

**To: PLANNING COMMITTEE - 9<sup>th</sup> DECEMBER 2003**

**SUBJECT: WEIGHT TO ATTACH TO POLICIES OF WARWICK DISTRICT LOCAL PLAN (1996 – 2011) – FIRST DEPOSIT VERSION**

**FROM: PLANNING AND ENGINEERING**

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**1. RECOMMENDATION**

- 1.1 That the comments set out in Appendix One regarding the weight to be attached to the individual policies of the first deposit version of the Warwick District Local Plan (1996 – 2011) be noted.

**2. REASONS FOR RECOMMENDATION**

- 2.1 On October 29<sup>th</sup>, the Council approved the first deposit version of the Warwick District Local Plan 1996 – 2011 for placing on deposit for public consultation. This Plan is now therefore going through the statutory procedures towards adoption and account must be taken of its policies in decision making on planning applications.
- 2.2 On November 11<sup>th</sup>, the Planning Committee approved the use of the policies of the first deposit version for development control purposes where appropriate. Members also requested further guidance on this matter, including advice as to the relative weight that can be attached to the individual policies of the first deposit version in decision making at the present time.

**3. POLICY AND BUDGET FRAMEWORK**

- 3.1 The use of the first deposit version of the Local Plan in development control decision making will support the achievement of the aims within the Community Plan/Corporate Strategy. The report has no direct budgetary implications.

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**Background Papers**

Warwick District Local Plan (1996 – 2011) – First Deposit Version

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## Appendix One

**(N.B. Members should note that the following paragraphs have been taken from the report of the November 11<sup>th</sup> and amplified to give further guidance)**

1. On October 29th, the Council approved the first deposit version of the Warwick District Local Plan 1996 – 2011 for placing on deposit for public consultation. This Plan is now therefore going through the statutory procedures towards adoption and account must be taken of its policies in decision making on planning applications.
2. It is important to consider how much weight should be attached to the new policies when making decisions. Planning Policy Guidance Note:1 sets out the general basis for the consideration of how much weight to attach to policies within emerging Local Plans. It states

*Planning applications should continue to be considered in the light of current policies (within the adopted Local Plan). However, account can also be taken of policies in emerging local plans which are going through the statutory procedures towards adoption. The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached.*

As the emerging Local Plan is only at the first deposit stage, only limited weight can therefore be attached at the present time.

3. However, policies within the emerging Local Plan can be given greater weight in making decisions on planning applications where they draw support from other planning policy or guidance.
4. Firstly, where policies can draw support from policies within the adopted Local Plan, i.e. where they are a roll forward or a continuation of previous policies. For example, the general approach towards development within the Green Belt has not changed significantly from the adopted Local Plan and therefore it is appropriate when determining applications to use both adopted and emerging policies.
5. Secondly, where policies can draw support from PPGs, Circulars, up-to-date regional planning guidance or structure plan policies (especially if the latter are themselves consistent with PPGs). PPG1 states that

*Government statements of planning policy are material considerations which must be taken into account in decision making.*

Furthermore,

*One (other) such (material) consideration will be whether the plan policies are relevant and up-to-date.*

The Local Plan was adopted in 1995 and since that time Government guidance has changed in a number of planning areas and, significantly, the Warwickshire Structure Plan has been approved which provides more up-to-date development plan policies. A number of the adopted policies are now superseded by such guidance and therefore it is appropriate to attach greater weight to emerging policies. For example, the policy approach to resisting the development of greenfield sites for housing draws support from PPG3 and Structure Plan policies and it is appropriate when determining applications to use both guidance and emerging policies.

6. The final example relates to where policies can draw support from the principle planning argument of 'prematurity'. This is where particular development proposals may be deemed to be premature to the objectives of the emerging Local Plan, i.e. where development is individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the local plan process by predetermining decisions about the scale and location of new development which ought properly be taken in the local plan context. In such circumstances, it is appropriate when determining applications to use emerging policies and any other relevant guidance.
7. As the Local Plan progresses through its statutory procedures, the weight that can be attached to the policies will increase. Furthermore, the comments of Inspectors at any forthcoming appeals may provide useful insight as to the weight that can be attached to particular policies. Further guidance and advice on this matter will therefore be given in due course.
8. However, to provide Members with an indication of the respective weight that can be attached at the present time to each individual policy of the Local Plan, the following table has been produced. Members should note that this is only indicative as the planning process does not make it possible to clarify precisely what weight a policy has at this stage and that, with regard to certain policies, it will be appropriate to consider the respective weight on a case by case basis.
9. It is also important to note that those policies with limited weight may be appropriate to use to steer and encourage applicants towards more satisfactory planning outcomes in terms of current planning objectives. Furthermore, some of the policies with limited weight may in part reflect previous policies and therefore be appropriate to use depending on the nature and circumstances of the application.

Emerging Policy	Policy Title	Which Policy/ guidance can we draw support from?	On a scale of 1 to 3 (with 1 = limited weight) how much weight can be attached to the policies?
<b>Development Policies</b>			
DP1	Layout and Design	ENV3, EMP6, etc.	3
DP2	Amenity	H5, H13, etc.	3
DP3	Natural Environment	ENV3, ENV27	3
DP4	Archaeology	ENV21, ENV22	3
DP5	Density	PPG3	3
DP6	Access	ENV3	3
DP7	Traffic Generation	ENV3	3
DP8	Parking	ENV3, TR7	3
DP9	Pollution Control	PPG23	3
DP10	Flooding	ENV3	3
DP11	Drainage	PPG25	3
DP12	Energy Conservation	ENV3A	3
DP13	Crime Prevention	ENV3	3
DP14	Accessibility and Inclusion	ENV3	3
<b>Sustaining Communities</b>			
SC1	Securing a Greater Choice of Housing	PPG3	3
SC2	Protecting Employment Land and Buildings	WASP	3
SC3	Supporting Public Transport Interchanges	TR12, PPG13	3
SC4	Supporting Cycle and Pedestrian Facilities	PPG13	3
SC5	Protecting Open Spaces	PPG17	3
SC6	Protecting Sport and Recreation Facilities	PPG17	3
SC7	Supporting Community Facilities		1
SC8	Telecommunications	PPG8	3
SC9	Affordable Housing	WASP, Draft PPG3, HNS	3 in part*
SC10	Sustainable Transport Improvements	TR14, PPG13	3
SC11	Open Space and Recreation Improvements	PPG17	3

SC12	Community Facilities	Circular 1/97	3
SC13	Public Art		1
* The affordable housing policy goes beyond government guidance in part in terms of requiring affordable housing on sites of below 15 dwellings and therefore in that respect can only have limited weight. However, with support from the Structure Plan, Draft PPG3 and the Housing Needs Survey, it is justifiable to lower the current threshold from 25 to 15 dwellings for a contribution of 40%. Part B of SC9 therefore has greater weight.			
<b>Urban Area Policies</b>			
UAP1	Directing New Housing	PPG3, WASP	3
UAP2	Directing New Employment Development		1*
UAP3	Directing New Retail Development	PPG6	3
UAP4	Protecting Local Shopping Centres	S7	3
UAP5	Protecting Local Shops		1
UAP6	Motor Vehicle Sales		1
UAP7	Directing New Tourism Development	TO1, PPG13	3
UAP8	Directing New Visitor Accommodation		1
UAP9	Directing New Leisure Development	PPG6	3
*This policy can be used in part as it draws support from DW EMP5.			
<b>Town Centre Policies</b>			
TCP1	Protecting and Enhancing the Town Centres	S1, S3, PPG6	3
TCP2	Directing Retail Development		1*
TCP3	Providing for Shopping Growth in Leamington Town Centre		1
TCP4	Primary Retail Frontages	PPG6	2
TCP5	Secondary Retail Areas	PPG6	2
TCP6	Café Quarters		1
TCP7	Opportunity Sites in Old Town, Leamington Spa		1
TCP8	Warwick Town Centre Mixed Use Area	WTC H3/EMP2	3
TCP9	Protecting Employment Land and Buildings		1
TCP10	Protecting the Residential Role of Town Centres	H13	3
TCP11	Protecting Residential Uses on Upper Floors		1**
TCP12	Upper Floors within Town Centres		1

TCP13	Design of Shopfronts	ENV19	3
* This policy can be used in part as it draws support from DW S3.			
**This policy can be used in Leamington Town Centre as it draws support from LTC H3.			
<b>Rural Area Policies</b>			
RAP1	Development within Rural Areas	H9	3
RAP2	Directing New Housing	PPG3, WASP	3
RAP3	Extensions to Dwellings	H14	3
RAP4	Replacement Dwellings		1
RAP5	Providing Rural Affordable Housing	H16	3
RAP6	Housing for Rural Workers	H10	3
RAP7	Directing New Employment		1*
RAP8	Converting Rural Buildings	PPG7	3
RAP9	Farm Diversification		1
RAP10	Safeguarding Rural Roads		1
RAP11	Rural Shops and Services	S8	3
RAP12	Farm Shops		1
RAP13	Directing New Outdoor Leisure and Recreation Development	RL12, PPG13	3
RAP14	Golf Facilities	RL14	3
RAP15	Camping and Caravanning Sites	TO6	3
RAP16	Directing New Visitor Accommodation	TO3-TO5	3
*This policy can be used in part as it draws support from DW EMP4.			
<b>Designated Area Policies</b>			
DAP1	Protecting the Green Belt	ENV1	3
DAP2	Protecting the Areas of Restraint	ENV2	3
DAP3	Protecting Special Landscape Areas	C8	3
DAP4	Protecting Nature Conservation and Geology	ENV29	3
DAP5	Trees, Woodlands and Hedgerows	ENV24	3
DAP6	Protection of Listed Buildings	ENV11	3
DAP7	Changes of use of Listed Buildings	ENV15	3
DAP8	Upper Floors within Listed Buildings and Conservation Areas	ENV16	3
DAP9	Restoration of Listed Buildings	PPG15	3
DAP10	Protection of Conservation Areas	ENV6	3

DAP11	Unlisted Buildings in Conservation Areas	ENV7	3
DAP12	Control of Advertisement Hoardings	PPG15	3
DAP13	Protecting Historic Parks and Gardens	ENV18	3
DAP14	Protecting Safeguarded Areas	Circ.	3
<b>Site Specific Policies</b>			
SSP1	Employment Allocations	Premature	2
SSP2	Major Developed Sites		1
SSP3	Stoneleigh Park		1
SSP4	Safeguarding Land for Kenilworth Station	Premature	2
SSP5	Safeguarding Land for Warwick and Leamington Spa Park/Ride	Premature	2
SSP6	Safeguarding Land for the Barford Bypass	Premature	2
SSP7	Coventry Airport	DWEMP3, WASP	3
SSP8	Hatton Country World		1