

**Warwick District Council**  
**Local Plan Examination**

**Response to Inspector's Matters and Issues**

**Matter 13 – Other Policies**

**Development Strategy**

Policy DS3 - Supporting Sustainable Communities

Policy DS5 – Presumption in favour of Sustainable  
Development

Policy DS17 – Supporting Canalside Regeneration and  
Enhancement

Policy DS18 – Regeneration of Lillington

**Issue**

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

**October 2016**

## Development Strategy – Policies DS3 – Supporting Sustainable Communities

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

- a) The Submission Local Plan has been prepared to reflect the need for both strategic and overarching guidance that sets a sustainable context for development and also includes policies designed to help deliver consistent development management decision-making. To achieve this, each section of the plan following the strategic policies set out in the Development Strategy section begins with an overarching policy that picks up and amplifies aspects of both the relevant development strategy policy and the overarching chapter policies. This enables the council to focus on detailed aspects of delivery within a broad strategic context in a logical and thorough manner and also provides a degree of flexibility, in that each section can be reviewed and updated as necessary without impacting on other areas.
- b) Policy DS3 (along with policies DS1, DS2 and DS4) provides the context for strategic allocations and proposals set out in the Development Strategy section of the Plan. It provides important background, linking the Plan's vision and objectives to specific proposals to demonstrate how the Plan will support the delivery of sustainable development.
- c) The plan has been structured to reflect alignment with the Sustainable Communities Strategy (SCS) (O01). The sustainable communities section in the Local Plan specifically aligns the aims of supporting sustainable communities, promoting health and wellbeing and enabling community safety, which are themes highlighted in the SCS.
- d) In the case of DS3, at the strategic level this policy identifies criteria that the Council uses to make allocations and specific proposals to establish sustainable communities within the district. DS3 identifies those characteristics of the Plan's policies and proposals that need to be addressed to achieve sustainable outcomes, including layout and design, landscaping, environmental protection, regeneration and the provision of both physical and social infrastructure.

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

- a) The Publication Draft SA Report, April 2014 (SA05) addresses DS3 and other strategic policies in relation to a series of ten key topics that were also linked to relevant SA Objectives as well as SEA Directive topics and relevant paragraphs from the NPPF (Chapter 5). The SA did not look at all policies in the plan as it was felt that not all policies would be relevant to a particular topic or were considered unlikely to have a significant effect.
- b) DS3 was assessed under the following topics: -
  - i. **Natural Environment (Landscape, Flora and Fauna and Soils):** Paragraph 5.73 identified Local Plan policies that seek to protect and enhance the Green Belt, landscape and Green Infrastructure including DS3 in its role of facilitating high quality

development and protecting areas of significance including high quality landscapes.

- ii. **Cultural Heritage:** Paragraph 5.86 identified a number of Local Plan policies that seek to protect and enhance heritage and minimise the potential impacts of development. These policies included DS3 in its role of seeking to facilitate high quality new development that cared for built, cultural and natural heritage.
- c) The Policy draws on a wide range of evidence which have contributed the Council's approach to supporting and delivering sustainable communities including:
- i. Landscape evidence (V16, V17, LA01, LA02, LA03, LA04)
  - ii. Historic Environment evidence (HE01, HE05, HE06, HE03PM, HE04PM)
  - iii. Built Environment evidence (BE01)
  - iv. Green Infrastructure evidence (G01, G02, G03)
  - v. Inclusive, Safe and Healthy Communities evidence (I01, I02)
  - vi. Climate Change evidence (CC01, CC02, CC03)
  - vii. Ecological evidence (B01, B02, B03, B04, B06PM)
  - viii. Infrastructure evidence (various – see IDP IN07PM)

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

- a) This is a strategic policy and as such will provide the framework within which more detailed decisions can be made. It does not seek to directly support decision-making. Instead it provides a strategic context for policies DS5 to DS20. It is also consistent with Policy SC0, which provides the context for the Development Management policies in the Sustainable Communities Section of the Plan.

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

- a) The policy will be implemented and its objectives addressed through the delivery of the allocations and proposals set out in Policies DS5 to DS20. It also aligns with SC0, which will support decision-making in relation to development management.

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

- a) National policy requires local plans to reflect the need to deliver sustainable development and this is intended to be a golden thread running through all the policies of the plan (NPPF paragraph 14).
- b) The strategic policy DS3 echoes the broad requirements of national guidance in its clear commitment to pursuing sustainable development, in the form of high design and environment quality, protecting the built, historic and natural environments, promoting regeneration and protecting ecological assets – the core planning principles set out in paragraph 17 of the NPPF.

- c) These also clearly reflect the three main aspects of sustainable development – economic, social and environmental (NPPF paragraph 7).

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

- a) The Council is of the view that the policy is appropriate, is supported by the evidence and is in accordance with the requirements of national policy. The Policy is considered to be effective in that it provides a strong link between the Plan's objectives and the proposals and allocations set out in Policies DS5 to DS20. This high-level strategic policy therefore provides a strong and clear context to support the implementation of DS5 to DS20.
- b) Objections were received to this policy at Submission draft stage. Many of these relate to issues that are more properly dealt with through the consideration of detailed planning applications, do not raise matters that need to be dealt with through amendments to a strategic policy such as this one or are covered by policies and modifications elsewhere in the plan.
- c) Of the objections relating to the strategic policy itself, the following points were raised: -

**i. A definition of “high quality” will be required in paragraph 2.8**

**Council response** – The definition of high quality layout and design is set out in Policy BE1 and BE2 which specifically support the DS policies. Further, Planning Policy contains a section on what makes good design, which will in turn lead to high quality new development (Design, paragraph 15):

*... Well-designed new or changing places should:*

- *be functional;*
- *support mixed uses and tenures;*
- *include successful public spaces;*
- *be adaptable and resilient;*
- *have a distinctive character;*
- *be attractive; and*
- *encourage ease of movement*

In the NPPF section “Requiring Good Design”, paragraph 58 also offers guidance on what might reasonably be considered to constitute high quality development:

*Planning policies and decisions should aim to ensure that developments:*

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*

- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping*

**ii. Not all developments will be suitable to be designed along garden city principles (paragraph 2.11)**

**Council response** – this is accepted and the policy was worded to reflect this through the inclusion of the words “... *where appropriate*”. The concept of garden city / suburb development is one supported by the Council in suitable locations and will provide a cohesive design approach through the use of the Garden Towns prospectus adopted by the Council (BE01).

**iii. Social infrastructure – there is a funding gap for infrastructure provision**

**Council response** - The policy refers to the Council providing for new infrastructure, which is intended to refer to the process of requiring contributions towards infrastructure provision by developers through the use of s106 or CIL monies. It would not be part of the Council’s role to physically deliver most forms of social or physical infrastructure. However, it does have a significant role to play in co-ordinating and driving the provision of such infrastructure, which is why it employs a Site Delivery Officer to manage post-permission delivery on strategic sites of the type that would generate demands for major infrastructure.

**iv. Policy should encourage the enhancement of the ability to appreciate heritage assets where appropriate in line with NPPF paragraph 126, which requires a positive strategy for the conservation and enjoyment of the historic environment.**

**Council response** – the policy itself is a strategic one that sets a framework for the Plan’s proposals and allocations including how they need to account for impacts on heritage assets. Other policies in the Plan encourage enhancement of heritage assets (see HE1 to HE6). As such, it would be inappropriate to include more detailed requirements here, as these are developed in more detail elsewhere in the plan.

**Development Strategy – Policies DS5 – Presumption in favour of Sustainable Development**

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

- a) The policy seeks to ensure that a positive approach to applications is applied, in line with the NPPF’s presumption in favour of sustainable development detailed in Paragraphs 11-16.
- b) It seeks to provide clarity and certainty for applicants by demonstrating the District Council will continue to apply a presumption in favour of sustainable development

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

- a) The policy does not relate specifically to the evidence base beyond the NPPF, except to the extent that each of every policy of the Local Plan and the evidence that supports those policies is relevant to providing an understanding of sustainable development in the local context.

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

- a) The policy clearly sets out the default presumption in favour of Sustainable Development, in line with the NPPF, and applications that accord with the policies in the Local Plan should be approved without delay.
- b) It provides guidance for occasions where there are no relevant or current policies that permission should be granted unless specific policies within the NPPF restrict it, or if the adverse impacts of granting permission significantly and demonstrably outweigh the benefits.

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

- a) The policy will be implemented by the Council when making decisions on individual applications. It will also provide clarity and guidance for applications that accord with the policies in the Local Plan by emphasising that they should be approved without delay, and guidance on what to do should there be no appropriate policies in the Local Plan.

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

- a) This policy echoes Paragraph 14 of the NPPF, as it details the presumption in favour of sustainable development

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

- a) The Government expects the planning system to actively encourage growth, as articulated in Paragraph 14 of the NPPF. Policy DS5 responds to and reinforces this.

**Development Strategy – Policy DS17 Supporting Canalside Regeneration and Enhancement**

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

- a) The canals within the Warwick District Area are the Grand Union Canal, the Stratford upon Avon Canal and the Birmingham / Fazeley Canal. They run broadly east to west and north to south passing through the towns of Leamington Spa and Warwick and through the villages to the west of the district respectively. The Council has been aware for some time that there is an opportunity to make more of its canal side areas to provide a vibrant and regenerated water side environment.
- b) There is scope to redevelop older industrial sites and regenerate interest in the canal environment for leisure purposes. The character along the extensive length of canals in

the district changes from very urban undervalued spaces and the backs of businesses to important urban heritage assets and attractive open countryside. There are many listed buildings and structures alongside the canals, some of which are in need of new uses to ensure their future. Although much work has been carried out on the canals themselves to open up sections that were no longer navigable and to the Saltisford Arm of the Grand Union Canal by the Saltisford Canal Trust which has restored the arm to its former condition, providing moorings for residential boats and leisure craft, there remain large sections, notably through the towns, that are largely untouched and in need of regeneration.

- c) The production of a Development Plan Document to encourage and inform this work commits the Council to investigation of an underused resource and could open up potential sites for housing, employment, tourism and leisure in an area that has to an extent, been neglected.
- d) It is considered that there may well be scope to make at least part of the canalside into a Conservation Area and dependent upon the findings of the DPD investigative work, could potentially mean that all the canals and their immediate environs are designated thus, adding additional protection and encouragement for further enhancement.

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

- a) The assessment of employment areas set out in the Employment Land Study (2013) (EC03) shows that there is potential for regeneration of the canalside through Leamington and Warwick.
- b) However a detailed evidence base will be required to support the DPD to provide a basis for future work and policies.

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

- a) The policy provides a vehicle by which the Council will assess and consider the potential of the canalside area for future development and enhancement. The DPD will provide policies that will apply specifically to this environment giving guidance for decision making.

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

- a) The policy will be implemented by the commencement of work on the DPD. It is intended that this should be shortly after the adoption of the Local Plan with some initial assessment work having already commenced.

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

- a) The NPPF states that, *“local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”*.

b) Canals are defined as ‘open space’ and should also be regarded as green infrastructure. Restoration and regeneration schemes can help deliver these national policy objectives. Policy DS17 therefore supports and is consistent with the NPPF and aims to deliver the national objectives contained therein, providing for growth whilst protecting and enhancing that which is worthy of retention.

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

a) The policy is justified in that it meets not only a national objective and is consistent with the NPPF, but also commits the Council to a piece of work that will provide local policies and potential designation of new Conservation Areas affording greater protection and encouraging new investment.

**Development Strategy – Policy DS17 Regeneration of Lillington**

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

a) Evidence provided elsewhere in this Examination by the Council, relating to the allocation of land at Red House Farm for housing (Matters Statement 7(a), policy H04) has drawn attention to the local deprivation within Crown Ward in north east Leamington Spa. Crown Ward is the most deprived ward within Warwick District and the shops that make up the local shopping centre at Crown Way are within this ward. Crown Way provides the focus for the life of the local community in this part of the town. The Council is publicly committed to working with partners to help communities address deprivation in this ward.

b) The evidence presented in relation to site H04 has drawn attention to the some of the key features of this deprivation. Specifically:-

- i. the deprivation is not uniform across the whole ward but focussed within one Local Super Output Area (LSOA), the Lillington East LSOA. This is the area around The Crest, abutting the edge of the town, and containing three tower blocks.
- ii. This LSOA exhibits a range of indicators of deprivation including:-
  - Unemployment and child poverty (highest within Warwick District).
  - education, skills and training (worst ranked in Warwick District for educational attainment, unauthorised school absences, NEETS and those with no qualification).
  - Health indicators (close to the bottom 20% nationally for risk of premature death and impairment to quality of life through poor health)
  - the lowest measures of “wellbeing” across Warwickshire.
  - the lowest levels of car ownership in Warwick District.

c) Overall, the Index of Multiple Deprivation shows the highest score for the Lillington East LSOA across the whole of Warwick District. It is worth noting that paragraph 2.77 of the Submission Local Plan identified that Crown Ward is amongst the 20% most deprived wards nationally. Since submitting the Local Plan, with the publication of the Index of Multiple



Deprivation indicators in September 2015 the ward has fallen into the bottom 10%.

- d) As is also noted in the Matters Statement to housing site H04, Crown Ward does benefit from a good level of community and social provision. These include a library, Children's and Youth Centres, dentists and an NHS Clinic. These facilities are, however, somewhat scattered and housed in separate buildings which are not ideally suited to delivering present day services.
- e) As part of the District Council's efforts to support communities here and tackle deprivation, it is actively considering a couple of initiatives:-
- With the County Council, it is exploring opportunities to re-provide some of the County Council facilities, possibly in a new community hub.
  - It is working with three local GP practices which serve the central and north Leamington area and which currently operate out of unsuitable premises. The surgeries have publicly declared their wish to relocate and co-locate to a new site where they can deliver an improved and wider range of GP services to a base of c 30,000 patients. A site along Crown Way would be ideally suited to meet their needs and would help address health inequalities in this area.
- f) As a consequence of this, the Council may wish to demolish some housing in the vicinity of the Crown Way shops, and introduce new facilities including, but not restricted to, those mentioned above. This may also include further small retail or employment uses. The current policy basis in the Local Plan against which proposals at, or in the immediate vicinity of, the Crown Way shops would be considered would permit some other uses, but not all. For example:-
- Under policy EC1, the Local Plan would not permit any B class employment uses, even small offices or workshops, in this area except on upper floors of the Crown Way shops.
  - There is no provision for considering retail proposals outside of town centres or designated local shopping centres under policies TC2 and TC17.
- g) The purpose of the policy is therefore to provide a more permissive framework against which such proposals could be considered. Without this policy, certain developments which may be able to support regeneration and the Council's efforts to support the community here in Crown Ward would be contrary to the policies in this Local Plan. The policy does, however, include limiting criteria to ensure that (a) any new uses do not adversely affect the Lillington Local Shopping Centre or other local shopping centres and (b) uses will enhance the range of services available within the vicinity of Lillington Local Shopping Centre or will support the creation of significant local employment opportunities.

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

- a) As noted in response to question 1, there is clear evidence of deprivation within Crown Ward. Matters Statement 7(a) to policy H04 also refers to the document: "*Achieving social inclusion across Warwick District*" produced by the Warwickshire Observatory in April 2014 which documents the issues facing areas within Crown Ward. This document can be found at:

<https://apps.warwickshire.gov.uk/api/documents/WCCC-1014-41>.

- b) It is for this reason that local service providers (particularly the District and County Councils and local GP surgeries) are seeking to address how services are provided to local communities here.

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

- a) Yes. This area of Leamington is an established built-up area and development opportunities will inevitably be limited. The policy sets clear criteria against which proposals will be assessed. These relate to retail or employment uses or the provision (or re-provision) of local services. In creating a more permissive framework for these uses, criteria are included against which proposals can be considered.

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

- a) This is a reactive, rather than a proactive, policy. The policy will only apply if and when planning applications for development in the vicinity of the Crown Way shops are submitted to the Council. The policy does not commit the Council, or indeed any other public or private body, to bring regeneration proposals forward (although it indicates they may do so). It does, however, provide a policy framework should proposals come forward in the future.

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

- a) The policy is consistent with national policy, including that as interpreted by the Local Plan for Warwick District; specifically:-
- Helping to support “*strong, vibrant and healthy communities, by ..... creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being*” (NPPF para 7)
  - Ensuring “*that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community*” (NPPF para 70)
  - Ensuring “*an integrated approach to considering the location of housing, economic uses and community facilities and services*” (NPPF para 70)
  - Supporting the development of communities in ways and in locations that reduce the need to travel and promote sustainable travel choices (NPPF para 29),
  - Ensuring that any retail proposals (which would take place outside of designated local centres) are properly considered against the Local Plans wider approach to directing retail growth to appropriate locations and supporting town centres in accordance with the NPPF.

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

- a) Yes. In overall terms, the policy is considered:-

- **JUSTIFIED** – because of the clear evidence of deprivation in Crown Ward and the efforts of the Council and its partners to consider innovative ways of addressing this and supporting local communities as set out in response to question 1 above.
- **EFFECTIVE** – because the policy is clear and will enable effective and appropriate decision making in the event that a planning application is submitted, as set out in response to question 4 above.
- **CONSISTENT WITH NATIONAL POLICY** for the reasons set out in response to question 5.