

Royal Leamington Spa Neighbourhood Development Plan (RLSNDP)

Basic Conditions Statement

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

Royal Leamington Spa Town Council

With assistance from



1.0 Introduction

- 1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)¹ sets out that only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
 - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*
 - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*
 - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
 - e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
 - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
 - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*
- 1.2 This Basic Conditions Statement sets out how the Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the RLSNDP independent Examiner.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

2.0 Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Royal Leamington Spa Town Council (PTC). The area was designated by Warwick District Council on 14th September 2016 (https://www.warwickdc.gov.uk/info/20444/neighbourhood_plans/1096/royal_leamington_spa)

2.2 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

2.3 The proposed Neighbourhood Plan states the period for which it is to have effect

The RLSNDP states the period for which it is to have effect. That period is from 2011 to 2029 (the same period as the Warwick District Local Plan 2011-2029 https://www.warwickdc.gov.uk/info/20410/new_local_plan).

2.4 The policies do not relate to excluded development

The RLSNDP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.5 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The RLSNDP relates to the designated Royal Leamington Spa Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area. The Designated Neighbourhood Plan Area has the same boundary as that of the Town Council at the time of the designation and is shown on Figure 1 in the RLSNDP.

3.0 Basic Conditions

3.1 a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

The RLSNDP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, February 2019)².

2. Achieving Sustainable Development

Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development.*' The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

Table 1 sets out how the RLSNDP delivers the 3 overarching Objectives:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	RLSNDP Policies and Proposals
<i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i>	The RLSNDP is divided into 5 themes. Three of these (Business Support/Town Centre, Housing and Development; Roads and Transport) contribute to meeting the NPPF's overarching economic objective. Policy RLS1 – Housing Development Within the Royal Leamington Spa Urban Area under the Housing and Development theme seeks to complement the District's strategic planning policies by encouraging certain forms of new housing development within the Royal Leamington Spa urban area.

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	RLSNPD Policies and Proposals
	<p>Under the Roads and Transport theme the RLSNDP includes four policies that seek to improve transport for all users, improve air quality, ease congestion and improve transport infrastructure.</p> <p>Policies under the Business Support/Town Centre theme include Policy RLS17 that puts forward specific improvements for the town centre; Policy RLS18 that sets a new policy for the Creative Quarter; Policy RLS19 for the Old Town Retail area; Policy RLS22 to protect local shopping centres; and Policy RLS23 that sets policy for secondary frontages in the Creative Quarter.</p>
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;</i></p>	<p>Policies under the Housing and Development, Community and Culture and Green Spaces and Parks help to support this objective.</p> <p>The RLSNDP supports housing growth within the Leamington Spa urban area (Policy RLSNDP1) and Policy RLSNDP seeks to encourage housing that will address issues of housing mix and tenure specific to the town. The RLSNDP identifies the local community facilities that should be protected in accordance with WDLP policy (Policy RLSNDP6), identifies Local Green Spaces (Policy RLSNDP8), seeks to protect open spaces (Policy RLSNDP9), Green Infrastructure (Policy RLSNDP10), allotments (Policy RLSNDP11), and Leisure, Sport and Recreation facilities (Policy RLSNDP12).</p>
<p><i>c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>All of the themes in the RLSNDP seek to help to meet this NPPF objective.</p> <p>Under the Housing and Development theme there are policies to promote good housing design, including high standards of sustainable design (Policy RLSNDP2); policy for the Conservation Areas (Policy</p>

NPPF Overarching Objectives	RLSNDP Policies and Proposals
	<p>RLSNDP3); and housing character outside the Conservation Areas (Policy RLSNDP4).</p> <p>The RLSNDP’s Community and Culture theme seeks to protect Local Green Spaces (Policy RLSNDP8), open spaces (Policy RLSNDP9), Green Infrastructure (Policy RLSNDP10) and allotments (Policy RLSNDP11).</p> <p>The Roads and Transport theme seeks to improve air quality (Policy RLSNDP13), promote canal and river side development (Policy RLSNDP16).</p> <p>The Business Support /Town Centre theme includes policies to improve the town centre (Policy RLSNDP17) and policy to control the development of new shopfronts (Policy RLSNDP20).</p>

3. Plan Making

In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the RLSNDP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	Royal Leamington Spa NDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	The RLSNDP has been prepared to contribute to sustainable development; Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.
b) be prepared positively, in a way that is aspirational but deliverable;	The RLSNDP has been prepared positively to support new housing development to meet the objectively assessed need in the Warwick District Local Plan (WDLP).
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	<p>All the policies have been prepared through an extensive and thorough approach to community engagement. This has led to regular and constructive involvement of the local community in the plan-making process.</p> <p>The accompanying Consultation Statement sets out the details of the extensive and wide ranging community consultation and engagement activities which have been undertaken at all stages of the RLSNDP's preparation.</p> <p>At each consultation stage representations have been considered carefully and appropriate amendments to the RLSNDP made.</p>
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The RLSNDP policies and proposals have been prepared by a Steering Group on behalf of the Town Council, with support from a planning consultant and planning officers at Warwick District Council.

NPPF Plan Making	Royal Leamington Spa NDP
	Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	<p>Updates and documents have been provided on the RLSNDP website at all stages of plan preparation http://leamingtonneighbourhoodplan.org.uk/regulation-14-consultation-2019/ .</p> <p>Responses by email were invited at informal and formal consultation stages.</p>
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The RLSNDP has been amended and updated to reduce duplication with policies in the WDLP. Again, it is understood that the Examination may lead to further changes to policies and supporting text.

The Plan Making Framework

Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The RLSNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the WDLP. The supporting text for the RLSNDP policies refers to the relevant strategic policies.

Non-strategic policies

Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

The RLSNDP does not undermine the WDLP strategic policies for housing, the economy or town centres, it seeks to set more local non-strategic policies to tackle more local issues to help retain the town's local identity and distinctiveness.

Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

5. Delivering a sufficient supply of homes

Paragraph 65 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The WDLP does not set a requirement, nor has one been requested. The RLSNDP is happy to rely on the WDLP and any subsequent review to address these issues. Being a relatively built-up area with Green Belt, the opportunities to make substantial land allocations in Leamington Spa are limited.

6. Building a strong, competitive economy

Paragraph 80 of NPPF sets out planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 goes on to state planning policies should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries. The RLSNDP includes a separate section on business and the town centre. The RLSNDP includes policies for specific improvements in the town centre (RLS17), the Creative Quarter (RLS18), and the Old Town Retail Area (RLS19).

7. Ensuring the vitality of town centres

Planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (NPPF, para. 85). The RLSNDP includes policies for specific improvements in the town centre (RLS17), the Creative Quarter (RLS18), and the Old Town Retail Area (RLS19).

8. Promoting healthy and safe communities

Paragraph 91 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The RLSNDP includes policies which protect and encourage investment in community facilities, policy to protect local green spaces and open spaces and the town's key recreation facilities, including allotments.

9. Promoting sustainable transport

Transport issues should be considered from the earliest stages of plan-making (Paragraph 102). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 104 of NPPF sets out that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking. The RLSNDP seeks to meet these policy aims in a number of ways: by supporting measures to improve air quality (Policy RLS13); by identifying a range of measures to support sustainable transport measures (Policy RLS14); and by supporting measures to improve the local cycling network (RLS15).

12. Achieving well-designed places

Paragraph 124 explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The RLSNDP includes a number of policies to help achieve well-designed places: Policy RLS2 seeks to promote good design, including more sustainable forms of construction; Policy RLS3 seeks to help manage development in the Conservation Areas; Policy RLS4 seeks to retain the character of those residential areas not included in the Conservation Areas; Policy RLS7 seeks to promote the inclusion of public art in new development; and Policy RLS20 seeks to help manage the development of new shopfronts in the town centre.

14. Meeting the challenge of climate change, flooding and coastal change

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 148).

15. Conserving and enhancing the natural environment

Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside.

16. Conserving and enhancing the historic environment

Paragraph 184 advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 18 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

3.2 b. Having Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest

The RLSNDP took account of the substantial number of listed buildings in the town during its preparation.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

3.3 c. Having Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area

The NDP area includes two Conservation Areas and Policy RLSNDP3 seeks to set planning policy for these.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

3.4 d. Contributes to the Achievement of Sustainable Development

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

3.5 e. In General Conformity with Strategic Local Planning Policy

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the adopted Warwick Local Plan 2014-2032. Table 3 sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the Local Plan.

Table 3 General Conformity with Strategic Planning Policies in the Warwick Local Plan 2014-2032

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>Policy RLS1 – Housing Development Within the Royal Leamington Spa Urban Area</p> <p>Proposals for new housing development within the Royal Leamington Spa Urban Area, as defined in the Warwick District Local Plan, will be supported for the following:</p> <ol style="list-style-type: none"> 1. Re-use of previously developed land and buildings. 2. Infill development of less than 10 dwellings, that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing and future occupiers and uses. 3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15. 4. Community-led housing developments and the provision of live/work units on the Court Street area as defined in allocation H16 of the Local Plan. 	<p>STRATEGIC POLICY DS2 Providing the Homes the District Needs</p> <p>The Council will provide in full for the Objectively Assessed Housing Need of the district and for unmet housing need arising from outside the district where this has been agreed. It will ensure new housing delivers the quality and mix of homes required, including:</p> <ol style="list-style-type: none"> a. affordable homes; b. a mix of homes to meet identified needs including homes that are suitable for elderly and vulnerable people; and c. sites for gypsies and travellers. <p>H0 Housing</p> <p>To ensure the district has the right amount, quality and mix of housing to meet future needs this Plan will:</p> <ol style="list-style-type: none"> a) provide in full for the district's housing requirement; b) ensure new housing development is in locations which enable sustainable lifestyles, 	<p>Policy RSL1 is in general conformity with and supports Policy DS2 of the WDLP that seeks to meet in full the District’s Objectively Assessed Housing Need. Policy RSL1 positively supports five types of development within the Leamington Spa urban area.</p> <p>Policy RSL1 is also in general conformity with Policy H0 of the WDLP that seeks to ensure the District has the correct amount, quality and mix of housing. Policy RLS1 supports specific types of development within and that are seen as important to the future development of Leamington Spa: infill development; custom and self-build housing; community-led housing ; and purpose-built student accommodation.</p> <p>Policy RLS1 is in general conformity with Policy H1 of the WDLP. Both policies seek to direct new housing development to the main Urban Areas.</p> <p>Criterion 2 of Policy RLS1 that seeks to manage infill development, cross references Policy H1 of the WDLP when development of residential gardens is to be considered.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>5. Proposals for purpose-built student accommodation when positively assessed against Local Plan and any relevant supplementary planning document.</p> <p>Development of previously developed land shall undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance , paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.</p>	<p>protect the aspects of the district that are most highly valued and which, where appropriate, support and regenerate existing communities; and</p> <p>c) ensure new housing delivers the quality and mix of homes needed in the district including affordable homes, a mix of homes to meet identified needs (including homes that are suitable for older and vulnerable people) and sites for gypsies and travellers.</p> <p>H1 Directing New Housing</p> <p>Housing development will be permitted in the following circumstances:</p> <ul style="list-style-type: none"> a) Within the Urban Areas, as identified below and on the Policies Map; b) Within the allocated housing sites at Kings Hill Lane (H43) and Westwood Heath (H42) as shown on the Policies Map. <p>[Criteria c, d and e are concerned with Growth Villages, Limited Infill Villages and open countryside and not considered relevant to Royal Leamington Spa]</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>Housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing.</p>	
<p>Policy RLS2 – Housing Design</p> <p>Planning proposals for new housing development will be required to achieve good design. They should function well for all by being <i>Lifetime Homes</i> and make a positive contribution to the quality of the built environment in Royal Leamington Spa. Proposals will be assessed against Warwick District Local Plan Policy BE1 and should have regard to any relevant Supplementary Planning Documents, including the Warwick District Council <i>Residential Design Guide</i>.</p> <p>Applicants are encouraged to go beyond prevailing sustainable development standards, particularly with regard to environmental performance of buildings, resource consumption and recycling. Where possible, proposals should aim to achieve Level 4 of the Code for Sustainable Homes and the incorporation of higher environmental standards such as Passivhaus</p>	<p>BE1 Layout and design</p> <p>New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:</p> <ul style="list-style-type: none"> a) harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use; b) relate well to local topography and landscape features (see policy NE4); c) reinforce or enhance the established urban character of streets, squares and other spaces; d) reflect, respect and reinforce local architectural and historical distinctiveness; 	<p>Policy RLS2 of the RLSNDP is in general conformity with and seeks to avoid duplication with Policy BE1 of the WDLP. Policy RLS2 cross-references with Policy BE1 and the Warwick District Council <i>Residential Design Guide</i>.</p> <p>Policy RLS2 provides more specific Leamington Spa development management policy to promote more sustainable design. By encouraging proposals to achieve Level 4 of the Code for Sustainable Homes and the incorporation of higher environmental standards such as Passivhaus or a similar. Policy BE1 does not identify any particular standard but focusses on other design issues. The need for more sustainable design standards was a key issues raised during consultations on the RLSNDP.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>or a similar approach is encouraged. When considering such measures applicants and decision-makers will need to ensure that there is a balance between the need for innovation and respecting and harmonising with buildings and local quality and character of surrounding development.</p> <p><i>Building for Life</i>, or an equivalent assessment framework, should be used to assess the suitability of proposals.</p> <p>New housing development should include design features and measures to reduce the impacts of climate change by increasing resilience to extreme weather events, including the increased risk of river and surface water flooding. Applicants should be able to demonstrate that their proposals are water efficient and that unless not reasonably practicable the design includes water efficiency and re-use measures.</p> <p>Poor design that fails to meet the relevant criteria in this, and other development plan and national planning policies will be refused.</p>	<ul style="list-style-type: none"> e) enhance and incorporate important existing features into the development; f) respect surrounding buildings in terms of scale, height, form and massing; g) adopt appropriate materials and details; h) integrate with existing paths, streets, circulation networks and patterns of activity; i) incorporate design and layout to reduce crime and fear of crime (see policy HS7); j) provide for convenient, safe and integrated cycling and walking routes within the site and linking to related routes and for public transport (see policy TR1); k) provide adequate public and private open space for the development in terms of both quantity and quality (see policy HS4); l) incorporate necessary services and drainage 	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features;</p> <p>m) ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment;</p> <p>n) make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours;</p> <p>o) meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender;</p> <p>p) ensures that layout and design addresses the need for development to be resilient to climate change</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>(see policy CC1); and q) ensure that there is an appropriate easement between all waterbodies / watercourses to allow access and maintenance</p> <p>Development proposals that have a significant impact on the character and appearance of an area will be required to demonstrate how they comply with this policy by way of a Layout and Design Statement.</p>	
<p>Policy RLS3 – Conservation Areas</p> <p>Development in, or affecting the setting of, the town’s Conservation Areas will be assessed to establish how such development affects the significance of the heritage asset and its setting. Applicants should, therefore, consider, prepare and describe how their proposed development meets the relevant criteria listed below:</p> <p>a) The proposed building type and style when considered in relation to existing buildings in the surrounding area and how it creates a sense of unity within the area which it is situated;</p>	<p>HE1 Designated Heritage Assets and their setting</p> <p>Development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or it is demonstrated that all of the following apply:</p> <p>a) The nature of the heritage asset prevents all reasonable uses of the site; and b) No viable use of the heritage asset itself can be</p>	<p>Policy RLS3 is in general conformity with Policies HE1 and HE2 of the WDLP.</p> <p>Policy HE1 sets out the overall approach to be taken in the District when considering the development of or within the setting of designated heritage assets (this includes Conservation Areas).</p> <p>Policy HE2 sets out the overall approach to be taken in the District when considering the development of or within the setting of Conservation Areas.</p> <p>Within this District-wide policy framework Policy RLS3 of the RLSNDP provides more detailed non-strategic development</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<ul style="list-style-type: none"> b) Relationship of the development to the existing road and street layout; c) The materials and colours used and how they relate to the prevailing materials and colours in the area within which the development is situated; d) Building height, scale and rooflines sympathetic to the local setting; e) When considered within the existing local context relationship of building to plot size, spacing of buildings and retention of exiting gardens; f) How the development interfaces with and respects listed buildings and non-designated heritage assets, landmark buildings, classical set pieces, parks and gardens, watercourses and the canal; g) Retention or enhancement of gardens, open spaces, trees and, where possible, inclusion of new tree planting; h) Retention, restoration and reinstatement of period details e.g. decoration, ornamentation, ironwork; i) Retention and creation of off-street car parking; 	<p style="text-align: center;">found that will enable its conservation; and</p> <ul style="list-style-type: none"> c) Conservation by grant funding or charitable or public ownership is not possible; and d) The harm or loss is outweighed by the benefit of bringing the site back into use. <p>Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.</p> <p>HE2 Conservation Areas</p> <p>There will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area.</p>	<p>management policy for assessing development proposals within the town’s Conservation Areas. The development management criteria have been identified from and reflect the relevant Conservation Area Assessments undertaken in Leamington.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>j) Retention and reinstatement of shopfronts in accordance with Policy RLS21 of this plan;</p> <p>k) Use of hard and soft landscaping and suitable boundary treatments when considered in relation to the surrounding local context;</p> <p>l) Protection of key groupings of buildings;</p> <p>m) Proper evaluation of any remains of archaeological value, including field evaluation where existing information is absent, prior to the determination of any planning application;</p> <p>n) Protection of key views especially of landmark buildings, classical set pieces, parks and gardens, bridges, the rivers and canal and at key gateways and along key thoroughfares; and</p> <p>o) How the development seeks to establish and reinforce links with the town's historic past such as the spa town history, railway and canal.</p> <p>Applicants' attention is drawn to the use of the appropriate Conservation Area Assessment in helping to prepare their proposals and any detailed guidance contained therein.</p>	<p>Measures will be taken to restore or bring back into use areas that presently make a negative contribution to conservation areas.</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>Policy RLS4 – Housing Character Outside the Conservation Areas</p> <p>In residential areas, outside of the neighbourhood area’s Conservation Areas, applicants will be expected to demonstrate how housing development proposals (e.g. infill, extensions and other changes requiring planning consent) have taken in to account, and responded to, the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development will be situated.</p> <p>Proposals should retain and create new off-street car parking.</p> <p>Street trees should be retained or as a last resort replaced with suitable native species planting in the immediate area. Housing development of garden land will not be permitted unless it meets the requirements of Local Plan Policy H1</p> <p>Innovative and contemporary design that respects and responds in a positive manner to local character will be supported.</p>	<p>BE1 Layout and design</p> <p>New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:</p> <ul style="list-style-type: none"> a) harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use; b) relate well to local topography and landscape features (see policy NE4); c) reinforce or enhance the established urban character of streets, squares and other spaces; d) reflect, respect and reinforce local architectural and historical distinctiveness; e) enhance and incorporate important existing features into the development; f) respect surrounding buildings in terms of scale, height, form and massing; 	<p>Policy RLS4 sets non-strategic planning policy for the residential areas of the town that lie outside the Conservation Areas. Policy RLS4 seek to retain the character of these areas and is in general conformity with Policy BE1 of the WDLP. Both policies seek to encourage development that contributes to the character and quality of its environment.</p> <p>Policy RLS4 sets additional local criteria for car parking, street trees, innovative and contemporary design and views.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>Proposals should seek to maintain views of higher slopes, skylines and the wider landscape.</p> <p>Proposals that fail to respect the character of an area and result in poor design will not be permitted.</p>	<ul style="list-style-type: none"> g) adopt appropriate materials and details; h) integrate with existing paths, streets, circulation networks and patterns of activity; i) incorporate design and layout to reduce crime and fear of crime (see policy HS7); j) provide for convenient, safe and integrated cycling and walking routes within the site and linking to related routes and for public transport (see policy TR1); k) provide adequate public and private open space for the development in terms of both quantity and quality (see policy HS4); l) incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features; m) ensure all components, e.g. buildings, 	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment;</p> <p>n) make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours;</p> <p>o) meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender;</p> <p>p) ensures that layout and design addresses the need for development to be resilient to climate change (see policy CC1); and</p> <p>q) ensure that there is an appropriate easement between all waterbodies / watercourses to allow access and maintenance</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>Development proposals that have a significant impact on the character and appearance of an area will be required to demonstrate how they comply with this policy by way of a Layout and Design Statement.</p>	
<p>Policy RLS5 – Royal Leamington Spa Housing Mix and Tenure</p> <p>Proposals for new housing development should provide a mix of homes in accordance with Warwick District Local Plan Policies H2 and H4. Within the Royal Leamington Spa neighbourhood area that mix should be informed by any up to date local housing needs assessment for Royal Leamington Spa and should be informed by, and be able to demonstrate how, the proposed housing mix has taken in to account the following:</p> <ul style="list-style-type: none"> a) The relatively high levels of social and private renting in South Leamington and the need to support affordable owner occupation in this area; and b) The relatively high-level of flats and apartments in the neighbourhood area and the potential, in appropriate locations, to provide detached and semi-detached family homes. 	<p>H2 Affordable Housing</p> <p>Residential development on sites of 11 or more dwellings or where the combined gross floor space is more than 1,000 sq. m will not be permitted unless provision is made for 40% affordable housing.</p> <p>The amount of affordable housing, the form of provision, its location on the site and the means of delivery of the affordable element of the proposal will be subject to negotiation at the time of a planning application. The viability of the development will be a consideration in such negotiations.</p> <p>Planning permission will not be granted until satisfactory arrangements have been made to secure affordable housing as determined by the following principles: -</p> <ul style="list-style-type: none"> a) the affordable housing will be provided on site as either serviced land or dwellings, or a combination of the two; 	<p>Policy RLS5 seeks to provide additional policy guidance in addition to that contained in Policies H2 and H4 of the WDLP. Policy RLS5 cross-references these two WDLP policies and is in general conformity with them. The two areas of housing mix distinct to Leamington Spa identified in Policy RLS5 are the high levels of social and private renting in south Leamington and the high-levels of flats and apartments throughout the neighbourhood area. Within the framework set by WDLP policies H2 and H4, Policy RLS5 seeks to ensure housing mix addressed the specific needs identified in Leamington Spa,</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>b) the sizes, types and tenures of homes provided will be determined on the basis of local need as identified in the latest Strategic Housing Market Assessment and, where appropriate, by other local needs surveys and information;</p> <p>c) the accommodation provided will be genuinely available to those households who have been identified as being in housing need;</p> <p>d) the affordable housing will be well integrated into the overall scheme along with the market housing with consistent qualities of materials, design and open spaces;</p> <p>e) the affordable housing will meet the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework (NPPF) in terms of tenure, eligibility and provider. If the NPPF is replaced by later national guidance while this policy H2 remains in force then, at the time of consideration of a planning application, the definition of affordable housing shall be taken to be as defined by such later national guidance;;</p> <p>f) the affordable housing will be built within an agreed timescale; and</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>g) the affordable housing will be available as such in perpetuity, where practicable, and only to those with a demonstrable housing need.</p> <p>The Council will, in exceptional circumstances, accept contributions of equivalent value in lieu of on-site delivery. This should include financial contributions, land or off-site provision of affordable homes. In such cases, the developer will be required to demonstrate why on-site delivery is not practical.</p> <p>H4 Securing a Mix of Housing</p> <p>The Council will require proposals for residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district, including the housing needs of different age groups, in accordance with the latest Strategic Housing Market Assessment.</p> <p>In assessing the housing mix in residential schemes, the Council may take into account the following circumstances where it may not be appropriate to provide the full range of housing types and sizes in accordance with the latest Strategic Housing Market Assessment:</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>a) physical constraints, such as those associated with small sites of less than five houses and conversion schemes, where opportunities for a range of different house types are limited (unless criterion e) applies);</p> <p>b) locational issues, such as highly accessible sites within or close to the town centre where larger homes and low / medium densities may not be appropriate;</p> <p>c) sites with severe development constraints where housing mix may impact on viability;</p> <p>d) sites where particular house types and / or building forms may be required in order to sustain or enhance the setting of a heritage asset; and</p> <p>e) developments in rural areas, where there is an up-to-date village or parish housing needs assessment that is a more appropriate indication of housing need.</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>H6 Houses in Multiple Occupation and Student Accommodation</p> <p>Planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, where:</p> <ul style="list-style-type: none"> a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units; b) the application site is within 400m walking distance of a bus stop; c) the proposal does not result in a non-HMO dwelling being sandwiched between two HMO's; d) the proposal does not lead to a continuous frontage of three or more HMOs; and e) adequate provision is made for the storage of refuse containers whereby - f) the containers are not visible from an area accessible by the general public, and 	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>g) the containers can be moved to the collection point along an external route only.</p> <p>h)</p> <p>i) Exceptions to a) may be made where the application site is located:</p> <p>j) on the campus of the University of Warwick or Warwickshire College or;</p> <p>k) on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)</p> <p>Exceptions to e) may be made if alternative arrangements for the storage and movement of containers are agreed in writing by the Council's Contract Services section.</p>	
<p>Policy RLS6 - Protection of Community Facilities</p>	<p>HS8 Protecting Community Facilities</p> <p>Redevelopment or change of use of community facilities that serve local needs</p>	<p>Policy RLS6 defers to WDLP Policy HS8 but adds local detail in terms of identifying the specific community facilities to which WDLP</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>The community facilities identified on the Policies Map will be protected in accordance with Local Plan Policy HS8.</p> <p>Outside of the town centre, public houses will also be protected using Policy RLS6.</p> <p>Proposals for new and improved community facilities will be supported where they are in accordance with other neighbourhood and development plan policies. Once completed, such development will become protected community facilities. Where necessary, this may necessitate a review of the RLSNDP to update the Policies Map.</p>	<p>will only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> a) There are similar facilities accessible to the local community by means other than the car, and either; b) The facility is redundant and no other user is willing to acquire and manage it, or; c) There is an assessment demonstrating a lack of need for the facility within the local community. 	<p>policy will be applied. Policy RLS6 is in general conformity with the WDLP.</p>
<p>Policy RLS7 – Public Art</p> <p>Development incorporating new public spaces, and creating new frontages to public spaces and thoroughfares, should make these spaces and frontages distinct and visually and physically interesting by including and integrating public art.</p>	<p>No relevant policy.</p>	<p>Policy RLS7 is a non-strategic policy, there is no relevant WDLP policy. Policy RLS7 is in general conformity.</p>
<p>Policy RLS8- Protecting Local Green Space</p> <p>The following local green spaces as shown on the Policies Map are being put forward for possible designation as Local Green Spaces. These sites are considered to meet the</p>	<p>HS3 Local Green Space</p> <p>The Council supports the principle of designating land as Local Green Space.</p>	<p>Policy RLS8 is in general conformity with Policy HS3 of the WDLP. Policy HS3 supports the principle of designating Local Green Space through neighbourhood plans and working within this framework, and following an assessment against the national planning</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>criteria for Local Green Space designation in paragraphs 99 and 100 of the NPPF.</p> <p> RLS8/1 - Jephson Gardens RLS8/2 - Mill Gardens RLS8/3 - Pump Room Gardens RLS8/4 - Victoria Park RLS8/5 - Holly Walk RLS8/6 - Christchurch Gardens RLS8/7 - The Dell RLS8/8 - Foundry Wood RLS8/9 - New Street Burial Ground RLS8/10 - Clarendon Square RLS8/11 - Strathearn Gardens RLS8/12 - The Holt RLS8/13 - Mason Avenue Park RLS8/14 - Cubbington Waterworks RLS8/15 - Midland Oak RLS8/16 - The Old Brickyard play area RLS8/17 - Eagle Recreation Ground RLS8/18 - Redlands Recreation Ground RLS8/19 - Welches Meadow RLS8/20 - Crabtree Meadow RLS8/21 - Edmondscote Field RLS8/22 - Fords Field RLS8/23 - Radford Brook (also known as Whitnash North Brook) RLS8/24 - Calder Walk play area RLS8/25 - Elizabeth Road play area RLS8/26 - Wych Elm Drive RLS8/27 - Dragon Cottage play area </p>	<p>Local communities, through Neighbourhood Plans, may designate Local Green Spaces that are demonstrably special to their local community and of particular local significance in accordance with national planning policy.</p>	<p>policy criteria, Policy RLS8 designates 28 local green spaces.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>RLS8/28 – Rushmore Street play area</p> <p>Development of designated Local Green Spaces will only be supported when consistent with national Green Belt policy.</p>		
<p>Policy RLS9- Protecting Open Spaces</p> <p>The following open spaces as shown on the Policies Map will be protected in line with Policy HS2 Protecting Open Space, Sport and Recreation Facilities of the Warwick District Local Plan.</p> <p>RLS9/1 - Portobello Field, behind Riversleigh Road RLS9/2 - Beverley Road green space road refuge RLS9/3 - Avonside Play Areas (North and South) RLS9/4 - SYDNI play area/open space, behind the SYDNI centre RLS9/5 - Riverside Walk (length of through Leam) RLS9/6 - Newbold Terrace East open space RLS9/7 - Euston Place RLS9/8 - Maxstoke Gardens, off Tachbrook Rd RLS9/9 - Chestnut Square, off Gresham Ave RLS9/10 - Haddon Road open space RLS9/11 - Roxburgh Croft RLS9/12 - Chesterton Drive spinney</p>	<p>HS2 Protecting Open Space, Sport and Recreation Facilities</p> <p>Development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless:</p> <p>a) an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision, or</p> <p>b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.</p> <p>Development on open spaces for sport and recreation purposes will be permitted subject to the proposal being of sufficient benefit to clearly outweigh the loss.</p>	<p>Policy RLS9 defers to WDLP Policy HS2 but adds local detail in terms of identifying the specific open spaces to which WDLP policy will be applied. Policy RLS9 is in general conformity with the WDLP.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p> RLS9/13 - Canalside sitting area, Old Warwick Road RLS9/14 - Almond Avenue open space RLS9/15 - Kennedy Square, off St Paul's Square behind Lansdowne Street RLS9/16 - Fallow Hill play area RLS9/17 - St Fremund Way open space RLS9/18 - College Park open space RLS9/19 - Hastang Fields open space RLS9/20 - Warneford Green RLS9/21 – Clapham Terrace open space RLS9/22 – Windmill Road play area RLS9/23 – Valley Road </p> <p>Where new open spaces are created they will also be protected by RLSNDP8 and Local Plan policy.</p>		
<p>Policy RLS10 – Royal Leamington Spa Green Infrastructure</p> <p>Planning proposals should identify any Green Infrastructure affected by or related to the proposal. Once identified, Green Infrastructure should be protected, and, when opportunities arise, restored and enhanced.</p> <p>In particular, planning proposals affecting the Green Infrastructure network should:</p>	<p>NE1 Green Infrastructure</p> <p>The Council will protect, enhance and restore the district's green infrastructure assets and strive for a healthy integrated network for the benefit of nature, people and the economy. The natural environment will be planned for at a variety of spatial scales:</p> <ul style="list-style-type: none"> a) sub regional level, crossing administrative boundaries; b) district-wide scale; c) town-wide scale, and at; 	<p>Policy RLS10 is in general conformity with WDLP Policy NE1 that seeks to plan for GI on a town-wide scale. Policy RLS10 provides more detailed Leamington Spa development management policy for GI in the town.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>a) protect and enhance existing habitats and secure net gains in biodiversity;</p> <p>b) protect such areas for their value in managing flood risk and water retention, and, where relevant, enhance these functions e.g. through the use of SuDS and re-opening of culverted watercourses;</p> <p>c) identify opportunities for rewilding, restoring fragmented areas and creating new areas and connections to augment the existing network of Green Infrastructure; and</p> <p>d) maintain and create new public access for all, where necessary and feasible, to the Green Infrastructure network.</p>	<p>d) local and neighbourhood scales.</p> <p>The Council recognises the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy and will support the periodic updating of this important strategic document.</p> <p>The Council will continue to work with partners, including neighbouring authorities and the Local Nature Partnership, to plan for green infrastructure at a landscape scale;</p> <ul style="list-style-type: none"> • protecting and enhancing existing habitats and restoring fragmented areas; • ensuring access to natural green space; and • improvements to landscape character. 	
<p>Policy RLS11 – Allotments</p> <p>Existing allotments will be protected in the following locations:</p> <p>RLS11/1 - Northumberland Road, (Binswood Allotment Association)</p> <p>RLS11/2 - Northumberland Road (Milverton New Allotments Association)</p> <p>RLS11/3 - St Mary’s Allotments, Radford Road</p>	<p>HS2 Protecting Open Space, Sport and Recreation Facilities</p> <p>Development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless:</p> <p>a) an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness,</p>	<p>Policy RLS11 defers to WDLP Policy HS2 but adds local detail in terms of identifying the specific allotments to which WDLP policy will be applied. Policy RLS11 is in general conformity with the WDLP.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>RLS11/4 - Campion Hills RLS11/5 - Rugby Road between Gaveston Road and St Mark's Church</p> <p>Development of these allotments will only be supported when in accordance with Local Plan Policy HS2 Protecting Open Space, Sport and Recreation Facilities.</p> <p>Proposals for new allotments will be supported, and once in place, such allotments will be protected by Policy RLS11. Any new allotments may, in the future, be added to the RLSNDP Policies Map through a review of the plan.</p>	<p>and a management plan is submitted to ensure the future viability of the provision, or b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.</p> <p>Development on open spaces for sport and recreation purposes will be permitted subject to the proposal being of sufficient benefit to clearly outweigh the loss.</p>	
<p>Policy RLS12 – Leisure, Sport and Recreation Facilities</p> <p>The following leisure, sport and recreation facilities also identified on the Policies Map will be protected in accordance with Local Plan Policy HS2 Protecting Open Space, Sport and Recreation Facilities:</p> <p>RLS12/1 – Newbold Comyn Leisure Centre RLS12/2 – Newbold Comyn Golf Course RLS12/3 – Leamington Sailing Club RLS12/4 – Newbold Comyn Skate Park RLS12/5 – Newbold Comyn playing fields</p>	<p>HS2 Protecting Open Space, Sport and Recreation Facilities</p> <p>Development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless:</p> <p>a) an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision, or b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.</p>	<p>Policy RLS12 defers to WDLP Policy HS2 but adds local detail in terms of identifying the specific community facilities to which WDLP policy will be applied. Policy RLS12 is in general conformity with the WDLP.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p> RLS12/6 – Tennis courts, Christchurch Gardens, Beauchamp Avenue RLS12/7 – Royal Leamington Spa Lawn Tennis and Squash Club RLS12/8 – Champion Hills, BMX Track RLS12/9 – Avenue Bowls Club RLS12/10 – Lillington Bowling Club RLS12/11 - Leamington Cricket Club </p> <p> If new leisure, sport and recreation are created during the lifetime of the RLSNDP they will be protected by Policy RLS12. Any new leisure, sport and recreation facilities may, in the future, be added to the RLSNDP Policies Map through a review of the plan. </p>	<p> Development on open spaces for sport and recreation purposes will be permitted subject to the proposal being of sufficient benefit to clearly outweigh the loss. </p>	
<p> Policy RLS13 – Air Quality </p> <p> New development that generates air pollutants should, by minimising emissions, or by including suitable mitigation, sustain compliance with the air pollutant limits identified for the area, whether that be set at European, national or local level, including having particular regard to the Royal Leamington Spa Air Quality Management Area. In meeting this policy proposals should assess, and will be assessed, for their individual and cumulative impact. </p>	<p> TR2 Traffic Generation </p> <p> All large-scale developments (both residential and non-residential) that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic. </p> <p> Any development that results in significant negative impacts on the health and wellbeing of people in the area as a result of pollution, noise or vibration caused by traffic </p>	<p> Policy RLS13 is in general conformity with the section of WDLP Policy TR2 dealing with air quality. Both policies seek to minimise and include suitable mitigation to avoid adverse impact in the Leamington Air Quality Management Area. </p>

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<p>Proposals should also have regard to the <i>Air Quality and Planning</i> Supplementary Planning Document produced by Warwick District.</p>	<p>generation will not be permitted unless effective mitigation can be achieved.</p> <p>Any development that results in significant negative impacts on air quality within identified Air Quality Management Areas or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.</p> <p>A Transport Statement may be required for development that has relatively small transport implications in line with the Guidance on Transport Assessments.</p> <p>All measures required in the policy should take full account of the cumulative impact of all development proposed in this Plan (and any other known developments) on traffic generation and air quality.</p>	
<p>Policy RLS14 – Traffic and Transport</p> <p>To make Royal Leamington Spa a cleaner, safer and healthier town through the use of sustainable modes of transport, the following measures will be supported, and, where a need is identified and to mitigate the effects</p>	<p>TR1 Access and Choice</p> <p>Development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery</p>	<p>Policy RLS14 is in general conformity with Policy TR1 of the WDLP that seeks to provide suitable access and choice and Policy TR2 that seeks to manage traffic generation. Within the framework provided by these Local Plan policies, Policy RLS14 identifies specific</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>of climate change by reducing the use of fossil fuels, should be included within new development:</p> <ul style="list-style-type: none"> a) Improved footpath and cycle links with good signposting, and other information, to link residential areas in the town with the town centre, key centres of employment, community facilities and the surrounding countryside; b) Improved access to public transport corridors, bus stops and the railway station; c) Infrastructure to prioritise transport by bus, and where possible electric bus services, and to ensure bus travel is provided in accessible locations in all residential areas; d) Improvements to the environment around the railway station and pedestrian and cycle access into town from the station; e) Measures to prioritise the movement of pedestrians, cyclists and public transport within the Town Centre whilst still allowing for through traffic; f) Measures and infrastructure to support reduced travel to work by private car, and to increase the 	<p>vehicles, refuse vehicles and other users of motor vehicles, as appropriate.</p> <p>Development proposals will be expected to demonstrate that they:</p> <ul style="list-style-type: none"> a) are not detrimental to highway safety; b) are designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists, emergency services and public transport services; c) create safe and secure layouts for motorised vehicles, cyclists, pedestrians and public transport and integrate the access routes into the overall development; d) where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwelling, and; e) have taken account of the needs of people with disabilities by all modes of transport. <p>TR2 Traffic Generation</p>	<p>Leamington measures and proposals to make the town cleaner, safer and healthier.</p>

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<p>uptake and use of electric and other ultra-low emission vehicles, such as charging points; and</p> <p>g) Improvements to infrastructure to improve the flow of sustainable modes of transport (walking, cycling and buses).</p> <p>The following specific proposals will be supported:</p> <ol style="list-style-type: none"> 1. New bus infrastructure associated with any future Park and Ride, north of Leamington Spa 2. Provision of a bus/rail interchange at Royal Leamington Spa Railway Station. 3. Measures to improve the air quality of Bath Street and the High Street, and the environment for walking, cycling and public transport in the Bath Street/High Street/Spencer Street area.. 4. Junction improvements at the following locations: <ol style="list-style-type: none"> i Princes Drive to ease congestion at the Princes Drive recycling centre. ii Princes Drive/Warwick New Road. 	<p>All large-scale developments (both residential and non-residential) that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.</p> <p>Any development that results in significant negative impacts on the health and wellbeing of people in the area as a result of pollution, noise or vibration caused by traffic generation will not be permitted unless effective mitigation can be achieved.</p> <p>Any development that results in significant negative impacts on air quality within identified Air Quality Management Areas or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.</p> <p>A Transport Statement may be required for development that has relatively small transport implications in line with the Guidance on Transport Assessments.</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<ul style="list-style-type: none"> iii Rugby Road/Northumberland Road/Lillington Avenue/Binswood Street. iv Kenilworth Road/Lillington Avenue. v Beauchamp Hill/Clarendon Place/Clarendon Square. 	<p>All measures required in the policy should take full account of the cumulative impact of all development proposed in this Plan (and any other known developments) on traffic generation and air quality.</p>	
<p>Policy RLS15 – Cycling</p> <p>Improvement of the town’s existing network of cycle routes will be supported. Where possible new links to this existing network should be created, preferably segregated from traffic. In particular improved connections will be supported within Leamington and to neighbouring areas, such as Warwick, Whitnash, Kenilworth (K2L) and Lillington; and safer routes to schools, such as the shared pedestrian and cycling route along Radford Road.</p> <p>Where the loss of a cycle route is proposed this will not be supported unless a satisfactory alternative route is provided.</p> <p>Proposals to extend the network of safe and convenient cycle routes for all abilities, including the creation of on-pavement lanes where no other option is available will be supported. The provision of cycle racks and</p>	<p>TR1 Access and Choice</p> <p>Development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate.</p> <p>Development proposals will be expected to demonstrate that they:</p> <ul style="list-style-type: none"> f) are not detrimental to highway safety; g) are designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists, emergency services and public transport services; h) create safe and secure layouts for motorised vehicles, cyclists, pedestrians and public transport and integrate the access 	<p>Policy RLS15 is in general conformity with Policy TR1 of the WDLP that seeks to provide suitable access and choice and Policy TR2 that seeks to manage traffic generation. Within the framework provided by these Local Plan policies, Policy RLS15 identifies specific Leamington measures and proposals to improve cycling.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>secure and weather-protected cycling storage at key locations, such as the town centre, railway station and local shopping centres, will be supported.</p>	<p>routes into the overall development;</p> <p>i) where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwelling, and;</p> <p>j) have taken account of the needs of people with disabilities by all modes of transport.</p> <p>TR2 Traffic Generation</p> <p>All large-scale developments (both residential and non-residential) that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.</p> <p>Any development that results in significant negative impacts on the health and wellbeing of people in the area as a result of pollution, noise or vibration caused by traffic generation will not be permitted unless effective mitigation can be achieved.</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>Any development that results in significant negative impacts on air quality within identified Air Quality Management Areas or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.</p> <p>A Transport Statement may be required for development that has relatively small transport implications in line with the Guidance on Transport Assessments.</p> <p>All measures required in the policy should take full account of the cumulative impact of all development proposed in this Plan (and any other known developments) on traffic generation and air quality.</p>	
<p>Policy RLS16 – Canal and Riverside Development</p> <p>New development along the riverside of the River Leam, River Avon or along the canalside of the Grand Union Canal will be supported when the following, where relevant, can be met. New development:</p>	<p>NE7 Use of Waterways</p> <p>The waterways can be used as tools in place making and place shaping, and contribute to the creation of sustainable communities. Therefore, any development should not:</p> <p>a) adversely affect the integrity of the waterway structure;</p>	<p>Policy RLS16 is in general conformity with Policy NE7 of the WDLP. Both policies seek to protect the integrity of the waterway structure. Policy RLS16 identifies additional local development management criteria for assessing planning applications, particularly in relation to Green Infrastructure and access and adds supporting criteria for development in the Creative Quarter and for the possible</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<ul style="list-style-type: none"> a) protects or enhances watercourses and their associated green infrastructure and habitats; b) respects the heritage and setting of the canal, Canal Conservation Area or riverside area; c) if along a riverside it would not lead to loss of, or would restore natural storage of floodwater on floodplains; d) creates accessible linear routes along the river and canalside or retains the potential to create such routes in the future; e) protects and creates new access points for all users for walking and cycling; f) maintains and creates new views and vistas over and along the river and canal; g) includes environmental improvements (open spaces, stopping points, low-level lighting, signage etc.) along the river and canal towpaths; h) creates new links to the wider Green Infrastructure Network and enhances biodiversity; i) provides facilities to support the growth and development of recreation and tourism; and 	<ul style="list-style-type: none"> b) adversely affect the quality of the water; c) result in pollution due to unauthorised discharges and run off or encroachment; d) adversely affect the landscape, heritage, ecological quality and character of the waterways; e) adversely affect the waterways potential for being fully unlocked or discourage the use of the waterway network. <p>CC2 Planning for Renewable Energy and Low Carbon Generation</p> <p>Proposals for new low carbon and renewable energy technologies (including associated infrastructure) will be supported in principle subject to all of the following criteria being demonstrated:</p> <ul style="list-style-type: none"> a) the proposal has been designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity; b) the proposal has been designed to minimise the impact (including any cumulative impacts) on the natural environment in terms of landscape, and ecology and visual impact; 	<p>development of a marina on the Grand Union Canal.</p> <p>Proposals for hydropower will also be supported when compatible with Policy CC2 of the WDLP.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>j) supports the wider regeneration aspirations of the Creative Quarter.</p> <p>Proposals for a marina on the Grand Union Canal will be supported with ancillary leisure uses where this is in accordance with development plan policy.</p> <p>Proposals for hydropower will be supported when in accordance with Warwick District Local Plan Policy CC2 Planning for Renewable Energy and Low Carbon Generation.</p>	<p>c) the design will ensure that heritage assets including local areas of historical and architectural distinctiveness are conserved in a manner appropriate for their significance;</p> <p>d) where appropriate, the scheme can link in with proposals being brought forward through the Council's Low Carbon Action Plan and any other future climate change strategies;</p> <p>e) the scheme maximises appropriate opportunities to address the energy needs of neighbouring uses (for example linking to existing or emerging district heating systems);</p> <p>f) for biomass, it should be demonstrated that fuel can be obtained from a sustainable source and the need for transportation will be minimised; and,</p> <p>g) for proposals for hydropower the application should normally be accompanied by a flood risk assessment.</p> <p>Also, for wind energy proposals, planning permission will only be granted if:</p> <p>h) the development is in an area identified in either the Local Plan or</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>a Neighbourhood Plan as being suitable for wind energy; and, following consultation, it can be demonstrated that the planning impacts identified by local communities affected by the proposal have been fully addressed and that the proposal has the backing of those communities.</p>	
<p>Policy RLS17 – Royal Leamington Spa Town Centre</p> <p>Within the defined Town Centre boundary (Figure 12) the following improvements will be supported:</p> <ul style="list-style-type: none"> a) Environmental and highway improvements along throughroutes and at gateway points into the town centre as shown on the Policies Map; b) Environmental and highway improvements along the key throughroutes; c) Creation of a central open space, or a network of spaces, to support outdoors events and civic functions; and d) Should the site become available, redevelopment of the Fire Station at Warwick Street for residential development. 	<p>TC1 Protecting and Enhancing the Town Centres</p> <p>Subject to Policies TC2 to TC16 and any relevant area action plan, proposals for any of the main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise its shopping function. Proposals will also be required to reflect the character and form of the town centre.</p>	<p>Policy RLS17 identifies environmental and highway improvement and the creation of a central open space for the town centre. These are non-strategic matters and do not raise any general conformity issues when assessed against the WDLP strategic policy for town centre uses, Policy TC1.</p> <p>Policy RLS17 also includes reference to the future use of the Fire Station site for residential. Such a use is not a main town centre use, but the re-use of this community facility for residential does not compromise Policy TC1 or any of the other TC policies referenced in the WDLP. There is no TC Policy in the WDLP for residential use.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>Policy RLS18 – Royal Leamington Spa Creative Quarter</p> <p>Proposals for development within the Royal Leamington Spa Creative Quarter, identified on the Policies Map, will be supported when they are for the following:</p> <ul style="list-style-type: none"> a) Improved links between the Old and New Town sides of the River Leam, particularly pedestrian and cycle links; b) Environmental improvements to key buildings, frontages, through routes and gateway points; c) Improvements to shopfronts in a manner consistent with Policy RLS21 and other development plan policy; d) Re- use of empty buildings and use upper floors in accordance with other development plan policy; e) Improved and new access points to the riverside and canalside; and f) Improved routes and access to and from the Railway Station. <p>To further the development of the Creative Quarter development for the following uses will be supported when it is in accordance with Local Plan policy:</p>	<p>No relevant policy.</p>	<p>The Creative Quarter initiative post-dates the adoption of the WDLP. Therefore, the WDLP includes no direct policy relevant to the Creative Quarter, Policies TC1 to TC16 may be relevant in parts.</p> <p>Policy RLS18 includes 3 elements. The first, relates to a series of physical and environmental improvements. These are considered to be non-strategic and do raise issues of general conformity. The second element, that sets out a series of land uses that will be considered acceptable is considered to be in general conformity with the WDLP – all of the listed land uses being main town centre uses, or compatible with main town centre uses.</p> <p>The third element lists a number of opportunity sites where redevelopment will be supported. Such redevelopment would be assessed in relation to RLSNDP and WDLP policy and is also not considered to raise a general conformity issue.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>g) Business development (use Class B1); h) Food/drink uses (Use Class A3); i) Assembly and Leisure uses (Use Class D2); j) Community/Event Space; k) Small units/incubator units and step up units or grow on space for businesses that are expanding; l) Medium sized office spaces; m) studio and co-working space for small businesses, artists and makers; and n) Temporary uses that bring back into use empty buildings and spaces.</p> <p>Redevelopment of the following key opportunity sites for the uses listed in g) to l) above will be supported:</p> <ul style="list-style-type: none"> • Spencer Yard • United Reform Church • Town Hall • Althorpe St Area • Old Post Office (Priory Terrace) • Bath Place Car Park – providing the requirements of Policy RLS21 of the RLSNDP can be met. 		
Policy RLS19 – Old Town Retail Area	TC2 Directing Retail Development	Policy RLS19 is in general conformity with WDLP Policy TC2 that seeks to direct new

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>Within the Old Town Retail Area, as defined under Policy TC2, and shown on the Policies Map of the Warwick District Local Plan, development that retains and enhances the mix of retail and commercial uses in this area will be supported. Such development should be of a scale and design that reflects and positively adds to the independent, artisanal quality of the area.</p>	<p>Within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map.</p> <p>Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered.</p> <p>Where sites on the edge of the retail areas are considered, preference will be given within each category to accessible sites that are well connected with the retail area. Evidence of the impact on the retail area will be required where the proposal is above 500 sq. m gross floorspace.</p>	<p>retail development to areas shown on the WDLP Policies Map, this includes the Old Town Retail Area.</p>
<p>Policy RLS20 – Royal Leamington Spa Town Centre Shopfronts</p> <p>Within the Town Centre new and replacement shopfronts should be of good design that retains and enhances the distinctive character of Royal Leamington Spa town centre. In assessing whether new or replacement shopfronts fulfil this requirement they should:</p>	<p>TC16 Design of Shopfronts</p> <p>New or replacement shop fronts will be permitted where:-</p> <p>a) They relate in scale, proportion, material and decorative treatment to the upper parts of the building</p>	<p>Policy RLS20 provides more detailed Leamington specific development management policy on shopfronts. This takes account of the existing character of the area and sites within the framework provided by the WDLP. Policy RLS20 is in general conformity.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>a) Be of a size, position and form that does not obscure and retains traditional features of the building of which they are a part;</p> <p>b) Include divisions, e.g. in the glazing at ground floor level that take their cue from, and are related to, the upper parts of the building e.g. fenestration;</p> <p>c) Where possible, include flanking masonry to provide a clear division between shopfronts and strong visual support for the upper parts of the building;</p> <p>d) They should be framed and well-proportioned e.g. by inclusion of features such as a stall riser; and</p> <p>e) Windows and door framing should be exposed and emphasised to provide a solid appearance to the shopfront.</p> <p>Having regard to the principles established above development should seek to retain, or create, access to upper floors.</p> <p>Within the Old Town Retail Area (Policy RLS20) more colourful and varied frontages will be supported when they positively contribute to the vibrancy and image of the Old Town area.</p>	<p>and to adjoining shopfronts of sufficient high quality; and</p> <p>b) They do not involve single shop fronts spreading over two or more frontages.</p> <p>Where original or period shopfronts exist, these should be kept and restored.</p>	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>Policy RLS21 – Protected Car Parks</p> <p>The car parking areas identified below and shown on the Policies Map will be protected for car park use.</p> <p>RLS21/1 - St Peter's RLS21/2 - Royal Priors RLS21/3 - Covent Garden RLS21/4 - Station Approach RLS21/5 - Bedford Street RLS21/6 - Bath Place RLS21/7 - Rosefield Street RLS21/8 - Packington Place RLS21/9 - Adelaide Bridge</p> <p>Development of these sites for other uses will only be permitted when it can be shown that either (a) the car parking is to be provided elsewhere within the town centre; or (b) the applicant can demonstrate that it is no longer needed.</p>	<p>No relevant policy.</p>	<p>Policy RLS20 seeks to protect existing car parking. There is no WDLP policy on this matter. There is no general conformity issue.</p>
<p>Policy RLS22 – Local Shopping Centres</p> <p>Development within the following local shopping centres identified on the Policies Map will be permitted in accordance with Warwick District Local Plan Policy TC17 Local Shopping Facilities.</p>	<p>TC17 Local Shopping Facilities</p> <p>Local Shopping Centres Changes of use of the ground floor from shops (Use Class A1) to financial and professional services (Use Class A2) or restaurants and cafes (Use Class A3) or drinking establishments (Use Class A4) or hot</p>	<p>Policy RLS22 is in general conformity with Policy TC17 of the WDLP to which it defers. Policy RLS22 identifies the Local Shopping Facilities to which it, and TC17< will apply. These centres are either already listed in the WDLP (paragraph 3.103) or have been assessed as meeting the criteria in paragraph 3.103.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p> RLS22/1 - Crown Way, Lillington RLS22/2 - Rugby Road. Royal Leamington Spa RLS22/3 - St Margaret’s Road, Royal Leamington Spa RLS22/4 - Sydenham Drive. Royal Leamington Spa RLS22/5 - Brunswick Street (Southborough Terrace), Royal Leamington Spa RLS22/6 - Binswood Street, Royal Leamington Spa RLS22/7 - Lansdowne Street, Royal Leamington Spa RLS22/8 - Tachbrook Road, Royal Leamington Spa </p> <p> Within these areas proposals to improve the environment and security will be supported: </p> <ul style="list-style-type: none"> • Lighting • CCTV • Bin and recycling provision • Seating • Information points (e.g. notice boards) and improved signage • Improvements to public transport and cycle parking infrastructure 	<p> food takeaways (Use Class A5) will only be permitted in local shopping centres as defined on the Policies Map if:- </p> <p style="margin-left: 40px;"> a) The shop unit has been vacant for a period of at least one year or evidence can be provided that the unit has been actively marketed on reasonable terms for a shop use for a period of at least nine months without success: or </p> <p style="margin-left: 40px;"> b) It is demonstrated that the proposed use will significantly increase pedestrian footfall in the centre, will introduce a new use into the centre that meets local needs, and will not reduce the proportion of shop frontage in the centre below 50%. </p> <p> Changes of use from Use Class A to other uses will be permitted provided that the proposal is for a service or facility that can be demonstrated to meet an important unmet local need and which can be satisfactorily controlled by planning condition. </p>	<p> Policy RLS22 also identifies a series of environmental improvements acceptable in Local Shopping Areas. These matters do not raise issues of general conformity </p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>Protecting local shops outside of town and local shopping centres In urban locations changes of use of shops (Use Class A1), outside town centres and local shopping centres to financial and professional services (Use Class A2) or restaurants and cafes (Use Class A3) or drinking establishments (Use Class A4) or hot food takeaways (Use Class A5) will not be permitted.</p> <p>Rural shops and services In rural locations the development or expansion of existing shops and local services within settlements will be permitted where these meet local retail or service needs. Proposals that result in the loss of such units to other uses will not be permitted unless it can be demonstrated that:-</p> <ul style="list-style-type: none"> a) The unit is no longer financially viable b) The unit has been actively marketed on reasonable terms for use as a shop or local service for a period of 12 months without success: and c) All reasonable other options to find a new use for the unit have been pursued. 	

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>Policy RLS23 – Secondary Retail Areas within the Creative Quarter</p> <p>Change of Use from shops (Use Class A1) to financial and professional services (Use Class A2), or restaurants and cafes (Use Class A3), or drinking establishments (Use Class A4), or hot food takeaways (Use Class A5), or hotels (Use Class C1), or leisure and assembly uses (Use Class D2) will be permitted within Secondary Retail Areas as defined in the adopted Warwick District Local Plan provided that:</p> <ul style="list-style-type: none"> a) No more than 50% of the street frontage concerned would result in a non-A1 use; and b) The proposal would not contribute to creating a continuous non-A1 frontage of more than 16m. <p>Proposals for uses other than those identified above in this policy; within Secondary Retail Areas lying south of the River Leam and within the Creative Quarter, and where criteria (a) and (b) are satisfied; may be accepted where it can be demonstrated that the scheme would support the overarching ambition, vision and objectives of the Creative Quarter as set out in Warwick District Council’s Big Picture document (and</p>	<p>TC7 Secondary Retail Areas</p> <p>Changes of use from shops (Use Class A1) to financial and professional services (Use Class A2), or restaurants and cafes (Use Class A3), or drinking establishments (Use Class A4), or hot food takeaways (Use Class A5) or hotels (Use Class C1) or leisure and assembly uses (Use Class D2) will be permitted within Secondary Retail Areas provided that:</p> <ul style="list-style-type: none"> a) No more than 50 % of the street frontage concerned would result in a non-A1 use; and b) The proposal would not contribute to creating, a continuous non-A1 frontage of more than 16 metres. <p>In exceptional cases, proposals that do not fulfil the second criterion may be accepted where they would not have a prominence in the streetscape that would affect the predominantly retail character of the area.</p>	<p>Policy RLS23 is in general conformity with WDLP Policy TC7. Policy RLS23 uses largely the same wording for change of use proposals, but then provides more local guidance for areas south of the River Leam in the Creative Quarter.</p>

Royal Leamington Spa NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>any subsequent publications). All such proposals must further demonstrate that they would maintain or enhance the vitality and sense of activity within the streetscene.</p> <p>Proposals that do not fulfil criterion b) within Secondary Retail Areas lying south of the River Leam and within the Creative Quarter, may be acceptable where it can be demonstrated that the scheme would support the overarching ambition, vision and objectives of the Creative Quarter as set out in Warwick District Council’s Big Picture document (and any subsequent publications). This may include use classes outlined above in this policy, or other use classes, where these would support the Creative Quarter. All such proposals must further demonstrate that they would maintain or enhance the vitality and sense of activity within the streetscene.</p>		

3.6 f. Be Compatible with EU Obligations

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

Strategic Environmental Assessment (SEA)

To meet the 'basic conditions' which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.

A Strategic Environmental Assessment Screening was undertaken on the RLSNDP by Warwick District Council in February/April 2019. This concluded that:

“As a result of the screening assessment in section 3, it is considered unlikely there will be any significant environmental effects arising from the Royal Leamington Spa Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal (s) of the Local Plan. As such, it is considered that the Royal Leamington Spa Neighbourhood Development Plan does not require a full SEA to be undertaken.”
(paragraph 4.1)

The full report is submitted alongside the RLSNDP.

Requirement for Habitats Regulations Assessment (HRA)

Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan's implementation.

The Strategic Environmental Assessment Screening was undertaken on the RLSNDP by Warwick District Council in February/April 2019. This concluded that:

“In view of Royal Leamington Spa NP’s minimal environmental effects, and general conformity with the Local Plan the HRA screening report – May 2013 (Revised 2016) prepared for the Warwick District Council Local Plan is considered relevant. Therefore the Royal Leamington Spa NP does not require an assessment under Article 6 or 7 of the Habitats Directive.” (page 10)

European Convention on Human Rights

The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The RLSNDP has been produced in full consultation with the local community. The RLSNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” The Town Council has developed the policies and proposals within the RLSNDP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

3.7 g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

The prescribed conditions have therefore been met in relation to the Royal Leamington Spa Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

Royal Leamington Spa Town Council

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