

GENERAL PRINCIPLES

- 4.1 New development gives the opportunity to improve the built environs of the area making it more attractive. All developers will be encouraged to follow the principles established in this chapter to create new development which complements and enhances the character of the surrounding area.

Policy GP1 – Appearance and design of development

Planning permission will only be granted for development, which safeguards or creates an attractive, interesting and, where appropriate, a varied and diverse environment. In particular proposals for development should:

1. Be integrated with any settlement of which it would be part and be consistent and compatible with the scale and form of the settlement.
2. Provide an attractive and appropriate transition between the development and adjacent land, including the countryside.
3. Be compatible with adjacent land uses and promote, where feasible, a pattern of mixed and complementary uses, which contribute to the vitality of an area.
4. Ensure a high level of accessibility within and beyond the development, with good linkages between its component parts that are attractive to use, particularly by pedestrians and cyclists.
5. Create an attractive relationship between buildings and open space, access routes and natural and other features.
6. Ensure the scale, massing, form, orientation and height of buildings, as well as the use of materials and detailing, is attractive and unobtrusive and does not detract from local amenity, or the appearance of any building being extended or otherwise altered.
7. Foster a sense of place and identity.

8. Respect the townscape and landscape characteristics of the area, including the scale and form of buildings, the use of materials, fenestration and detailing, which contribute to its distinctive quality.
9. Incorporate existing features of importance.
10. Utilise innovative and adaptable designs where appropriate to the locality.
11. Respect the contribution of existing open land to visual amenity.
12. Safeguard amenity, and
13. Incorporate an appropriate amount and distribution of open space as an integral part of the development including areas that are of amenity or functional value, to provide safe and accessible foci for public activity, as appropriate.

A statement, setting out how design issues have been taken into account in formulating the proposal should accompany all applications for major development, or where the location is considered to be particularly sensitive.

Explanation

- 4.2 This policy reflects the need for development to be attractive and of a high enough quality for it to be permitted. It should not detract from and if possible enhance the quality of the local environment, reflecting the increased emphasis in national and other guidance, on good design for the benefit of the local community. It is considered that this can help promote sustainability by assisting with the 'renaissance' of urban areas, the efficient use of land and other resources, through for example the achievement of higher housing densities and improved accessibility.
- 4.3 The siting, scale, form, style, and character of a building are fundamental to its appearance and the extent to which it is in harmony with its surroundings, as is the relationship between buildings and open space and important features. These relationships maintain continuity in

- the street scene, define space and protect and create views and vistas.
- 4.4 It is particularly important that the design of any development fosters a sense of local identity and appropriately acknowledges local distinctiveness to preserve and enhance the character of an area. It will therefore be necessary for many planning applications, to be accompanied by a statement which sets out how design issues have been taken into account in formulating the proposal. In assessing development proposals in rural villages, the Borough Council will have regard to Village Design Statements produced by local communities.
- 4.5 Development should, therefore, be sympathetic to the local vernacular, especially where it would be located in close proximity to the more historic and sensitive parts of the built environment. In such locations, buildings should be built of traditional materials, principally a mellow red brick, with fittings generally of timber construction and traditional design. Pitched roof construction is preferable, especially in conservation areas. However, high quality modern design should not necessarily be precluded, where it harmonises with its surroundings, to contribute towards the evolutionary development of the built environment. In addition, it may be acceptable where it would create a strong and attractive identity for an area, currently characterised by poor or mediocre design. Wherever possible developments should be adaptable to other uses to accommodate changing circumstances and make the best use of resources.
- 4.6 Many existing buildings are attractive and their deterioration or demolition would be detrimental to the character of the locality. They may be redundant, or their use give rise to nuisance, such that conversion to an alternative use e.g. industry/commerce, housing, or a tourist or leisure facility etc. would make beneficial use of resources, obviate the need for new build and contribute to the enhancement of the environment. It should be recognised that such buildings were generally designed for a specific purpose and may not always be appropriate for the proposed new use. They should, therefore, be capable of conversion and provide a satisfactory level of accommodation, with little or no change to the character, appearance and setting of buildings, particularly where they are of architectural and historic interest. Employment, tourism and recreational uses are often preferable where a building is of traditional construction.
- 4.7 In assessing applications for the conversion of buildings the principles of Policy GP1 will be applied, as appropriate.
- 4.8 It will be important to ensure that the component parts of a development are compatible with one another, as well as with adjacent land uses. However, the provision of mixed and accessible developments with good opportunities for communication and interaction can promote vital communities and sustainable lifestyles and businesses.
- 4.9 Areas of open space are very important to the setting, appearance, form and character of towns and villages and, as a focus for community activity, can add to the vitality of an area. Frequently the character of a settlement is determined by the disposition of open spaces, their relationship to buildings and the views these spaces give within and of a settlement, as well as the surrounding countryside. Open space can also be intrinsically attractive by virtue of its landform, vegetation and tree cover, or the presence of any special features such as streams, ponds, important wildlife habitats and walls. The value of such open spaces needs to be acknowledged.
- 4.10 Open space and landscaping may need to be publicly adopted and maintained and arrangements for this will need to be established before the grant of any planning permission. Depending on the layouts prepared it is possible that certain areas could be conveyed to subsequent owners/occupiers of the development. Where this is done the appearance and use of such areas could be controlled by conditions on the grant of planning

permission and possibly by private covenants.

- 4.11 For major and sensitive development proposals, landscaping schemes are likely to be required, which should include not only the details of the landscaping, but also the arrangements for its implementation and management, including its future maintenance. Adherence to the approved scheme will be achieved through the imposition of planning conditions and the seeking of planning obligations.

Policy GP2 – Landscaping

The landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required. All proposals should ensure that:

- 1. Important site features have been identified for retention through a detailed site survey;**
- 2. The landscape character of the area is retained and, where possible, enhanced;**
- 3. Features of ecological, geological and archaeological significance are retained and protected and opportunities for enhancing these features are utilised;**
- 4. Opportunities for utilising sustainable drainage methods are incorporated;**
- 5. New planting comprises native species which are of ecological value appropriate to the area;**
- 6. In appropriate cases; there is sufficient provision for planting within and around the perimeter of the site to minimise visual intrusion on neighbouring uses or the countryside; and**
- 7. Detailed arrangements are incorporated for the long-term management and maintenance of landscape features.**

Explanation

- 4.12 New development should maintain and, where possible, extend the landscape network of a settlement by taking

advantage of existing features and creating new features which are appropriate to the location.

- 4.13 Provision should be made for hard and soft landscaping, ideally of a low maintenance nature, including the planting of indigenous trees and other vegetation, ground contouring and the creation of wildlife habitats and other ecological features. Such provision should have regard to the character of the site, its setting and the end users of the development. It can enhance the appearance and environmental quality of the development and help assimilate development into its surroundings and conserve the environment. Existing planting and structures such as walls, as well as topographical, ecological and archaeological features are frequently reflective of local character and distinctiveness and are important for the local environment; as such they should be safeguarded. They can often be satisfactorily and sympathetically incorporated in the landscaping of a development, without unduly compromising its design. Depending on the type of development and its location, landscaping may need to be dense and extensive, particularly block structure planting, which will often be needed on the periphery of development, where it may be exposed to view and detrimental to the countryside. It can also separate potentially incompatible land uses. The submission of landscape information as part of the development proposal would help to avoid the difficulty of incorporating these features into the scheme at a later stage.

- 4.14 Concept information regarding landscape proposals should be submitted as early as possible in the planning application process. This should include an assessment of how they relate to the overall landscape character of the area, arrangements for incorporating landscaping within the site itself and the species to be used. Any landscaping proposals should have regard to the Warwickshire Landscape Guidelines.

- 4.15 The ongoing maintenance of landscaping is crucial to its effectiveness. It is therefore essential that the responsibility

for the maintenance of planting in new development is established prior to the issue of planning consent.

- 4.16 Whilst it is important that landscape aspects are considered in all development proposals, it is accepted that some forms of minor development, such as small domestic extensions, may have little or no impact on landscape features or character. In these cases proposals for new landscaping would not be required.

Policy GP3 – Protection of amenity

Planning permission will not be granted for development if there would be an unacceptable adverse impact on amenity in an area, including the amenities of persons occupying other premises, or the development itself, in terms of:

1. **Overlooking, or**
2. **Loss of privacy, or**
3. **Loss of sunlight/daylight, or**
4. **Disturbance from traffic, or**
5. **Excessive illumination, or**
6. **Noise and dust, or**
7. **Fumes and smells.**

In considering development proposals regard will be had to the extent to which mitigation measures can satisfactorily offset any adverse effects on amenity.

Explanation

- 4.17 In considering development proposals it will be necessary to consider how they might affect the amenities of an area. It will be important to safeguard the amenities enjoyed by the occupants of existing premises and resist development where unacceptable harm would occur. Furthermore, where the subsequent occupiers of a proposed development would experience poor amenities as a consequence of existing developments, uses of land, transport and other

infrastructure etc., then the development proposed will not be acceptable.

Policy GP4 – Energy conservation

All new developments will be required to demonstrate the energy efficient design of buildings, their layout and orientation on site.

All new non-residential development above a threshold of 1,000 sq. m. will be expected to incorporate renewable energy production equipment to provide at least 10% of predicted energy requirements. This requirement will only be applied to developments where the installation of renewable energy generation equipment is viable given the type of development proposed, its location, and design.

All new development will be expected to minimise the amount of energy resources consumed in its occupation and use by taking into account the scope for:

1. **The use of appropriate materials, siting, form, orientation and layout of buildings to maximise the benefits of passive solar (or natural) heating, cooling, lighting and natural ventilation; and**
2. **The use of energy efficient, renewable energy technology, whether new or traditional, for heating, cooling, power and lighting; and**
3. **The use of soft landscaping, including tree planting, to increase summer shading and reduce heat loss in winter; and**
4. **Accessibility by alternatives to the use of the private car, and**
5. **Utilising existing resources and features of the area, and**
6. **The adaptability of the development to alternative uses.**

Explanation

- 4.18 The careful use of energy can help safeguard resources by ensuring its efficient usage and limit pollution. It is therefore fundamental to the promotion of sustainability. As such the contribution, which the control of development can

make, is an important consideration in the assessment of proposals.

- 4.19 Measures can be taken to utilise energy provided by the sun and minimise the loss of energy. This can include taking advantage of the orientation and topography of a site to make best use of southerly aspects and slopes. In addition natural and other features e.g. existing and proposed landscaping, can be used to reduce the impact of prevailing winds, as can the relationship of buildings one to another to provide mutual insulation.
- 4.20 Developments that facilitate or rely on the use of renewable sources of energy, e.g. solar and wind power, can reduce reliance on unsustainable forms of energy production, while efficient combined heating and power systems can assist with energy savings, particularly where demands are significant.
- 4.21 A reduction in the use of energy can be achieved by the careful choice of building materials, which require less energy for their production and transportation, if locally sourced and have good insulation properties.
- 4.22 The relationship between the development, other land uses and transport infrastructure, can be used to minimise the need to travel and reduce car reliance and thereby have beneficial consequences for energy consumption. The submission of Travel Plans with applications for development can help ensure energy efficient transportation.
- 4.23 The use of existing structures and features in the area as opposed to their unnecessary replication, with associated energy demands, can help with the conservation of energy, as can development capable of adaptation to other uses, thereby avoiding the need for wasteful demolition and unnecessary new development.

Policy GP5 – Renewable energy

The provision of renewable energy schemes will be encouraged where careful consideration has been given to design, layout and siting in the landscape. Planning permission will be granted where no material harm would result in relation to residential amenity and the environment.

Explanation

- 4.24 Renewable energy covers those energy flows that occur naturally and repeatedly in the environment, from the sun, wind, the fall of water, movement of the ocean and biomass.
- 4.25 Renewable energy schemes can take various forms and scales. Planning applications for any such schemes must be formulated in order to reflect their characteristics and location. All applications will require a thorough understanding of the character of the landscape within which they are proposed. The proposals should seek, through mitigation measures to reflect the Management Strategies for each landscape as set out in the Warwickshire Landscape Guidelines.
- 4.26 The UK's first national energy policy 'The Energy White Paper – towards a low carbon economy' was published in February 2003. This confirmed 2010 targets for the reduction of carbon emissions and the generation of electricity from renewable resources, and an aspiration for 60% carbon emission reduction by 2050. This policy follows on from international agreements relating to the need to reduce the effect of and adapt to climate change. The implication is a necessity to change how we generate and use energy.
- 4.27 Planning Policy Statement 22 sets out the revised guidance on how regional and local planning authorities should treat planning applications for renewable energy schemes. Renewable energy schemes relate to all renewable projects from domestic and community scale through to the generation of electricity and heat for widespread distribution. The scale and benefits of community

renewable energy schemes can make them suitable in locations where larger scale, commercial schemes may be inappropriate.

- 4.28 Local renewable energy schemes could relate to the generation of electricity and heat from onshore wind generation, hydro, photovoltaic (electricity from daylight), solar thermal/passive solar (hot water heating/design of buildings), biomass (organic matter) and energy crops, energy from waste materials such as various forestry, farm and food processing residues, landfill and sewage gas.
- 4.29 Despite their benefits, proposals for developing renewable energy resources must be carefully weighed against the need to protect the environment. Supporting information should be provided to demonstrate that consideration has been given to mitigating adverse impacts through the careful location, siting, design and layout.

comprehensive approach to its development, which would not be consistent with the efficient use of resources. The sterilisation of areas of land can often occur with the development of 'backland' and areas of vacant or underused land. In appropriate circumstances the Council will prepare briefs to assist the comprehensive development of an area, including land allocated for development in this Plan.

- 4.31 In deciding whether development of land could be prejudicial, account will be taken of whether nearby land is allocated for development, or could be developed in the context of existing and emerging local, national and regional planning policy. Similarly in assessing whether the provision of infrastructure could be compromised account will be taken of known schemes and the likelihood of other schemes being prepared, in the light of existing and emerging planning policy and other guidance.

Policy GP6 – Safeguarding development potential

Planning permission will not be granted for development, which would prejudice:

- 1. The development potential of other land being realised, including the comprehensive development of a larger site, or**
- 2. The provision of important infrastructure.**

Explanation

- 4.30 Development may prevent the potential of other land being realised. Such land may, or may not be contiguous and any potential it might have could be within the period of this Plan, or beyond. Similarly it could prevent the provision of important infrastructure, e.g. extensions to the drainage system and the highway network, or the implementation of other transport schemes, including pedestrian and cycle links. It may in particular hinder the achievement of appropriate mixed use developments. Such development could therefore frustrate the proper planning of the larger area and a

Policy GP7 – Public rights of way network

Planning permission will not be granted for development, which would have an adverse impact on the public rights of way network.

Explanation

- 4.32 Warwickshire County Council is the Highway Authority with specific responsibility for the rights of way network e.g. footpaths, cycleways and bridleways. However, the Borough Council is the planning authority for the determination of many forms of development, which could affect rights of way.
- 4.33 The public rights of way network is an important facility. It can facilitate sustainable modes of transport and contribute significantly to accessibility. Therefore, development proposals should satisfactorily retain and incorporate rights of way and/or enhance the network, including extensions to the network, to provide a convenient, safe and attractive means of access within the development and beyond.

4.34 Development, particularly on the urban fringe, can have an adverse impact on rights of way, resulting in the loss of links and/or disruption of the network. Where development is on land crossed by a public right of way, then it should aim to incorporate it on the original alignment, in an acceptable manner. However, should this not be proposed then it is important that the accessibility it provides is maintained, with any diversion or replacement being at least equivalent to the existing route in terms of convenience, attractiveness and safety. Wherever possible and appropriate development should seek to enhance the network, including its extension, to encourage its use and improve accessibility by sustainable modes of travel.

Policy GP8 – Access for people with disabilities or impaired mobility

Planning permission will be granted for development to which the public would have access, where it is designed to provide safe and convenient access for people with disabilities, or impaired mobility, including:

1. A layout and design which facilitates ready access to buildings and facilities within the development, and
2. Alternative access points where necessary, and
3. The use of appropriate surface treatments, and
4. The careful use and siting of street furniture and planting.

Explanation

4.35 It is important to ensure that the design of development, including changes of use conversions and alterations, to which the public have access is 'socially inclusive' and designed to facilitate access for people with disabilities, or impaired mobility e.g. parents with prams or pushchairs. Such developments not only include publicly owned buildings, but also community facilities, employment developments, shops, hotels, recreation and sports facilities, restaurants, banks

and other commercial buildings etc. as well as car parks. It is recognised that such access cannot always be readily achieved, for example when the development proposed involves an older building of architectural or historic importance, the appearance of which could be adversely affected. However, the developer will nevertheless need to demonstrate why such provision is neither practicable and/or reasonable.

4.36 The layouts and design of development should seek to ensure that the point of entry is conveniently located and internal access is as direct as possible, with alternative access arrangements and use of ramps and lifts as alternatives to stairs and wider openings, as appropriate. Surfaces should be conducive to wheelchair use and as level as possible, with dropped kerbs, tactile and coloured surfaces used as appropriate. Street furniture should be located to be of assistance to people with disabilities, or impaired mobility and, together with any planting, not located where it could prove an obstruction.

Policy GP9 – Crime prevention

In assessing proposals for new development, or alterations to existing buildings, encouragement will be given to incorporating design principles that will assist in reducing opportunities for crime, enhancing community safety, and creating a safe environment.

Explanation

4.37 Local authorities have a legal duty to address issues of community safety in all aspects of its work. Land use planning has an important role in reducing crime and disorder, through the creation of an environment that does not encourage such activity. Designs that facilitate surveillance, can help to reduce the opportunities for crime and nuisance by for example ensuring public open space, car parking areas and routes used by pedestrians are overlooked from buildings, or roads. Furthermore designs that stimulate a sense of ownership and responsibility can help enlist community support in combating crime and disorder.

Good design can therefore be essential for the promotion of community safety and a safe environment.

Policy GP10 – Flooding and surface water drainage

Planning permission for development in areas at risk from flooding will only be granted where it can be demonstrated that there are no reasonable options in a lower risk category and a flood risk assessment, submitted with the application, demonstrates that:

- 1. It would not reduce the capacity of the floodplain to store water, impede the flow of water in the floodplain, or otherwise exacerbate, or give rise to the risk of flooding, and**
- 2. It incorporates any necessary flood protection and mitigation measures to ensure that the risk of flooding and damage to buildings and related areas is reduced to an acceptable level for the lifetime of the development.**

Outside areas known to be at risk of flooding, planning permission for development, which could create a risk of flooding on the site, or increase the risk elsewhere, as demonstrated by a flood risk assessment provided by the applicant, will not be granted unless:

- 1. Its layout and design reduces the risk of the site being flooded to an acceptable level, and**
- 2. Measures are to be taken to ensure that there is no increased risk of flooding elsewhere.**

Development will be expected to incorporate sustainable drainage systems to provide for the disposal of surface water and provide for the re-use and recycling of such water within the development. Where this is not possible it will be necessary to demonstrate that an acceptable alternative means of surface water disposal is provided.

Planning permission will not be granted for development, which prevents access to watercourses for the purposes of maintenance.

Explanation

4.38 Floodwater can be a major threat to the economy, the environment and public safety as well as causing a substantial and expensive disruption to peoples' lives. While flooding problems in the Borough have not been so severe as in many other parts of the country over recent years, the need to control the risk has been recognised for some time. In accordance with Government policy a precautionary approach to reduce the risk of flooding is considered essential. The Council will apply a sequential approach to development in areas at risk of flooding. It will be necessary to demonstrate that an alternative site cannot be found in an area at lower risk.

4.39 The extent of floodplains in the Borough are notified by the Environment Agency in conjunction with the Council who are the Land Drainage Authorities for main rivers and ordinary watercourses respectively and are shown on the Proposals Map. It should be appreciated that they are indicative and liable to change. Development needs to be closely controlled to ensure that it is not subject to flooding and does not give rise to flooding elsewhere. It should incorporate appropriate flood protection and mitigation measures, which for residential development in high risk areas shall include safe pedestrian access from each residential dwelling to land subject to lower risk. Care should also be taken to protect the natural environment and the cultural heritage from flooding.

4.40 The use of sustainable drainage systems in new development to control surface water run-off can reduce the risk of flooding, offset other environmental consequences associated with traditional forms of drainage e.g. loss of wildlife habitats and water pollution, and create new areas for nature conservation. Such systems can entail the provision of swales, filter strips, infiltration trenches and basins, and porous surface treatments, as well as the construction of wetlands e.g. reedbeds. The recycling of surface water for reuse can also help control run off.

4.41 To assist in the assessment of flood risk developers should submit a detailed risk assessment, prepared in consultation with the Land Drainage Authority, with an application for development which may be at risk of flooding or which may cause an increased risk of flooding elsewhere.

Policy GP11 – Pollution control

Planning permission will be granted where it is demonstrated through an appropriate assessment, taking full account of previous and proposed uses, that the proposal would not result in material harm in relation to:

- 1. Surface or ground water, particularly potable sources,**
- 2. Air quality,**
- 3. Soil conditions,**

Or result in unacceptable levels of noise, light or air pollution.

It may be necessary to prevent developments with the potential to pollute, separate them from other land uses liable to be affected, or require mitigation measures sufficient to satisfactorily reduce, or avoid the risk of harm.

Explanation

4.42 The possibility of development resulting in the pollution of the environment is material in the consideration of development proposals, as are existing sources and levels of pollution, in order to assess the cumulative effect. There is clearly a need to safeguard natural resources and the environment generally from the numerous sources of potential pollution that exist, particularly where harm would be caused to other uses of land, the health of people, or livestock, nature conservation and the cultural heritage. Pollution assessments should be submitted with relevant proposals. The most obvious source of pollution are:

- Water – from agriculture, industry and housing.
- Air – from industry, motorised road traffic (particularly where congestion is experienced), rail and air transport,

use of chemicals and fuels and the production and treatment of waste.

- Soil – from agriculture, industry and waste disposal.
- Noise – from industry and commerce, motorised road traffic (particularly where congestion is experienced), rail and air transport and entertainment.
- Light – from artificial lighting.

4.43 Excessive lighting can detract from the character of an area, as well as local amenity and result in the wasteful use of energy with the associated pollution. It can also be detrimental to the appearance of the night sky and the character of the countryside. There is evidence that light pollution is increasing rapidly. Much light pollution is a consequence of poorly located and designed apparatus. As such lighting should in particular be:

- The minimum necessary for the intended purpose, in terms of intensity and duration of use, consistent with the maintenance of security and safety,
- Essential for the operational requirements of the development,
- Located and designed to focus on the intended target for illumination, with any glare, or light spillage, minimised,
- Landscaped, where appropriate, to reduce pollution and
- Utilise equipment of an attractive and appropriate design.

4.44 Wherever possible steps should be taken to reduce existing sources of light pollution when considering development proposals and the lighting of public buildings and land, including the highway network.

4.45 It should be noted that the Integrated Pollution Prevention Control System introduced by the Pollution Prevention Control Act 1990, and now effectively superseded by the Pollution Prevention and Control Act 1999, requires the Environment Agency and local authorities to regulate certain industrial processes which are considered to have the greatest potential for harming the

environment, in addition to controls which fall within the remit of the planning system.

Policy GP12 – Air Quality Management Area

Development proposals within the Air Quality Management Area (AQMA) that fulfil the requirements specified for air quality assessments (Table 2), or are likely to hinder the achievement of the Council’s air quality objectives, will be required to demonstrate their impact on air quality.

Development that is likely to have a net adverse impact on air quality in the AQMA will not be permitted, unless such effects are mitigated to the satisfaction of the Council.

Explanation

- 4.46 Air pollution can be damaging to human health, wildlife and the fabric of buildings and has a knock-on effect on soil and water quality. Emissions from road transport and industry are the major causes of air pollution in Rugby. The Council and the Environment Agency, through environmental protection legislation, control the emissions from some industries.
- 4.47 The Government has adopted the UK National Air Quality Strategy, which requires local authorities to periodically review air quality in their areas. The AQMA has been established due to the prediction that levels of Nitrogen Dioxide (NO²) in certain areas of the town may breach the annual objective in 2005. The source of NO² is mainly from road traffic. The area the AQMA covers can be seen at Appendix 6.
- 4.48 Land use planning has an important role to perform in achieving air quality objectives. Developments can produce pollutants either by direct emissions or indirectly via changes of traffic flows. The Council will seek to ensure that new development does not result in a significant increase in production of air pollutants and that opportunities are taken to improve air quality, where possible. The impact of air pollutants is material to the consideration of planning applications. A detailed air quality

assessment should be produced where a proposed development may have a significant adverse effect on air quality in the AQMA. A detailed air quality assessment will be required where a proposed development would exceed the thresholds set out in Table 2. In some instances, an Environmental Impact Assessment may be required.

Table 2: AQMA thresholds

Use	Thresholds above which a an air quality assessment will generally be necessary
A1, A2 and A3 retail development	1,000 m ²
B1 including offices	2,500 m ²
B2 general industry	5,000 m ²
B8 storage and distribution	5,000 m ²
Educational establishments-	2,500 m ²
D2 Assembly and leisure facilities, including stadia	1,000 m ²
C3 residential development	100 dwellings
Health establishments	2,500 m ²

- 4.49 In some cases, impacts on air quality can be successfully mitigated through measures, such as Travel Plans, contributions to improve public transport and separating polluting uses from residential areas. Areas of woodland also play an important role by absorbing air pollutants. Further guidance is provided by DEFRA and the Council’s Environmental Health Department.

Policy GP13 – Public health and safety

Any threat to public health and safety which would arise as a consequence of development will be a material consideration and measures may be necessary to ameliorate this threat. Particular regard will be had to development at risk from:

- 1. Existing sources of pollution, or**
- 2. Contaminated land, or**
- 3. Premises used for the storage of hazardous substances, or**
- 4. Substantial volumes of traffic, particularly heavy vehicle movements, or**
- 5. Subsidence or landslip, or**
- 6. Flooding, or**
- 7. Telecommunications equipment, or**
- 8. High voltage overhead power lines.**

Explanation

- 4.50 The proximity of development proposals to certain existing or past uses, activities and installations that are a potential source of danger, will need to be carefully considered, to ensure there is little or no threat to public safety. While proposals for developments, which are themselves a potential source of danger, will need to be similarly appraised.
- 4.51 Planning policy places considerable emphasis on the development of previously developed land, as opposed to greenfield sites. However, such sites could comprise, or be close to contaminated land and, despite it being previously developed land, the contamination may be sufficient to preclude redevelopment, particularly for housing.
- 4.52 Existing or closed landfill sites present particular problems because they generate methane gas which can seep laterally through the ground and if generated in sufficient quantities may form an explosive mixture with air. Open space uses may be appropriate on or

near previous landfill sites. Residential development may well be unacceptable on, or near such sites.

- 4.53 Certain substances represent a potential threat to public safety e.g. certain agricultural fertilisers and their storage in locations where a threat to safety could arise, will be an important consideration in the assessment of proposals.
- 4.54 Traffic conditions on the highway network, which would serve the proposed development, or in the vicinity of the site, may pose a safety risk which could be material in the consideration of proposals. This may particularly be the case where substantial heavy vehicle movements are involved, or for example it is necessary for persons to cross a busy highway to access facilities and services.
- 4.55 Unstable ground conditions could be a threat to buildings and other structures and the safety of persons occupying, or utilising them. Such conditions will need to be taken into account in considering development proposals.
- 4.56 The risk of flooding is not only a possible threat to property, but also the safety of people and the appraisal of development proposals will need to have regard to the safety of the public in the context of Policy GP10.
- 4.57 The close proximity of telecommunications equipment in particular, and high voltage overhead power cables, can be perceived as a potential risk to health and safety. In the case of the former regard will be had to policy GP14.
- 4.58 In assessing proposals where public safety is an issue the Council will consult with its own Environmental Health Department, the Environment Agency and the Health and Safety Executive and, on proposals affected by high voltage overhead power lines, National Grid Transco. Regard will be had to the potential for remedial works, or mitigation measures, which could remove or reduce the risk. However, such action may not be sufficient, or could be so expensive as to make development uneconomic.

Policy GP14 – Telecommunications

Planning permission will be granted for telecommunications development provided:

- 1. The siting and external appearance of the apparatus and any ancillary development would not harm the character and appearance of the area or the environment generally; and**
- 2. Applicants have demonstrated that they have explored the possibility of mast or site sharing and it is not a feasible alternative and that the apparatus cannot be erected on an existing building or other appropriate structure; and**
- 3. Where relevant, applicants have considered the need to include additional structural capacity to take account of the growing demands for network development, including that of other operators.**

Explanation:

- 4.59 The provision of telecommunications developments can have a significant adverse effect on the character, appearance and amenity of both urban and rural areas. Applicants will be expected to clearly demonstrate that they have explored the possibility of mast or site sharing and that is not feasible and that alternative sites including the erection of apparatus on an existing building or other appropriate structure are not suitable. New development sites in prominent locations should be avoided. Particular attention will be given to the impact on land designated for its natural and historic qualities or upon sites and structures of archaeological or historic significance, whether formally designated or not.
- 4.60 Mobile telephony can bring many economic and social benefits with mobile phone use having risen dramatically in recent years. Advances in communications technology over recent years has resulted in considerable pressures for the development of masts, antennas and other telecommunications structures. In operating this policy the Borough Planning Authority recognises

the special needs and technical problems of telecommunication development.

- 4.61 National guidance on this subject can be found in PPG8 Telecommunications (August 2001), which has been updated to reflect recent developments in telecommunications technology, changes to the permitted development rights that apply to telecommunications code system operators and to provide advice on health considerations in making planning decisions. Safety is often an issue associated with the erection of telecommunications equipment and before permitting such development, the Council will need to be satisfied that proposals are compliant with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). These guidelines advocate the 'precautionary principle' identified in the Government commissioned Stewart Report (2000). As a consequence a ICNIRP certificate should be submitted with all applications for the erection of such equipment. Where these guidelines are met PPG8 states that planning considerations should not prevent a proposed development on the basis of its health implications.
- 4.62 It is likely that as time passes, further advances in technology will lead to existing facilities becoming obsolete or redundant. The Telecommunications Code and the Operators License require that operators are not entitled to keep apparatus installed if it is unlikely to be used in the future.

Policy GP15 – Planning obligations

Planning permission will only be granted where the Council is satisfied that:

- 1. The direct physical, social and economic needs of the proposed development are met; or**
- 2. Adequate mitigating measures to minimise the adverse impact of the proposed development are provided.**

The Council will seek to secure such measures, where appropriate through planning obligations.

The failure to show that suitable measures are in place, or will be secured, will result in refusal of planning permission.

Explanation

- 4.63 The Council will seek planning obligations where they are necessary to secure planning permission, relevant to planning and directly related to the proposed development. The obligations should also be fair and reasonably related in scale and kind to the proposed development. Where there is a choice between imposing conditions and entering into a planning obligation it is considered preferable to impose appropriate conditions which satisfy the policy tests of Circular 11/95.
- 4.64 In order to undertake new development it is often necessary for the applicant to provide infrastructure and community and other facilities to meet the needs that arise and undertake environmental and other works of mitigation. Such provision is frequently accommodated on site as part of the development proposal, although for development to proceed satisfactorily much wider provision, beyond the site can be needed.
- 4.65 An effective planning obligation system should enhance the quality of the development and the wider environment, and ensure that the proposal makes a positive contribution to sustainable development, providing social, economic and environmental benefits to the community as a whole. Planning Obligations should help to ensure an increased supply of affordable housing, provision of public space, adequate education facilities and the other facilities and infrastructure needed to accommodate growth. For large developments applicants will have to enter into negotiations with WCC in order to agree the scale of education facilities and infrastructure provision necessary to deliver a comprehensive and satisfactory scheme
- 4.66 In some cases the Council may need to consider the cumulative impact of individual applications when assessing

off site (or on site) infrastructure requirements and other planning obligations, such as affordable housing. Contributions sought from a particular development will be limited to what is fairly and reasonably related in scale and kind to:

- a) the cumulative impact arising from the relevant scheme; and if necessary
 - b) address any immediate short term problems.
- 4.67 The Council will monitor Government advice and will, from time to time, publish Supplementary Planning Documents (SPD) on the use of planning obligations.
 - 4.68 It is important to emphasise that a proposal which is generally unsatisfactory in planning terms, cannot be justified by other benefits, that do not satisfactorily address the planning concerns.

Policy GP16 – Parish Plans

Where the views of a community are expressed in a Parish Plan (and their equivalents) they will be used as a material planning consideration in all proposals. In particular, they will be used:

- a) to assess the merits of schemes promoted to meet needs which they have identified; and
- b) to assist in identifying the scope and nature of associated planning obligations which may be sought.

Explanation

- 4.69 The Council is promoting the involvement of communities in the planning process. The role of Parish Plans and Village Design Statements has taken on a growing prominence in the determination of planning applications. The Warwickshire Structure Plan endorses an approach whereby developments which are built in rural settlements meet local needs. In seeking to ensure that local community views are built into the planning process, the Council will take

into account the results of Parish Plans when determining planning applications. Where a Parish Plan exists, the Council will seek to ensure that all developments, not just those in Local Needs Settlements contribute towards the community aspirations.

- 4.70 In promoting this approach, it must be emphasised that the Council is responsible for making decisions on planning applications taking into account a wide range of material considerations of which a Parish Plan would be one. Therefore it is important to stress that where other policy provisions of this plan would not be met, it is unlikely that the provisions of a Parish Plan would override.

Advertisements, blinds and awnings

- 4.71 The Control of Advertisement Regulations gives the Local Planning Authority wide powers to control the display of new and existing advertisements, including those on awnings and blinds, in the interests of amenity and highway safety. However, not all advertisements need the express consent of the authority and therefore certain advertisements can be displayed with the benefit of deemed consent.

Policy GP17 – Display of advertisements

Consent will not be granted for the display of advertisements where as a consequence of their location, size, design, colour and illumination they would individually or cumulatively:

- 1. Detract from the appearance and character of buildings, the street scene, or the environment and amenity generally, particularly where listed buildings, or conservation areas would be adversely affected, or**

- 2. Adversely affect public safety.**

Consent will not be granted for advertisement hoardings, or poster panels which would be:

- 1. Out of proportion with the property to which it is attached; and/or**

- 2. Out of scale with its surroundings; and/or**

- 3. Detrimental to the appearance and amenities of an area particularly where listed buildings, or conservation areas would be adversely affected, and/or**

- 4. Detrimental to public safety.**

Explanation

- 4.72 The display of advertisements can be unduly dominant, intrusive and a source of visual clutter. As a consequence they often detract from the appearance of individual buildings, the street scene, the shopping environment and the historical qualities, or rural character of an area, particularly if they are excessive in size, erected in large quantities, utilise modern materials, with bright colours and are illuminated. This can be of particular concern if Listed Buildings and Conservation Areas are affected, or if they are displayed in the countryside, including those alongside the highway, introducing an alien urban characteristic. It should be noted that listed building consent will be required for advertisements on listed buildings, irrespective of whether consent is required under the aforementioned regulations.

4.73 The types of advertisement unlikely to receive consent are those which would:

- Be positioned on the top of buildings.
- Be positioned above ground floor fascia level.
- Be out of scale with their surroundings.
- Be out of proportion with the building on which they are to be situated.
- Straddle the elevations of buildings, particularly if they are of differing character and appearance.
- Cumulatively with other signs create a cluttered appearance.
- Be detrimental to the character, appearance and amenities of an area, because of the duration or intermittent nature of illumination and its intensity.
- Utilise modern materials, designs or colours inappropriate for the property on which it is to be placed and the locality e.g. where Listed Buildings and Conservation Areas would be affected.
- Causing an obstruction to the public highway and affecting public safety.

4.74 The above list is not intended to be definitive. With regard to shops the best solutions can often be achieved when advertisements are designed as an integral part of the shop front, located on the fascia for the unit. Reference should be made to Policy TCR9 providing guidance on the design of shop fronts.

4.75 In addition to concerns about the visual impact of advertisements, they can also give rise to concerns about public safety, in particular for users of the public highway and other areas to which the public have access. For example signs could impair the visibility of road users and obstruct the highway, which is likely to be a particular concern for the visually impaired. In addition they may be a distraction and source of confusion for drivers, cyclists and pedestrians.

4.76 The Advertisement Regulations provide authorities with the power to require the display of advertisement erected with express or deemed consent to be discontinued. The Council will require displays to be discontinued where such

advertisements are considered to seriously detract from visual amenity, particularly the appearance of Conservation Areas and Listed Buildings, or be a threat to road safety.

4.77 The declaration of Areas of Special Advertisement Control can be used to extend controls to advertisements which could otherwise be displayed with the benefit of deemed consent. Such declarations would appear particularly appropriate in certain Conservation Areas where there is a strong commercial presence and concentration of Listed Buildings and where, on the grounds of amenity, a stricter degree of control is considered essential. The Council will seek the designation of Areas of Special Advertisement Control in the Borough where it is considered necessary in the interests of visual amenity and public safety.

Policy GP18 – Erection of canopies or awnings

Planning permission will only be granted for the installation of canopies or awnings where they:

- 1. Are to be positioned on the ground floor of premises; and**
- 2. Would not detract individually, or cumulatively with other fixed canopies or awnings, from the character and appearance of buildings or the street scene, and**
- 3. Are retractable where listed buildings, or conservation areas would be affected.**

Explanation

4.78 The installation of a canopy or awning is often sought for shops, cafes, restaurants public houses and other commercial premises. However, fixed canopies are not traditional. They are often incompatible with the appearance and character of the buildings on which they are installed and, due to their shape and use of modern materials and vibrant colours, can be a discordant element in the street scene and source of visual

clutter on building elevations. This is particularly the case where lots of them are erected at differing heights and of varying shapes, sizes and colours. Particular care will need to be exercised where the appearance and character of Listed Buildings or Conservation Areas would be affected, including their settings. The retractable variety of canopy or awning is often more appropriate, particularly where it is designed and incorporated as an integral part of a frontage or other elevation.