**BRINKLOW**

 **NEIGHBOURHOOD PLAN**

**POLICY REVIEW**

**OCTOBER 2017**

1. **Introduction**

This document has been prepared by Jennifer Lampert from Jennifer Lampert Associates Ltd in consultation with Brinklow Parish Council and the Brinklow Neighbourhood Plan Steering Group. The purpose of this document is to review the extant policies of Rugby Borough Council relevant to the Brinklow Neighbourhood Development Plan and to consider their context.

This review will therefore inform the content of the Neighbourhood Development Plan (NDP) and assist in setting any proposals within the proper context and support the policy framework identified for any proposals.

The following details are provided within the main body of this report:

2.0 What can and cannot be considered within a Neighbourhood Plan and what must be considered.

3.0 Policy Review: All policies relevant to the Plan and a note of the emerging policies and documents that will influence the eventual plan.

1. **Legislative Matters:**

**The ‘Basic Conditions’ and ‘Excluded Development’**

Neighbourhood Development Plans must meet the following basic conditions which are set out under Schedule 10 Section 8(2) of the Town and Country Planning Act 1990 as amended and these state that:

1. They must be appropriate having regard to national policy
2. They must be in general conformity with the strategic policies in the development plan for the local area
3. They must be compatible with EU obligations
4. They must be compatible with human rights requirements
5. They must contribute towards achieving sustainable development

The details provided in section 3 of this report consider the relevant planning policies that effect the Brinklow Parish Council area and which will be material considerations to the policies and proposals put forward in their Neighbourhood Development Plan.

The Basic Conditions as set out above relate to the principle of ‘general conformity with the strategic policies of the area.’ The term ‘general conformity‘ is not defined in law but has been discussed in judgements particularly in regard to the relationship between Core Strategies and Local Plans. The adjective “general” would seem to introduce a degree of flexibility which will depend on the planning judgements being made and the particular circumstances of the case. For the purposes of policy making in the context of the Brinklow Neighbourhood Plan the interpretation of ‘general conformity’ is that Neighbourhood Plans can deviate from the strategic policies of the local plan, provided that they do not conflict with or impact adversely on their deliverability and thus still remain in general conformity.

In this instance the test is to be applied to the new and different tier of policy formulation between the Neighbourhood Development Plan and the Strategic policy of a Local Plan.

 The intention of the degree of flexibility is seen in the wording of section 183 of the National Planning Policy Framework (NPPF) which states “neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” The advice contained in the NPPF is discussed in more detail in the next section.

The process of preparing a Neighbourhood Development Plan is discretionary that is undertaken by the community and the policies of that Plan require some degree of flexibility to ensure that the proposals will make a positive difference for the Community, whilst still remaining within the generality of the overall strategies of the Local Planning Authority. Those policies are identified within the Neighbourhood Development Plan itself and will be examined as part of the separate Basic Conditions Statement.

1. **Relevant planning policy**

The Development Plan for Rugby Borough Council that is relevant to the Brinklow Parish Council area consists of the Policies of the saved policies of the Rugby Borough Council Local Plan 2006, The Core Strategy adopted in 2011 for the period 2006 to 2026 and the emerging revised Local Plan Rugby Borough Council Local Plan 2011 to 2031 published September 2016.

These emerging policies will eventually replace for the most part the policies of the adopted Rugby Borough Local Plan 2006 but some of those policies have been retained as “saved policies” and details of those policies are provided later in this report. Similarly the emerging revised policies will replace those of the adopted Core Strategy.

The Brinklow Neighbourhood Development Plan (BNDP) needs to respect and generally conform with the Adopted Development Plan as well as having regard to the policies in the National Planning Policy Framework (NPPF).

Rugby Borough Council published a first draft of their revised Local Plan for 2011 to 2031 in September 2016 which will bring forward, expand and review the policies of the previously adopted Local Plan and the more recent Adopted Core Strategy. The intention is to provide a single plan that takes the plan time span to 2031 and in doing so reviews the evidence and re-examines the vision, the strategy and the issues for the community within the Borough of Rugby.

This emerging revised Development Plan document for Rugby Borough Council has included a call for sites and recently the Council published an update of this plan to reflect the current overall strategy for the district, alongside site allocations (where needed) and development management policies.

Representations on the details of these recent revisions have been submitted by the Brinklow Parish Council to Rugby Borough Council in August 2017. A copy of those submissions is provided as an appendix to this report.

 This revised Rugby Local Plan is likely to be adopted during the lifetime of the Brinklow Neighbourhood Development Plan and the BNDP needs to be “appropriately in line” with that plan. For this reason ongoing liaison should take place with Rugby Borough Council, the Local Planning Authority.

**National Planning Policy Framework (NPPF) published March 2012**

The basic conditions, as set out in the amended Town and Country Planning Act 1990, mean that the guidance set out in the NPPF provides one of the foremost material considerations against which the neighbourhood plan will be examined. This means that:

*A draft neighbourhood development plan meets the basic conditions if —*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development*

*plan,*

*(d) the making of the neighbourhood development plan contributes to the*

*achievement of sustainable development,*

The core objectives of the NPPF relate to:

* Balancing the delivery of the most appropriate development (paragraphs 156 and 157)
* Ensuring that development is viable and deliverable (paragraph 173)
* That plans should be positive in nature (paragraph 186)
* That plans should embody the presumption in favour of sustainable development (paragraphs 8 and 183 to 186)

**Balancing the delivery of the most appropriate development**

Paragraph 156 of the NPPF identifies “that Local Planning Authorities should set out the strategic priorities for the area in the Local Plan and these should include strategic policies to deliver:

- the homes and jobs needed in the area

- the provision of retail, leisure and other commercial development

- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management and the provision of minerals and energy (including heat)

- the provision of health, security, community and cultural infrastructure and other local facilities and

- climate change mitigation and adaptation, conservation and enhancement of thenatural and historic environment, including landscape.”

Paragraph 157 identifies that Local Plans should plan positively for development, be kept up to date and allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate.

This advice will be followed in the BNDP.

**Ensuring that development is viable and deliverable:**

The NPPF has various references to deliverability including positively seeking development opportunities, providing a practical framework for planning decisions and taking a positive approach to sustainable new development in the countryside and for neighbourhood plans they must be practical.

The emphasis on viability and deliverability is important because it links plan making to a realistic understanding of the development process.

Paragraph 173 succinctly identifies how plans should ensure viability and deliverability and states: “Plans should be deliverable. Therefore the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” To ensure viability the advice offered is that “the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

 **That plans should be positive in nature:**

In paragraph 186 Local Planning Authorities are advised that they should

“ approach decision taking in a positive way to foster the delivery of sustainable development,” and in paragraph 187 that “Local Planning Authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.”

**That plans should embody the presumption in favour of sustainable development:**

Generally the NPPF confirms that the purpose of planning is to help achieve sustainable development and identifies in paragraph 7 the three dimensions to sustainable development namely:

* An economic role
* A social role
* An environmental role

Paragraph 8 of the NPPF reminds us that these roles should not be taken in isolation because they are mutually dependent and they should be sought jointly and simultaneously through the planning system.

The NPPF in paragraph 10 requires that plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 14 identifies what a “presumption in favour of sustainable development” is and what it means for plan-making and decision-taking.

For plan-making this means that:

“local planning authorities should positively seek opportunities to meet the development needs of their area and

Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change.” - unless there are any adverse impacts or specific policies or material considerations indicate otherwise.

For decision-taking this means:

“approving development proposals that accord with the development plan without delay and

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission.” - unless there are any adverse impacts or specific policies or material considerations indicate otherwise.

Paragraph 15 advises that policies in local plans should follow the approach of the presumption in favour of sustainable development with clear policies that will guide how the presumption should be applied locally.

Paragraph 16 reflects that the application of presumption will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

* “develop plans that support the strategic development needs set out in Local Plans including policies for housing and economic development;
* plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan and
* identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.”

Paragraphs 183 to 185 of the NPPF identify the role of Neighbourhood Plans (now referred to as Neighbourhood Development Plans).

Paragraph 183 states “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

The definition of sustainable development has already been identified above and is expressed as a three dimensional role of economic, social and environmental influences.

The Parish can set planning policies through the Neighbourhood Development Plan for the making of decisions on planning applications.

Paragraph 184 identifies that Neighbourhood Development Plans must be in general conformity with the strategic policies of the Local Plan and the relevant policies are discussed below.

Whilst Neighbourhood Development Plans should reflect these strategic policies and be in general conformity with them, paragraph 185 of the NPPF allows that the Neighbourhood Development Plan can provide specific policies of its own which will take precedence over existing non strategic policies of the Local Plan for that neighbourhood.

It is important to note that the NPPF advises in paragraph 186 that “decision taking should be approached in a positive way to foster the delivery of sustainable development”. The decision takers should work with the Neighbourhood Development Plan to ensure deliverability of the proposals in that plan wherever possible.

**Planning Policy Considerations**

 With regards to planning policy considerations, the following ‘basic condition’,

 as set out in the amended TCPA 1990, sets out the importance of considering

 the strategic objectives of the adopted development plan when formulating

 Neighbourhood Plan policies:

*(e) the making of the neighbourhood development 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)*

Otherwise, recommended best practice, as advised by DCLG, is that Neighbourhood Plans are also ‘appropriately in line’ with emerging strategic policies that are likely to be adopted during the lifespan of the Neighbourhood Plan. This will ensure that communities do not undertake abortive work, due to the presumption towards the more recently adopted policy, where conflict arises, as set out in Section 38(5) of the Planning and Compulsory Purchase Act 2004.

**The Adopted Development Plan: Rugby Borough Council Local Plan 2006.**

This adopted Local Plan is one of the two main currently adopted documents for Rugby Borough Council Local Plan which have been providing a strategy for delivering growth for the Borough and this earlier Local Plan took proposals up to 2016.

A later Plan the Core Strategy provides the vision, objectives and strategic policies for delivering growth up to 2028.

However the Government want now to see a single plan produced rather than a series of multiple documents so the intention now is to prepare for such a single plan that covers a longer period possibly to 2031. This will be the Emerging new Local Plan and will be discussed at the end of this document.

In addition the Council have produced a list of policies that are still “saved policies” of the previously adopted Rugby Borough Plan 2006.

Details of these are provided below.

**Policies of the adopted Rugby Borough Local Plan 2006 (to 2016)**

Whilst the adopted Rugby Borough Local Plan 2006 is out of date some of the policies have been “saved” and are relevant to the policy background of the proposed Neighbourhood Plan. These policies are described below:

**Policy GP2 Landscaping**:

This states that “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 they meet 7 criteria that include the requirement for a site survey, an appraisal of the landscape character of the area, details of ecological, geological and archaeological significance, use sustainable drainage techniques, use of native species in new planting and minimise visual intrusion.

**Policy GP5 Renewable energy:**

The scale and benefits of community renewable energy schemes can make them suitable in locations where large scale, commercial schemes may be inappropriate and in support of this approach the following policy is provided**.**

“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.”

**Policy GP6 Safeguarding development potential**

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.

To support this approach the local authority advise that:

“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.”

**Policy E6 Biodiversity**

 Rugby Borough Council have stressed that land use planning has an important role to play in safeguarding the natural environment from the effects of development and to secure its enhancement. To encourage and support this approach they have proposed policy E6 as set out below.

“The Borough Council will seek to safeguard maintain and enhance features of ecological and geological importance, in particular priority habitats/species and species of conservation concern.

Developers will be required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protection and subsequent retention of natural features and necessary supporting habitats, such as ponds, hedgerows, ditches and trees which are to be retained. Where loss of habitat is unavoidable, adequate mitigation measures should be undertaken and only where this is not possible, adequate compensation measures should be implemented.

Where necessary the Borough Council will seek long term management plans which will be secured by planning conditions or obligations.”

 This policy will relate to the Local Diversity Action Plan for Rugby Borough which will highlight the important types of habitat and conservation of the natural environment including sites of special scientific interest.

**Policy E17 Development affecting parks and gardens and other elements of the historic landscape**

Development affecting registered parks and gardens and other elements of historic landscape needs to be closely controlled to preserve their contribution to the landscape and the built environment and because of their intrinsic merit and historical value.

Policy E17 states:

“Planning permission will not be granted for development which would adversely affect the character, appearance or setting of a:

1.Park or Garden registered as being of Special Historic Interest or

2. Any other element of the Historic Landscape or

3. Parks or gardens of acknowledged local importance

Or which would detract from the contribution they make to other features and the wider landscape. Unless:

1. The need for and benefits of the development for the community can not otherwise be achieved and are sufficient to override the need to preserve the Park, or Garden or other element of the Historic Landscape and
2. All opportunities for avoiding potential adverse impacts are taken and if this cannot be achieved their mitigation.

Development proposals should not compromise the future restoration of such Parks or Gardens or other elements of the Historic Landscape and wherever possible should seek to enhance such features.”

**Transport Issues:**

The Council have promoted policies on these aspects that are relevant to the circumstances of Brinklow:

**Policy T5 Parking facilities**

“Planning permission will only be granted for development incorporating satisfactory parking facilities including provision for motor cycles, cycles and for people with disabilities (or impaired mobility) based on the Borough Council’s standards (contained in Appendix 3).”

**Policy T11 Safeguarding future railway opportunities**

This policy is aimed at ensuring the efficient movement of people and goods and promoting a prosperous economy. It states:

“Development will not be permitted which would prejudice

1 The efficient functioning and acceptable development of the existing railway network or

2 The use of former railway land for sustainable transport purposes.”

**Housing issues:**

Policy H3 refers to the provision of additional housing proposals within the Rugby Urban Area and this does not suggest any proposed new development from this original local plan that will encroach onto the Parish of Brinklow.

**Policy H12 Open space provision in residential developments in the rural area**

The reason for this policy is that new developments will be expected to ensure that sufficient recreation space and facilities are provided to meet the needs of prospective residents.

Policy H12 states:

“Outside the Rugby urban area planning permission will be granted for residential developments on sites of 0.2 hectares or more and/or capable of accommodating 6 or more dwellings, where appropriate open space provision is made in accordance with the standards set out in Policy LR1.

All such developments will be expected to provide adequate amenity greenspace in accordance with Policy LR1.

Principal cross references: H3, LR1, A1, A2.”

Within this policy guidance is given that the provision should be made on site if at all possible but that off site contributions commensurate with the scale of the provision could be made if the proposed development was of insufficient size to make the open space provision feasible in the context.

Policy LR1 sets out the Council’s open space standards.

**Economic Development**

The retention and delivery of employment sites within the Borough are an important aspect of the adopted Local Plan**.**

**Policy ED4 Major development sites in the green belt**

This policy seeks to identify sites where partial redevelopment or infill development for employment purposes would be acceptable.

“ Planning permission will only be granted for the redevelopment, including partial redevelopment or infill development, for employment purposes, of the sites listed below and defined in the proposals map where:

1. New building, in the form of redevelopment, does not result in built development occupying a larger area than was previously the case, or the height of the existing building being exceeded, unless there would be an overall landscape benefit.

2. New building, in the form of infill development does not result in a major increase in the proportion of built development on the site, or exceed the height of existing buildings.

Site reference Location

ED4.1 Peugeot Motor Company plc: Land at Ryton on Dunsmore

ED4.2 Rolls Royce ltd: land at Ansty”

Whilst neither of these sites are located within Brinklow Parish the land at Ansty is close to the parish boundary and any redevelopment may well have an effect on the Parish of Brinklow. This policy would also be relevant if any additional development sites for employment were to be proposed within the parish of Brinklow.

**Policy ED5 Retention of existing strategically significant employment sites.**

This policy includes a list of those sites that the Borough Council wish to be retained for employment purposes.

The sites include..see the list . NOTE JL to ask the steering group if any of the sites ED1 to ED18 are within the Parish or nearby... If not delete this policy.

**Policy ED6 Retention of other employment land**

It is important for the Borough to retain the diversity of businesses it currently possesses so as to provide a wide spectrum of employment opportunities**.**

**Policy ED6 states:**

“Planning Permission will not be granted for development that would result in the loss of buildings or land that are in or were last in employment uses ( Use Class B) with the exception of those sites that have been allocated for development under other policies contained within this plan.

Development or redevelopment for other uses will only be allowed where the following criteria are met:

1. The applicant can demonstrate that there is no reasonable prospect of employment use continuing, resuming or being attracted or
2. Continued use for employment purposes would cause demonstrable harm to the environment or local amenity”

**Policy ED14 Working from home**

“The change of use of part of a dwelling to Use Class B1 will be permitted where this is for the use of the occupants of the dwelling and that the change of use would not have a detrimental impact on the local environment or amenity.”

**Leisure and Recreation**

**Policy LR1 Open Space Standards**

Planning permission will be granted for the provision of open space which contributes to the attainment of the Council’s Open Space Standards.

The open space standards are given as a minimum figures and are based on hectares per 1000 population: For example amenity green space based on a rural setting of 0.5 hectares per 1000 population and allotments and community gardens based on a rural setting 0.8 hectares per 1000 population.

The details of the policy list the 9 open space categories and the requirements for each 1000 population within both a rural and urban setting.

**Policy LR3 Quality and accessibility of open space**

Planning permission will only be granted for the provision of open space, which would comprise a high quality and accessible facility and which ensures that open space:

1 Is appropriately maintained, if necessary through the use of developer contributions

1. Is secure and safe
2. Is attractive in appearance
3. Enhances the natural and cultural environment
4. Provides appropriate ancillary facilities and equipment
5. Is conveniently accessed and facilitates access to other areas of open space including the countryside and
6. Facilitates access by a choice of transport
7. Avoids any significant loss of amenity to residents, neighbouring uses or biodiversity.

Planning permission will be granted for development which enhances the quality and accessibility of existing open space provided it accords with Policy LR4.”

**Policy LR4 Safeguarding open space**

The safeguarding of existing and proposed open space is important in order to ensure that appropriate facilities are available to meet the needs of the whole area.

The policy states:

“Planning permission for the development of Open Space shown on the Proposals Map for non-sport and recreational uses will be granted provided that:

1. The open space is no longer needed or of value for its current or other space use now and in the foreseeable future or
2. The development would result in the enhancement of sport and recreation facilities sufficient to outweigh any loss of the existing facilities or
3. In the case of school playing fields the development is for educational purposes that outweigh the loss of the existing facilities.”

**Policy LR10 Tourism and visitor facilities and attractions**

Developments associated with tourism and visitor facilities are of major significance for the local economy and can serve to enhance the environment and the quality of life for the local community.

The policy states:

“Proposals for the development of tourist facilities including extensions to existing facilities will be permitted within Rugby Town Centre as defined on the Proposals Map. Where there is a need for the development which cannot be met from within the Centre the proposal must meet the following criteria:

1. It is an edge of Town Centre location or
2. If no such location is available and suitable, is located elsewhere within the Urban Area of Rugby as defined on the Proposals Map or
3. Is only located outside the Urban Area if sites have been allocated for development under other policies contained within this plan or no site is available and suitable within the Urban Area which accords with this policy.

Provided that:

1. It would not be detrimental to the vitality and viability of the Town Centre, taking into account the cumulative impacts of development.
2. Development outside the Urban Area is appropriate to its village or countryside location
3. The development is on previously developed land or a full assessment has been made of such sites, which found them to be unsuitable.

For development outside the Urban Area regard will be had to the benefits of accessible locations which are well related to the town, Dunchurch, Long Lawford, a main rural settlement , an existing major visitor attraction and/or public transport services. “

**Policy LR11 Conversion of buildings to tourist facilities**

The re-use of an existing building should be encouraged and this policy supports this approach.

“Planning permission will be granted for the conversion of a building to provide tourism facilities provided the following criteria are met:

1. The building is suitably constructed and worthy of retention by virtue of its historic or architectural interest or its contribution to the character of the area.
2. The building does not require extensive alteration, extension or rebuild to make it suitable for the intended purpose and
3. Where the building is in the countryside or a local needs settlement and the application is for holiday accommodation, the applicant can demonstrate that the building cannot be developed for an employment generating use and conditions are imposed to ensure that the property is not used as full time residents.”

**Rugby Borough Council Core Strategy June 2011**

The Core Strategy is intended to replace the Rugby Borough Local Plan 2006 and the policies would guide development of the Borough up to 2026. Listed below are a summary of those main policies that relate to the circumstances of the Parish of Brinklow in the production of their Neighbourhood Plan. As the work on the production of the neighbourhood plan progresses other policies may become important and these will be identified as required.

**Spatial vision:**

In developing the objectives for the Brinklow neighbourhood plan regard will be had to the spatial vision which includes the aim that: “Rugby in 2026 will be a place where the community has worked together to create a Borough where people are proud to live, work and visit.”

**Policy CS1: Development Strategy**

This policy states: “The location and scale of development must comply with the settlement hierarchy. It must be demonstrated that the most sustainable locations are considered ahead of those further down the hierarchy.”

In that policy Brinklow is identified as a main rural settlement where development is permitted within existing village boundaries and local housing needs is prioritised over market housing.

Paragraph 2.6 provides additional explanation of the role of the main rural settlements and states “Main Rural Settlements play a minimal role in helping to deliver the strategic growth targets for the Borough. However these villages do play an important role locally and the development strategy is intended to support the sustainability and maintenance of existing services, such as school, by enabling development which will support the local community.”

Any identified local housing needs will be prioritised over market housing and be identified via a Housing Needs Survey. Main Rural Settlements will have no threshold on the size of sites that come forward. If there are no suitable sites for affordable housing developments to be found within the existing boundaries in exceptional circumstances such development might be permitted on the edge of the Main Rural Settlement through the application of the Rural Exception Site Policy.

**Policy CS2: Parish Plans**

This states that “Where the views of a community are expressed in a Parish Plan (or equivalent) they will be taken into account in the planning system. For the views of a community to be considered the Parish Plan will need to

* have been endorsed by Rugby Borough Council
* be in conformity with the LDF
* be regularly updated if necessary.”

In this instance the Brinklow Neighbourhood Plan would be afforded the equivalent status of a Parish Plan for the purposes of this policy.

**Policy CS3 – Gateway Rugby Sustainable Urban Extension:**

**Policy CS4 – Rugby Radio Station Sustainable Urban Extension:**

Both these policies propose major developments as sustainable urban extensions to Rugby. It is understood that these are not proposed on land within Brinklow Parish, but the Parish Council will keep under review any effects that the proposals might have on the road and transport network and character of the area.

**Policy CS5: Growth Delivery:**

This policy advises that if there is demonstrated at a later date a significant shortfall in the supply of strategic housing or employment the Council will take action to address the identified shortfall.

**Policy CS10: Developer Contributions:**

This policy provides guidance that “where it is necessary to mitigate against the impact of a development proposal, planning permission will only be granted when a legal agreement or planning obligation is entered into with the Council, in line with the requirements of Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

In the first instance infrastructure contributions will be sought “on site.” However where this is not possible an off site (commuted) contribution will be negotiated.”

**Policy CS11 Transport and new Development**

“Development will be permitted where sustainable modes of transport are prioritised and measures mitigating against the transport impacts which may arise from that development or cumulatively with other proposals are provided...”

**Policy CS13 Local Services and Community Facilities**

Policy CS13 assists in curbing the decline in community life and improves the quality of people’s lives that live or work within the Borough by seeking to protect and provide access to daily facilities such as shops, health centres, cultural and recreational and employment opportunities.

This policy advises that:

“Existing local services and community facilities should be retained unless it can be demonstrated that:

* there is no realistic prospect of the existing use continuing for commercial and/or operational reasons
* the site has been actively marketed for a similar or alternative type of service or facility that would benefit the local community and
* the existing service or facility can be provided in an alternative manner or on a different site in the local area

New local services and community facilities to meet the needs of local communities will be permitted in the following locations:

* as an integral part of a planned new development
* in identified areas of deprivation where the provision would contribute towards addressing the deprivation
* in existing residential areas within the urban area and defined rural village boundary settlements and
* when a provision is identified in a Parish Plan adjacent to the settlement boundary when it cannot be met within the settlement boundary.

Provided that:

 it is readily accessible by a choice of means of transport, including by foot and cycle

the nature and the scale of the development would be commensurate with its function to provide facilities for the local resident population

the nature and scale of service provision will reflect and relate to the size and function of the individual settlement and

the development would not adversely affect the vitality and viability of the Town Centre or any planned town centre development

Where new developments are proposed the implications on existing services need to be taken into account. This may result in contributions to existing services or new provisions being accrued.

New community services and facilities should be provided in Gateway Rugby and Rugby Radio Station Sustainable Urban Extensions in order to create a focus for new communities. These services and facilities should be provided at walkable distances in order to reduce reliance on car journeys.”

**Policy CS14 Enhancing the Strategic Green Infrastructure Network**

The Council consider that it is important to protect the existing GI network in its current role but also to enhance it both in its function and where possible in its physical extent. The new GI should support the aims of the Biodiversity Action Plan and the aims of the Natural Environment and Rural Communities Act.

The policy states:

“The Council will work with partners towards the creation of a comprehensive Borough wide strategic GI network which is inclusive of the Princethorpe Woodland Biodiversity Opportunity Areas as shown indicatively on the Proposals Map. This will be achieved through the following:

* The protection, restoration and enhancement of the existing GI assets within the network as shown on the Proposals Map
* The introduction of appropriate multi functional linkages between existing GI assets

Where appropriate new developments must provide suitable GI linkages throughout the development and link into adjacent strategic and local GI networks or assets where present.”

**Policy CS16 Sustainable Design and Policy CS17 Sustainable Buildings**

Policies CS16 and CS17 seek to achieve high quality, inclusive design alongside the highest viable standards of environmental performance in all developments.

**Policy CS16 states:**

“All development will demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

Development will ensure that the amenities of existing and future neighbouring occupiers are safeguarded.

New development should seek to complement, enhance and utilise where possible the historic environment and must not have a significant impact on existing designated and non designated heritage assets and their settings.”

This policy includes advice for the use of Sustainable drainage systems (SUDS) and to reduce the use of non renewable resources. These can include the provision of urban heat islands and cooling, promoting sustainable methods of transport, conserving and enhancing the built and natural environment and meeting level 4 of water conservation standards of the Code for Sustainable Homes.

**Policy CS17 states**

 “All development shall comply with the published Building Regulations relevant at the time of construction.

As a minimum, all new development of 10 dwellings or 1000sqm of non residential floor space or more shall incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions by at least 10%.”

The Sustainable Urban Extensions are expected to provide the highest carbon efficiency standards of the Code for sustainable homes.

**Policy CS19 Affordable Housing**

Affordable housing includes social rented and intermediate housing provided to specific eligible households whose needs are not met within the open market.

The policy states:

“Affordable housing should be provided on all sites of at least 0.5 hectares in size or capable of accommodating 15 or more dwellings. On sites between 0.5 hectares and 1 hectare in size a target affordable housing provision of 33.3% will be sought. On sites exceeding 1 hectare in size or capable of accommodating 30 or more dwellings a target affordable housing provision of 40% will be sought.”

The policy also states that “New housing developments in Main Rural Settlements that are within the thresholds of this policy will be required to meet any identified Local Housing Needs as a priority before the requirements of this policy. Local Housing Need dwellings will be provided in accordance with CS22 and contribute to the achievement of the affordable housing provision target.”

**Policy CS20 Local Housing Needs**

The Council considers that Local Housing Need falls into three distinct categories:

Affordable Housing for local people and

Market Housing for local people and

Specialised types of housing for local people such as homes for the elderly or disabled.

 The policy identifies the circumstances when “In Main Rural Settlements permission for Local Housing Needs development will be granted where it is proven to meet the identified needs of local people.”

The policy identifies the criteria for when this policy is applicable and states that:

 “There must be an established local connection for those local people that claim to be in housing need. Local people will include:

* A person or persons and their dependants residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years
* A person or persons required to live close to another person who satisfies the above criteria and is in essential need of frequent attention and/or care due to age, ill health and/or infirmity
* A person or persons required to live close to their place of work in the parish or an adjoining parish...”

**Policy CS21: Rural Exceptions Sites**

This policy states:

“ The development of affordable housing that meets the needs of local people, as defined in Policy CS20 will be permitted as a Rural Exceptions Site adjacent to defined rural settlement boundaries, where development is normally resisted, if all the following criteria are met:

* It is clearly demonstrated that there is a local need for affordable housing which outweighs other policy considerations
* It is demonstrated no alternative suitable sites exist within the defined settlement boundary:
* The development consists exclusively of affordable housing:
* Developments do not have an adverse impact on the character and/or appearance of settlements, their setting or the surrounding countryside.
* In all cases arrangements for the management and occupation of dwellings must be made to ensure that all dwellings provided will be, and will remain available for occupancy by eligible local people at an affordable cost and at a range of tenures, both initially and in perpetuity.”

**Other guidance:**

In addition to the saved policies of the adopted Rugby Borough Local Plan and the Core Strategy identified above, the Council have prepared a revised Local Plan 2011 to 2031 Publication Draft dated September 2016.

**Rugby Local Plan 2011 to 2031**

This revised plan has not yet reached examination by an independent inspector and is not yet a formally adopted plan. Details of the contents that might be relevant to the circumstances at Brinklow are set out below. These details will be used to inform the neighbourhood plan.

The spatial vision for Rugby Borough is that in 2031 it will be a place where the community has worked together to create a Borough where people are proud to live, work and visit. The vision includes:

“The sustainable growth of the town and Borough to meet the needs of the community will be balanced with protection and enhancement of the Borough’s historic environment and existing natural assets through the creation of a strategic green infrastructure network. Development will be accommodated in ways which reduces our carbon footprint as well as protecting and enhancing the area.”

**Policy GP1: Securing Sustainable Development**

Policy GP1 seeks to ensure that positive planning is delivered expediently whilst ensuring that the three dimensions of sustainable development –economic, social and environmental, are achieved jointly through the delivery of sustainable development.

The policy states:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF it will always work proactively with applicants jointly to find solutions, which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

It goes on to identify that:

“Planning applications that accord with the policies in this Local Plan (and where relevant with the policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”

And identifies the circumstances under which permission might be granted unless there are material considerations that might indicate otherwise.

**Policy GP2: Settlement Hierarchy**

This policy identifies that “Development will be allocated and supported in accordance with the following settlement hierarchy as defined on the Proposals Map:” and identifies that Brinklow is a Main Rural Settlement where “Development will be permitted within the existing boundaries of all Main Rural Settlements.”

The Council identify within their explanatory text at paragraph 3.11 that “Main Rural Settlements play an important role locally and the settlement hierarchy is intended to support the sustainability and maintenance of existing services, such as schools, by enabling development which will support the local community. Main Rural Settlements have a sufficient level of services, or access to services to allow for development within the existing settlement boundaries. Main Rural Settlements will have no threshold on the size of sites that come forward within their settlement boundaries.”

 In paragraph 3.13 The Council advise that “Some schemes such as those submitted under the rural exceptions affordable housing policies or as community led development schemes, may come forward on sites outside the defined settlement boundaries of Main Rural Settlements and Rural Villages. Such schemes may be acceptable if they meet the social or economic needs of that community. Parish Councils may wish to bring forward Neighbourhood Development Plans which include proposals for additional development. The choice of sites needs to take into account the principles of sustainable development, the relevant policies of this plan and the content of national planning policy.”

**Policy GP3 Previously Developed Land and Conversions**

This policy states:

“The Council will support the redevelopment of previously developed land in consideration of the following;

* The visual impact on the surrounding landscape and properties
* The impact on existing services if an intensification of the land is proposed
* The impact on any heritage or biodiversity assets

In addition the Council will support and promote the innovative reuse of the existing building stock for social cultural and economic purposes. Proposals to re-use and adapt existing buildings will be permitted subject to 6 criteria...”

The criteria include that the building: is of permanent and substantial construction, is suitable for re-use or adaptation, there is no need for extensive rebuilding, of a high quality and sustainable design, the appearance and setting of the building protects and where possible enhances the character and appearance of the countryside.

When granting permission for any development under this policy the Council will remove any permitted development rights applying to the building and its curtilage.

**Policy GP4: Safeguarding development potential**

This policy states:

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

* The development potential of other land being realised, including the comprehensive development of a larger site.
* The provision of infrastructure
* Land that is demonstrated as required for flood risk management. “

**Policy GP5: Parish or Neighbourhood level documents**

This policy states

“Where the views of a community are expressed in a Parish or Neighbourhood Plan they will be taken into account in the planning system. For the views of a community to be considered the Parish or Neighbourhood Plan will need to:

* Have been endorsed by Rugby Borough Council
* Be in conformity with national policy and
* Be regularly reviewed and updated if necessary.
* The use of Parish or Neighbourhood Plans will principally inform:
* The determination of a planning application
* The requirement and scope of development contribution associated with a planning permission
* The assessment of schemes in the context of a need identified through the Parish or Neighbourhood Plan”

**Policy DS1 Overall Development Needs**

“The following levels of housing and employment development will be planned for and provided within Rugby Borough between 2011 and 2031

1. 12,400 additional homes
2. 110 ha of employment land

All new development will be sustainable and of a high quality, fully supported by infrastructure provision and environmental mitigation and enhancement as required in the policies contained within this plan.”

Following this indication of the required level of development Policy DS3 is provided to suggest where the residential allocations are to be provided.

**Policy DS3: Residential allocations**

This policy provides details of sites which have been allocated for residential development in support of the requirements of policy DS1.

This policy identifies that in “Main Rural Settlements under policy DS3.7 development for housing is proposed for land off Lutterworth Road. Brinklow for up to 100 dwellings.”

This proposal is the only location that is within Brinklow Parish area and will have an impact on the details that should be included as part of the Neighbourhood Plan.

At present the Brinklow Parish Council have been asked to comment on further details provided for public consultation in August 2017 as a result of the policy DS3.7 relating to the site at Lutterworth Road, Brinkley. These details will be the subject of further consideration and discussion as part of the on-going housing evidence in support of the emerging neighbourhood plan.

Paragraph 4.32 states that “As each of these Main Rural Settlements are located in the Green Belt, careful consideration has been given to the land to be released to limit the impact on the Green Belt. The Council has worked in partnership with rural communities to select the most sustainable development sites and in some instances these allocations will be reflected within Neighbourhood Plans.”

**Policy DS6: Rural Allocations**

This states:

“This policy will be applied to all detailed proposals relating to sites DS3.6 to DS3.14 allocated by Policy DS3.

Proposals for the development of rural allocations should be supported with information outlining how the specific characteristics of each site have been considered in the masterplanning, design and viability assessments of proposals.

More specifically proposals for rural housing sites allocated through this Local Plan must make specific consideration for the following:

* The appropriate treatment of Green Belt boundaries, where relevant, limiting the impact of this development on the Green Belt
* Density of development sympathetic to the settlement to which it will extend
* The provisions of any relevant Neighbourhood Plans in place or extensive community engagement during the development of proposals where no Neighbourhood Plan is in place
* Provision, where opportunities are present, of links to existing pedestrian and cycle paths with the adjacent settlement
* Provision, where opportunities are present, for a comprehensive onsite Green Infrastructure Network, utilising existing habitats, where possible linking to adjacent networks
* Provision of and/or contribution to community facilities such as schools, community buildings and sports facilities
* Provision and/or improvements to telecommunications infrastructure, including broadband and mobile telephone services.”

The advice is provided in paragraph 4.44 that “specific consideration is needed to address the rural location and Green Belt boundaries of each site” and “although the level of onsite provision will vary according to the specific characteristics of each site, all are expected to include onsite affordable housing, as stipulated in Policy H2.”

**Policy H1: Informing Housing Mix**

This policy states:

“To deliver a wide choice of high quality market homes across the Borough residential development proposals must form a mix of market housing house types and sizes consistent with the latest Strategic Housing Market Assessment.

New residential development should contribute to the overall mix of housing in the locality, taking into account the current need, particularly for older people and first time buyers, current demand and existing housing stock.

The Council will consider an alternative mix in the following circumstances where it is clearly demonstrated how the delivery of a mix has regard to the SHMA, or relevant update is comprised;

- where the shape and size of the site precludes the delivery of a mix of housing

- the location of the site, for example sustainable and very accessible sites within or close to Rugby town centre or the train station

- sites with severe development constraints where the housing mix may impact on viability, where demonstrated through the submission of viability appraisal

- where a mix of housing would compromise the ability of the development to meet a specifically identified affordable or specialist housing need and

- conversions, where the characteristics of the existing building prohibit a mix to be delivered.

Large development proposals will be expected to consider the contribution self-build can make to the mix and type of development.”

**Policy H2: Affordable Housing Provision**

This policy states:

“Affordable housing should be provided on all sites of a least 0.36 hectares in size or capable of accommodating 11(net) dwelling units or more (including conversions and subdivisions).

On previously developed sites a target affordable housing provision of 20% will be sought. On green field sites a target affordable housing provision of 30% will be sought.”

The policy goes on to identify the target levels and details and refers to the Council’s Housing Needs SPD.

**Policy H3: Housing for Rural Businesses**

This policy states:

Proposals for a permanent dwelling either by new build or conversion for occupation by a person engaged in an agricultural operation, or another form of use that can only reasonably be located in the countryside, will only be supported if all of the following criteria are met:

1. There is a clearly established functional need for a dwelling
2. The need relates to a full time worker, or one who is primarily employed in the activity to which the application awaits
3. The unit and the activity concerned, are currently financially sound and have a clear prospect of remaining so; and
4. The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.”

The size of any such rural workers dwelling should be commensurate with the established functional requirement....

There would be an occupancy condition attached with any permissions granted at the property.

**Policy H4: Rural Exceptions Sites**

“The development of affordable housing that meets the needs of local people will be permitted as a Rural Exceptions Site adjacent to defined rural settlement boundaries, where development is normally resisted, if all of the following criteria are met:

1. It is clearly demonstrated that there is a local need for affordable housing which outweighs other policy considerations
2. It is demonstrated no suitable alternative sites exist within the defined settlement boundary
3. The development consists exclusively of affordable housing
4. Developments do not have an adverse impact on the character and/or appearance of settlements, their setting or the surrounding countryside
5. Safeguards are in place to ensure homes remain affordable in perpetuity.

In all cases arrangements for the management and occupation of dwellings must be made to ensure that all dwellings provided will be, and will remain available for occupancy by eligible local people at an affordable cost and at a range of tenures, both initially and in perpetuity.

In some circumstances a small proportion of open market housing may be allowed where it can be shown that the scheme will deliver significant affordable housing and viability is a key constraint.”

Paragraph 5.30 explains that Policy H4 provides an exception to the spatial strategy and provides the opportunity for the delivery of small numbers of rural housing on land outside but adjoining the development limits of Main Rural Settlements and Rural Villages that may not fulfil all the criteria set out in Policy H4.

**Policy H5: Replacement Dwellings**

This states:

“Proposals for the replacement of dwellings in the Countryside and Green Belt will be only be acceptable in line with national policy and provided all of the following criteria are met:

1. The replacement dwelling is not materially larger than the building it replaces and for Green Belt locations is of no more than a 30% increase on the original volume, unless national policy dictates
2. Unless exceptional circumstances dictates, the siting of the replacement dwelling should have no greater impact on landscape than the original. In Green Belt locations the replacement dwelling must not have a greater impact on the openness of the Green Belt than the original and
3. Residential is the lawful use of the existing building and the use has not been abandoned.

The removal of permitted development rights by condition may be included in any approval.”

**Policy H6 Specialist Housing**

This states:

“The Council will encourage the provision of housing to maximise the independence and choice of older people and those members of the community with specific housing needs.

When assessing the suitability of sites and /or proposals for the development of specialist housing such as, but not restricted to, residential care homes, extra care housing and continuing care retirement communities, the Council will have regard to the following:

* The need for the accommodation proposed, whereby the development contributes towards specialist housing need as identified within the Strategic Housing Market Assessment (SHMA)
* The ability of future residents to access essential services, including public transport, shops and appropriate health care facilities

Large development proposals will be expected to consider opportunities for the provision of housing to meet the housing needs of older persons, including the provision of residential care homes.

The Council also expects developers, through the design of developments, to enable people to live independently and safely in their own homes for as long as possible, consistent with the aspiration of the Council and Warwickshire County Council.

The Council will consider the inclusion of conditions to ensure future occupation remains for the specialist housing need it was intended.”

**Policy ED1: Protection of Rugby’s Employment Land**

The Council’s approach is to protect the diverse range of industrial sectors that make up employment provision in the Borough and to offer choices of employment opportunities to both employers and potential employees. The most effective way of achieving this is by protecting different types of employment land, within the context of a flexible policy that is able to deal with potentially changing economic conditions over the plan period.

The policy states:

“All employment sites including the major investment site at Ansty Park, existing strategically significant sites, Core Strategy allocations and new Local Plan allocations, as shown on the Proposals Map, will be retained for employment purposes in the following use classes: B1(a), B1(b),B1(c), B2,and B8. Proposals for new employment development (including expansion of established businesses and upgrading, improvement or redevelopment of existing premises) will be permitted within all employment areas subject to accordance with other policies in the Local Plan.

The intensification of existing employment sites will be supported subject to the consideration of potential impacts to their surroundings against the relevant policies in the Local Plan and national policy, in particular those sites located in the Green Belt.

All land currently or last used for employment purposes will be protected where a site continues to make a viable contribution to economic development within the borough. However, in order to ensure land used for economic development continues to provide jobs in the local economy, where a site is proven to be no longer viable for employment uses, a proposal for change of use to a non B use class may be considered acceptable.

For proposals that would involve the change of use or loss of any land used for employment purposes, evidence must be provided to demonstrate that the land or unit under consideration is no longer viable for a B use class. It must be demonstrated that the site has been actively marketed according to the provisions of the explanatory text accompanying this Policy and for periods of time.”

**Policy ED3: Employment development outside Rugby urban area**

This states:

“With the exception of those sites allocated for employment purposes in this Local Plan, or with a current B use class, employment development will not be permitted outside the Rugby urban area except in the following circumstances:

* Conversion of a building for employment purposes, subject to its location and character, including historic or architectural merit, being suitable for the proposed use and it having been in existence for at least ten years;
* Redevelopment at a similar scale of an existing building or vacant part of an existing employment site for employment purposes, where this would result in a more effective use of the site;
* Small scale expansion of an existing group of buildings for business uses where the site is readily and regularly accessible by means of transport other than the private car; or
* A building or structure related to agriculture, horticulture or forestry where it is genuinely required as an ancillary use for an existing rural employment development.

To be considered acceptable, any proposals meeting one of these exceptions must also demonstrate compliance with all other relevant policies in the Local Plan, in particular where a proposal is located in the Green Belt.

All proposals will be subject to a thorough assessment to make sure their scale, nature and location are appropriate, including the need to:

- Limit the impact on local communities, the character of the local landscape, and the natural environment;

- Minimise impact on the occupiers and users of existing properties in the area;

- Avoid an increase in traffic generation that would have an adverse impact on the local road network, unless suitable mitigation to address the impact can be provided;

- Make provision for sustainable forms of transport wherever appropriate and justified and

- Prioritise the re-use of brownfield land and existing buildings.”

**Policy ED4: The Wider Urban and Rural Economy**

The principle of promoting a strong rural economy is identified in Paragraph 28 of the NPPF and the Council wish to support this subject to assessing the impact that is likely to be caused to the character of the local area.

This policy States:

“The following forms of development and uses are acceptable in principle both in and outside the urban area, subject to the content of other policies in the Local Plan.

**Tourism and Leisure**:

* Small-scale tourism, visitor accommodation and leisure based uses, including sport and recreation, particularly those which would help to provide local employment and support rural services;
* Purpose-built visitor accommodation that is directly associated with and related to the scale and nature of an existing use;
* A small- scale expansion of an existing holiday caravan/chalet site where this would secure benefits to its function and appearance;
* Golf courses, golf driving ranges and ancillary facilities;
* New or extended, relative to the scale and nature of an existing development, garden centres and nurseries, or;
* Equine and equestrian related activities, wherever practicable using existing buildings and structures.”

**Farm Diversification**

“Proposals that would support the ongoing viability of farms and other agricultural operations will be encouraged, subject to the following criteria being assessed and satisfied:

* development on best quality agricultural land is avoided;
* existing buildings and structures can be utilised as much as possible;
* the scale and nature of the development is integrated into the existing landscape, with minimal adverse impact to its character;
* the impact of the proposal on existing properties in the locality is minimal; and
* the generation of vehicular movements is acceptable, and suitable consideration is given to of access and parking.”

There are no specific policies for retailing and the town centre that relate to Brinklow.

**Policy HS1: Healthy, Safe and Inclusive Communities**

In paragraph 8.1 the Council recognises the important role spatial planning has in the creation of healthy, safe and inclusive communities. In Paragraph 8.3 they state that they will work with public health leads to understand and take account of the needs of the local population throughout the plan period to ensure that development addresses these needs appropriately.

From this approach the Council have prepared the policy HS1 which states:

“The potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals. Support will be given to proposals which:

* provide homes and developments which are designed to meet the needs of older people and those with disabilities;
* provide energy efficient housing to help reduce fuel poverty;
* design and layout development to minimise the potential for crime and anti-social behaviour and improve community safety;
* contribute to the development of a high quality, safe and convenient walking and cycling network;
* contribute to a high quality, attractive and safe public realm to encourage social interaction and facilitate movement on foot and by bicycle;
* seek to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play and where possible, healthy diets;
* improve the quality and quantity of green infrastructure networks and protect and enhance physical access, including public rights of way to open space;
* deliver, or contribute to, new and improved health services and facilities in locations where they can be accessed by sustainable transport modes;
* provide good access to local shops, employment opportunities, services, schools and community facilities and
* do not involve the loss of essential community buildings and social infrastructure.”

**Policy HS2: Health Impact Assessments**

This states:

“Development proposals will be required to assess their impact on the capacity of existing health services and facilities. For all Use Class C2 developments (residential car homes and nursing homes) and Use Class C3 residential development in excess of 150 units this will take the form of a Health Impact Assessment which will measure wider impacts on health and well being and the demands that are placed upon the capacity of the health service and facilities arising from the development.

Where significant impacts are identified, planning permission will be refused unless infrastructure provision and/or funding to meet the health service requirements of teh development are provided and or secured by planning obligations...”

**Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services**

This policy is based on the requirement that:

“Proposals that would result in a significant or total loss of site and /or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement or the urban area will not be permitted except where the applicant demonstrates that:

* alternative provision of equivalent or better quality, that is accessible to that local community, is available within the settlement or will be provided and made available prior to commencement of redevelopment:or
* there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment and all reasonable efforts to secure suitable alternative business or community re-use been made for a minimum of 12 months or a period agreed by the Local Planning Authority prior to application submission.
* Provision of new community facilities and services will be supported provided that:
* - it is readily accessible by a choice of means of transport, including by foot and cycle
* The nature and the scale of the development would be commensurate with its function to provide facilities for the local resident population. The nature and scale of service provision will reflect and relate to the size and function of the individual settlement; and
* The development would not adversely affect the vitality and viability of the Town Centre or any planned town centre development”

**Policy HS4: Open Space and Recreation**

This policy is in three parts.

Part A “Residential development of 10 dwellings and above, shall provide or contribute towards the attainment of the Council’s open space standards”

Details of the standards for the urban and rural areas are listed in the policy.

The policy goes on to state: “Dependent upon the size and layout of the development, the provision of open space, may be required on site or may form part of a contribution towards off site provision of either new or improved facilities. In such circumstances off-site provision towards local facilities should be made in a location which adequately services the new development and a planning obligation may be used to secure this.”

In part B It is stated that “New open space should be accessible and of high quality, meeting a set of criteria.”

Part C states that “ Public open space assets identified within Open Space Audit evidence and/or defined on the Proposals Map will be protected from development unless :

* An assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements or
* It can be demonstrated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or
* The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Planning permission will be granted for development, which enhances the quality and accessibility of existing open space providing it accords with section B of this policy.”

**Policy HS5: traffic Generation and Air Quality**

This policy identifies that any development that results in significant negative impacts on health and well being of people in the area as a result of pollution, noise or vibration caused by traffic generation, or development that results in significant negative impacts on air quality will not be permitted unless effective mitigation can be achieved.

**Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets**

“The Council will protect designated areas and species of national and local importance for biodiversity and geodiversity as set out below:

Development that is likely to result in a significant effect, either alone or in combination, on an International or European nature conservation designation, or a site proposed for such designation will need to satisfy the requirements of the Habitat Regulations.

Development likely to result in the loss, deterioration, degradation or harm to habitats or species of importance to biodiversity or geological conservation interests, either directly or indirectly will not be permitted unless:

* the need for, and benefits of, the development in the proposed location outweigh the adverse effect on the relevant biodiversity interest
* it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests and
* measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or as a last resort compensate for the adverse effects likely to result from development.”

The policy goes on to identify the habitats and species of importance to biodiversity and sites of geological interest and states that all proposals likely to impact on the sites will be subject to an Ecological Assessment.

**Policy NE2: Biodiversity**

This policy identifies that:

“New development will be permitted provided that it protects, enhances and /or restores habitat biodiversity.

Development proposals must:

* protect or enhance biodiversity assets and secure their long term management and maintenance;
* avoid negative impacts on existing biodiversity and
* lead to a net gain of biodiversity, where possible, by means of an approved ecological assessment of existing site features and development impacts.”

The policy identifies when mitigation will be sought and states that where an impact cannot be fully mitigated or compensated for then planning permission will be refused.

It states:“ Proposals which will improve the environment by reclaiming and improving derelict, contaminated, vacant or unsightly land for biodiversity value will be supported.”

Policy NE3 Blue and Green Infrastructure Policy

The Council wish to protect the existing Green Infrastructure network in its current role and to enhance its function and physical extent.

This policy states:

“The Council will work with partners towards the creation of a comprehensive Borough wide Strategic Green Infrastructure Network which is inclusive of the Princethorpe Woodland Biodiversity Opportunity Areas as shown in the Green Infrastructure Proposals Map. This will be achieved through:

* the protection, restoration and enhancement of existing Green Infrastructure assets within the network as shown on the proposals map and
* the introduction of appropriate multi-functional linkages between existing Green Infrastructure assets

Where appropriate new developments must provide suitable Green Infrastructure linkages throughout the development and link into adjacent strategic and local GI networks or assets where present

Where such provision is made a management plan should be produced as part of the planning application demonstrating the contribution to the overall achievements of the multi-functional strategic Green Infrastructure network.”

**Policy NE4 Landscape Protection and Enhancement**

This states:

“New development which positively contributes to landscape character will be permitted.

Development proposals will be required to demonstrate that they:

* integrate landscape planning into the design of development at an early stage
* consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity;
* relate well to local topography and built form and enhance key landscape features ensuring their long term management and maintenance
* identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts
* aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance
* avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement or area
* address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing and expanding these features through means such as buffering and reconnecting fragmented areas and
* are sensitive to an area’s capacity to change, acknowledge cumulative effects and guard against the potential for coalescence between existing settlements.”

**Policy SDC1 Sustainable Design**

This policy will be supported by the Council’s Sustainable Design and Construction SPD.

The policy states:

“All development will demonstrate high quality, inclusive and sustainable design and new development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.”

The details of the policy include that factors such as massing, height, landscape, layout, materials, access, density and amenities of neighbours are also key for the consideration and determination of planning applications.

Advise is also provided to have regard to the design issues on sensitive sites and other detailed considerations for refuse storage.

**Policy SD2 Landscaping:**

This policy identifies that:

“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 7 criteria should be met which include:

* the need for a detailed site survey
* retention and enhancement of the landscape character and matters of ecological, geological and archaeological significance
* Use of sustainable drainage methods
* Detailed planting of native species to minimise visual intrusion when seen from neighbouring uses or the countryside

**Policy SD3 Protecting and enhancing the Historic Environment**

“Development will be supported that sustains and enhances the Borough’s heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes.

Development affecting a designated or non designated heritage asset and its setting will be expected to make a positive contribution to its character, appearance and significance.

To conserve and enhance the Borough’s heritage assets, development proposals must:

1. Understand the asset and b) conserve the asset as described within policy SD3.”

**Policy SDC4 Sustainable Buildings**

This policy will be applied to all new dwellings on developments of one dwelling or more and non residential development of 1000sqm or over (except for changes of use).

It requires such buildings to meet the building regulations requirements for water supply, achieve minimum BREEAM standards and meet the carbon reduction targets and all applicants are required to submit a “Sustainable Buildings Statement” to accompany their planning application.

**Policy SDC5 Flood Risk Management**

This policy provides advice on flood risk and the information required is intended to steer new development to areas with the lowest probability of flooding, following a set of criteria

**Policy SDC6 Sustainable Urban Drainage**

This policy advises that Sustainable Urban Drainage Systems (SUDS) are required in all developments and advice about their design is provided.

**Policy SDC7 Protection of Water Environment and Water Supply**

This policy provides advice about the need to provide adequate water supply and water quality.

**Policy SDC8 Renewable energy and low carbon technology**

This states that proposals for new low carbon and renewable energy technologies will be supported in principle subject to 8 criteria being met.

**Policy SDC9: Broadband and mobile internet**

This policy seeks to facilitate and improve access to these infrastructures with contributions from new developments.

**Policy D2 Parking facilities**

This policy confirms that planning permission will only be granted for development that incorporates adequate and satisfactory parking facilities including provision for cars, motor cycles, and parking for the disabled.

**Policy D3 Infrastructure and implementation**

This policy is to ensure that; “The scale and pace of new development will be dependent on sufficient capacity being available in existing infrastructure to meet the demands of new development.”

If that cannot be achieved then the development should be accompanied by the provision of new infrastructure funded by developers contributions.

**Policy D4 Planning Obligations**

This policy states:

“Where it is necessary to mitigate against the impact of a development proposal planning permission will only be granted when a legal agreement or planning obligation is entered into with the Council, in line with the Community Infrastructure Levy (CIL) Regulations 2010.

In the first instance infrastructure contributions will be sought on site. However where this is not possible an off- site (commuted) contribution will be negotiated.

The type, amount and phasing of contributions sought from developers will be related to the form and scale of the development, its potential impact on the site and surrounding area and the levels of existing infrastructure and community facilities. The financial viability of the development will also be a consideration.”

Further updates on the progress of the emerging Rugby Local Plan will be provided during the course of the Neighbourhood Plan and any specific proposals or policy issues will be addressed within the overall evidence gathering.

Jennifer Lampert BA (Hons), DipTP, MRTPI

October 2017