger-scale development following the principles of Garden Cities and encourages use of these. In response to this the Council commissioned a document which it now utilises in guiding the design of large developments; 'Garden Towns, Villages and Suburbs'. This ensures that new developments of this size
- Will function well and add to the overall quality of the area for the lifetime of the

development

- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history whilst not preventing appropriate innovation
- Create safe and accessible environments
- Are visually attractive in terms of architecture and landscaping

b) This is entirely consistent with national policy

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) The specific circumstances surrounding the already high quality of the environment both built and natural in the district, means that such a policy is justified to ensure that this level is at least maintained and encourages that it is improved and enhanced.
- b) Through its use of the Garden Cities principles it is effective and has already been used when deciding sizeable applications outside the Local Plan as emerging policies and approach which is consistent with national policy and assures a consistent approach to all major development sites and those that will have a significant impact upon the character and appearance of the area.

Policy BE3 Amenity

1. What is the basis for the policy? What is it seeking to achieve?

- a) As stated in the explanatory text, the aim of this policy is to support the decision-making process by focussing on the need to ensure that decisions on planning proposals are taken in the full cognisance of potential impacts on amenity. The policy is intended to apply to all forms of development and to take into consideration impacts related to non-residential amenity as well.
- b) The policy seeks to foreground the need to protect and maintain amenity when considering proposals for development. It is related to ensuring that good design is employed, which takes into account the relationship between the current built environment and uses and the proposed development. It provides extra emphasis on the need to take impacts on amenity into account when considering planning applications.

2. How does the policy relate to the evidence base?

- a) There are no specific evidence documents relating to amenity. Instead, the Council intends taking account of evidence supplied through the Development Management process when applying this policy

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy is clear and succinct. It will enable development management decisions to take into account impacts on amenity from all forms of development.
- b) In order to clarify further the flexibility of the policy, a **minor wording change** is proposed, whereby the final sentence of the explanatory text could be moved into the policy, to make it clear that in appropriate cases, mitigation could be offered to offset the impacts on amenity and this will be taken into account when making a decision on proposals.

4. How will the policy be implemented? Is this clear?

- a) The policy will be implemented through the careful consideration of planning applications. A key element of the development management process is to consider the impacts of development proposals from the perspective of adjacent occupiers and other people who may use the area. This will involve consulting with neighbouring properties and taking account of concerns raised. Where this demonstrates that there are likely to be unacceptable adverse impacts, paragraph 5.21 allows for mitigation measures to be considered.
- b) The Policy will be supported by the Residential Design Guide and associated guidance including the “45 degree guideline” and the “Distance separation guidance”.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The NPPF identifies the importance of amenity as part of the planning process in paragraph 17 – Core Planning Principles:
... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- b) This policy reflects the requirements of national policy in seeking to prevent development that would have an adverse impact on amenity.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) No significant objections were received at Draft Publication stage and it is consistent with para 17 of the NPPF.

Policy BE4 Converting Rural Buildings

1. What is the basis for the policy? What is it seeking to achieve?

- a) The Council is keen to support measures that bring vacant or redundant rural buildings back

into productive use. However it is important that this is done in a way that respects the character of rural areas. In this context it is important that conversions are of an appropriate scale, form and location and that the proposed use is also appropriate. Where buildings are of value, the Policy also seeks to ensure that the conversion retains the original qualities and features.

- b) This policy does not seek to control which uses are appropriate in conversions, as to an extent this is location-specific and is covered by other policies in the Plan (H1, H12, EC1, EC2, CT1, CT2).

2. How does the policy relate to the evidence base?

- a) Due to the changing nature of the rural economy, buildings often become redundant and equally, proposals are often brought forward to bring these buildings back in to use, usually for a different use. This policy replaces policy RAP7 in the extant adopted Local Plan. RAP7 has been regularly used in recent years and it is likely that BE4 will also continue to be important.
- b) The Policy relates to evidence regarding landscape (V16, V17, LA01, LA02 and LA03) and recognising the importance of building within the landscape.

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy provides clear criteria setting out the circumstances in which re-use and adaptation of rural buildings will be permitted. The Policy has been used successfully since the adoption of the 1996 to 2011 Local Plan.

4. How will the policy be implemented? Is this clear?

- a) The Policy will be implemented through Development Management and specifically will be used in preparing and determining planning applications

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) NPPF paragraph 17 sets out as one of the NPPF's principles the importance of recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities. This policy seeks to support that principle.
- b) NPPF paragraph 28 underlines the importance of policies supporting economic growth in rural areas. This policy seeks to enable rural buildings to be brought back into use to meet modern requirements, thereby supporting the rural economy.
- c) NPPF Paragraph 58 seeks to ensure that developments respond to local character and

history, whilst not preventing appropriate innovation. This policy seeks to support that balance.

- d) NPPF paragraph 113 indicates that Local Plans should set criteria for development against which impacts on geodiversity and landscape areas will be judged. This policy provides criteria to support that.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) For the reasons outlined above, the Council considers the Policy is justified, effective and consistent with national policy

Policy BE5 Broadband Infrastructure

1. What is the basis for the policy? What is it seeking to achieve?

- a) The policy seeks to ensure new dwellings and employment uses will be able to connect to fibre optic broadband. This is considered important to support social and economic opportunities (even in places that would otherwise be relatively isolated). Increasingly such infrastructure is a prerequisite for sustainable development
- b) Even where superfast broadband is not currently available, the policy sets an expectation that local infrastructure of ducting and cabinets is provided to enable connection when the strategic infrastructure is put in place.

2. How does the policy relate to the evidence base?

- a) In preparing this Policy the Council has liaised with the Coventry, Solihull and Warwickshire Superfast Broadband team: <http://www.cswbroadband.org.uk/>. This project seeks to roll out superfast broadband across the sub-region by putting strategic infrastructure in place. However an impediment to achieving this can be the provision of local connections (ducting and cabinets) which the strategic project does not seek to address. This policy therefore seeks to ensure that new developments address this issue.

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy includes clear thresholds and sets out specific requirements. It provides only one exception to the policy where the requirements would otherwise threaten development viability. The Council therefore considers that the policy is clear.

4. How will the policy be implemented? Is this clear?

- a) The Policy will be implemented through the development management process and specifically through the preparation and determination of planning applications. As with all policies in the Plan, it is expected that applicants and decision takers take account of this policy. This requirement is set out the Delivery and Monitoring section of the Plan

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The policy is consistent with paragraph 43 of the NPPF which requires Local Plans to support the expansion of high speed broadband.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) For the reasons set out above the Council considers that the Policy is justified, effective and consistent with national policy.

In addition specifically:

7. Is there a need for an additional policy on telecommunications?

- a) Yes. In line paragraph 43 of the NPPF, the Council has proposed a modification to the Local Plan to include a policy on telecommunications. This was agreed at the Council meeting on 28th January 2015 and is set out as modification S10 in LP21 as follows:

Add new **Policy BE6** worded as follows:

The Council will support the development of electronic communications networks including telecommunications and high speed broadband. In considering proposals, the Council will have regard to:

- a) the needs of telecommunications operators,*
- b) any technical constraints on location of telecommunications apparatus,*
- c) the potential for sharing sites,*
- d) the impact of development on amenity, its surroundings, the sensitivity of the environment and the design and external appearance of telecommunications apparatus.*

Where a new installation is proposed it should be demonstrated that the potential to erect apparatus on or alongside existing buildings, masts or other structures has been fully explored. Such evidence should accompany any application.

Development in or adjacent to sensitive locations or environmental assets should not significantly harm the location or asset. Where the level of harm in these locations

may be considered acceptable, the proposal will be permitted only if there is no other technically suitable location that both meets operational requirements and causes less environmental harm and any facility is at a distance of at least twice its height from the nearest residential properties.

If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building and the surrounding area.

b) The explanatory text to support this proposed policy is set out modification S11 of LP21