
CHAPTER 7: TOWN CENTRE POLICIES

7.1 Overview

7.1.1 Local Plan policies aim to maintain the shopping function of the town centres and support proposals which enhance their respective role in the Structure Plan town centre hierarchy. Again, objections to those policies are diverse. I put forward modifications to Policies TCP1-3, TCP5 and TCP7, and to their reasoned justifications. In respect of Policy TCP7 Site A and Policy SSP1 Site A (Station Area, Leamington Spa), I conclude that these should not be replaced by a composite policy for the area.

7.2 Paragraphs 7.1 - 7.8A Introduction

Objections to First Deposit Version

66/AS	The Warwick Society
66/AT	The Warwick Society
192/AE	Chamber of Trade
193/BN	Coten End and Emscote Residents' Association
193/BO	Coten End and Emscote Residents' Association
199/BN	James Mackay
199/BO	James Mackay
221/AW	Kenilworth Society
223/AT	Kenilworth Town Council
225/AF	WM Morrisons Supermarkets plc
226/AM	The Environment Agency
242/AG	Coventry City Council (Planning & Transportation)
266/AO	Warwick Town Council

Objections to Revised Deposit Version

195/RBE	The Leamington Society
223/RAG	Kenilworth Town Council
225/RAA	WM Morrisons Supermarkets plc
265/RAB	The Crown Estate
266/RAD	Warwick Town Council
283/RAP	The Ancient Monuments Society
312/RAA	Mrs Cherry Dodd
312/RAC	Mrs Cherry Dodd
350/RBC	Tesco Stores Ltd
354/RAE	Roger Higgins

Key Issues

- 7.2.1** (1) Whether the characterisation of Warwick in Paragraph 7.5 as a centre for antiques could potentially damage the town centre retail economy.
- (2) Whether St John's Museum, Warwick, should be used as a base for the County Museum as a means of creating visitor interest and more footfall in the Smith Street retail area.
- (3) Whether Paragraph 7.4 should identify Leamington Spa as a strategic centre, reflecting RSS Policy PA11, and make reference to the Regional Centres Study commissioned by the RPB.
- (4) Whether the Chandos Street car park retail scheme in Leamington Spa is sufficiently advanced to warrant a reference in the introductory section of the town centres chapter.
- (5) Whether the supporting text should make it clear that any retail development at Chandos Street, Leamington Spa will need to incorporate sufficient parking for the new development as well as compensating for that displaced from the existing surface car park.
- (6) Whether the supporting text should recognise the weaknesses in relation to Kenilworth town centre that were raised in the 2002 DTZ study.
- (7) Whether the wording of Paragraph 7.2 should be amended to indicate that the town centre policies should be read alongside all other relevant Plan policies.
- (8) Whether reference in the second bullet point of Paragraph 7.8 to pressure on car parking in Leamington Spa and Warwick hampering efforts to improve the quality of the towns implies a lack of commitment to promoting sustainable transport choices.
- (9) Whether reference should be made to improvements required to access, signage and parking, as recommended by the DTZ Retail Study.
- (10) Whether specific policies should be incorporated in the Plan to protect small independent retailers.
- (11) Whether there should be a reference to the amount of convenience floorspace required in the District, as identified by the DTZ Retail Study of 2004.
- (12) Whether Plan policies are unduly focused on retail provision in the 'main town centre' of Leamington Spa.
- (13) Whether (a) the District Council has failed to plan positively by not providing a sufficient range of sites to meet the forecast need for more retail floorspace in Leamington Spa, (b) the Shires Retail Park should be recognised in the Plan as a preferred location for further retail development, (c) the District Council has provided an appropriate policy framework for considering planning applications for retail development, and (d) the amendments to policies and supporting text promoted by the objector would improve the Plan.

Inspector's Appraisal and Conclusions

- 7.2.2 Issue 1:** Warwick town centre is referred to in the introduction to Chapter 7 as fulfilling a dual role - a local shopping centre for the people of Warwick and serving a tourist market attracted in large part by the castle. The text goes on to say that building on its tourism potential, the town has an established reputation as a centre for shopping for antiques. While this may not be its primary function, it is recognised in the DTZ Retail Study commissioned by the District Council. I am content that the reference to antiques is factually correct. I do not regard it as being in any way disparaging of, or detrimental to, the town centre retail economy.
- 7.2.3 Issue 2:** In my view it would not be appropriate to include this suggestion in the introduction to Chapter 7. The purpose of this section is largely descriptive to give context and set the scene for the town centre policies that follow. I note that the District Council has forwarded this proposal to the Warwick town centre manager for consideration as part of the ongoing town centre management initiative.
- 7.2.4 Issue 3:** The District Council has amended Paragraph 7.4 of the Revised Deposit Plan to identify Leamington Spa as a strategic town centre, reflecting RSS Policy PA11. As regards the suggestion by Coventry City Council that reference should be made to the Regional Centres study, I take the District Council's point that it is not feasible to refer to all studies that have a bearing on the Local Plan. But more importantly, that Study represents the independent advice of consultants to inform the Phase II Review of the RSS. Those findings have not yet been formally endorsed by the West Midlands Regional Assembly. I see no case for giving prominence to that work at this stage.
- 7.2.5 Issue 4:** I recognise that proposals for a retail-led redevelopment of the Chandos Street car park are potentially of considerable significance for future retailing in the District. In my opinion, it is desirable to raise awareness of the feasibility work in progress. I consider that the additional Paragraph 7.8A included in the Revised Deposit Plan gives a clear, if rather brief, explanation of the current position. I endorse that alteration.
- 7.2.6 Issue 5:** The District Council has put forward a proposed change to Paragraph 7.8A confirming the importance of adequate parking in relation to the Chandos Street feasibility scheme and the need for car parking to maintain the retail attractiveness of the town centre as a whole. I consider that this substantially meets the objection by the Leamington Society. I support that alteration, subject to some minor redrafting. I note that the District Council's parking strategy for Leamington Spa town centre includes redevelopment of the Covent Garden surface car park to provide a net increase of 266 spaces. It is anticipated that redevelopment of the Chandos Street site would yield a further 150 spaces over those currently available. The total increase in parking provision in the town centre would therefore be in the order of 416 spaces.
- 7.2.7 Issue 6:** The introductory paragraphs of Chapter 7 provide an overview of the background to, and issues faced by, the District's town centres - including the most important matters identified by the DTZ studies which the Plan seeks to address. I accept the District Council's argument that it is neither practical nor necessary to give details of all of the findings of the SWOT analysis. I do, though, endorse the alterations made to the Revised Deposit Plan through Paragraphs 7.8 and 7.8A, and the subsequent proposed change to Paragraph 7.8A which sets out the latest position regarding improvements to Kenilworth town centre.

- 7.2.8 Issue 7:** Paragraph 7.2 informs the reader that the town centre policies should be read in conjunction with the relevant urban area policies in Chapter 6. The Environment Agency considers that this cross-referencing should be extended to apply to all relevant Plan policies - in particular, to the generic development policies. I do not consider this to be appropriate for 2 reasons. Firstly, Paragraph 2.3A of the User Guide makes it clear that it is a key principle of this Local Plan that users should have regard to all relevant policies when considering development on a particular site. It is not therefore necessary to repeat such advice in the introduction to Chapter 7. Secondly, I note that cross references in this Plan have been minimised to make the document succinct. The reason why a specific cross-reference is made here in Paragraph 7.2 is revealed by the subsequent text. This explains that policies in the town centre chapter will be given greater weight than the urban area policies when determining development proposals within the town centre boundaries of Leamington Spa, Warwick and Kenilworth as defined on the Proposals Map. With these points in mind, I see no argument for amending the text in the manner suggested by the Environment Agency.
- 7.2.9 Issue 8:** Paragraph 7.8 simply outlines the important issues identified by the DTZ study for each of the District's town centres. Central to the potential for growth in Leamington Spa and Warwick is the need to ensure that essential infrastructure is in place, including an appropriate level of car parking provision - both quantitatively and qualitatively. In my view, it does not send out a message that the District Council is unwilling to address sustainable transport considerations. There is no need, in my view, to alter the wording of that Paragraph.
- 7.2.10 Issue 9:** I consider that the objector's concerns are already covered by the second bullet point of Paragraph 7.8. That text addresses the relationship between car parking and future town centre growth. The qualitative considerations referred to would include signage and access improvements. I note that the action plan developed in conjunction with the town centre management initiatives is likely to address many of the findings of the DTZ study.
- 7.2.11 Issue 10:** Like the District Council, I recognise the value of small independent retailers in town centres. They add variety and distinctiveness, and attract visitors. Nevertheless, it would be contrary to national planning advice to introduce policies aimed specifically at preserving such outlets. Such controls would serve to restrict competition between businesses beyond the parameters set by PPS6. I am satisfied that the Plan's policy framework is sufficient to protect the retail integrity of the town centres. The Plan incorporates policies designed to defend the retail character and function of both primary and secondary retail frontages. Policies TCP4 and TCP5 ensure that core shopping areas are protected from the introduction of an unacceptable level of non-retail uses. By this means, opportunities are maintained for a wide variety of general shops including the smaller, independent retailers.
- 7.2.12 Issue 11:** The District Council commissioned an assessment of the need for convenience floorspace. The results are set out in the DTZ Retail Study 2004¹ and in the Revised Convenience Goods Retail Capacity Study 2005². I am told that the Council has chosen not to make a specific reference to the convenience goods forecast because it is relatively modest in floorspace terms. There is also concern that floorspace requirements can be misinterpreted as 'targets' that ought to be attained rather than general indicators

¹ CD504

² CD505

of levels of need. The much greater challenge is seen as the requirement to provide further comparison goods floorspace in Leamington Spa. This is reflected in inclusion of a maximum gross floorspace figure for comparison goods to 2016 in Paragraph 7.18. I accept this reasoning and see no particular benefit in referring to the quantum of convenience floorspace required in the District.

7.2.13 Issue 12: Leamington Spa town centre is identified in the DTZ Study as an important retail destination. It is the only sub-regional shopping centre in the District and, as such, performs a different role from Warwick and Kenilworth in the retail hierarchy. This function is marked by a specific Local Plan policy (TCP3) which provides for shopping growth through large scale development proposals. Nonetheless, the Plan does not ignore the District's other town centres. I believe that the policy framework of the Revised Deposit Plan will ensure that the more limited retail functions of Warwick and Kenilworth are also afforded proper consideration.

7.2.14 The introduction to Chapter 7 is not just focused on Leamington Spa. It reviews all of the District's town centres, providing an assessment of the challenges facing them during the Plan period. I conclude on this issue that the Plan's town centre retail policies are balanced and appropriate.

7.2.15 Issue 13: This matter has been addressed elsewhere in my report in response to related objections (see Chapter 6, Policy UAP3, Issue 9).

Recommendations

7.2.16 (a) That the Revised Deposit Plan be modified by substituting the following text for Paragraph 7.8A:

“Following from the work undertaken by DTZ the Council is presently undertaking further work to address some of the key issues within the town centres. Within Leamington town centre it has commissioned work to assess the feasibility and opportunities for a retail-led redevelopment of Chandos Street car park. This work will also take account of the future need for car parking in maintaining the retail attractiveness of the town centre overall. In Kenilworth the Council, alongside Warwickshire County Council and Kenilworth Town Council, has developed traffic management measures, which have not yet been agreed and will be subject to public consultation as part of the consideration of a wider framework of improvements to the town centre. That framework also includes environmental improvements and the possible redevelopment of a number of sites and in particular of a Public Service Centre at Smalley Place.”

(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

7.3 Paragraphs 7.9 - 7.11 Policy TCP1 Protecting and Enhancing the Town Centres

Objections to First Deposit Version

195/AH	The Leamington Society
221/AZ	Kenilworth Society
223/AV	Kenilworth Town Council
225/AD	Wm Morrison Supermarkets plc
302/AQ	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

195/RBF	The Leamington Society
283/RAQ	The Ancient Monuments Society
312/RAD	Mrs Cherry Dodd
350/RBD	Tesco Stores Ltd
354/RAB	Roger Higgins

Key Issues

- 7.3.1**
- (1) Whether ‘design’ should be a consideration as well as ‘scale’ when considering the compatibility of development proposals within town centres.
 - (2) Whether Policy TCP1 is unduly restrictive and likely to inhibit competition between centres by failing to recognise that shopping centres can change their position in the retail hierarchy over time.
 - (3) Whether Paragraph 7.11 contradicts Structure Plan Policy TC.2 (Hierarchy of Centres).
 - (4) Whether an alternative strategy should be devised because it is physically impossible to locate development of the scale required within Warwick town centre.
 - (5) Whether Policy TCP1 should relate the scale of development proposed to the role and function of the centre and its catchment.
 - (6) Whether a specific reference should be made in the supporting text to the site and surroundings of the Magistrates’ Court in Newbold Terrace, Leamington Spa.
 - (7) Whether (a) the Policy should contain additional text requiring the District Council to prepare enhancement schemes for the main shopping areas, including Old Town in Leamington Spa, as well as for a number of important residential areas in Leamington Spa, Warwick and Kenilworth, (b) Paragraph 7.8 should refer to the need for adequate car parking, and (c) Paragraph 7.11 should be amended by replacing the word ‘support’ with ‘consider’ and by replacing the reference to 2,500 sq m gross floorspace with a lower figure.

Inspector’s Appraisal and Conclusions

- 7.3.2 Issue 1:** The main thrust of Policy TCP1 is to ensure that the District’s town centres remain the focus for new development. ‘Scale’ is of primary importance in ensuring that schemes are compatible with the function of that centre and its position in the retail hierarchy. ‘Design’ is also of significance but it is not the main concern of the Policy. I note that a reference to design quality is included in Paragraph 7.11 of the

reasoned justification. In response to a related objection the District Council has put forward a proposed change to the supporting text requiring applicants to address criteria b) to e) of Policy TCP3 (Providing for Shopping Growth in Leamington Town Centre) when drawing up proposals for Warwick and Kenilworth town centres. Amongst other matters, these require proposals to satisfy the development principles set out in Policy DP1 (Layout and Design). As a result of the proposed change, English Heritage and Kenilworth Town Council have both conditionally withdrawn their objections. I endorse that change.

- 7.3.3 Issue 2:** I do not consider Policy TCP1 to be unreasonably restrictive. It reflects Structure Plan Policy TC.2 which seeks to maintain a County-wide hierarchy of centres in which development is compatible with the scale, nature and character of the centre. The Structure Plan refers to ‘broadly’ restricting development in ‘other town centres’ (such as Warwick and Kenilworth) to 2,500 sq m gross floorspace. The reasoned justification to Policy TCP1 makes it clear that a degree of flexibility will be applied in respect of this upper limit where schemes have merit - for example, by introducing convenience shopping likely to have a positive effect on a town centre’s vitality and viability. I see no reason to add, by way of exception, the words ‘where the competitiveness of the centre would be impaired’ as suggested by Wm Morrison Supermarkets plc.
- 7.3.4 Issue 3:** I see no contradiction between Structure Plan Policy TC.2 and the text supporting Local Plan Policy TCP1. As indicated above, the Structure Plan refers to ‘broad’ floorspace limits. Paragraph 7.11 of the Local Plan recognises that exceptions may be appropriate where particular benefits would ensue, providing there are no adverse impacts on neighbouring town centres. I note that Warwickshire County Council did not raise this matter as an issue of general conformity nor has a specific objection been lodged by that Council.
- 7.3.5 Issue 4:** In my view, Policy TCP1 provides an appropriate framework for considering future development proposals in the District’s town centres. While there may be no sites currently available in Warwick town centre, land and buildings may become available for redevelopment during the lifetime of the Plan. I agree with the planning authority that the alternative strategy suggested of scattering new small convenience stores throughout the urban area would be at odds with PPS6 which adopts a ‘town centres first’ approach in respect of retailing and other town centre uses.
- 7.3.6 Issue 5:** The DTZ Retail Study has examined catchments and given an indication of potential retail capacity across the District, disaggregated between the town centres. The District Council argues that Policy TCP1 serves to ensure that the current hierarchy is not prejudiced and that the scale of development proposed does not undermine the particular environmental characteristics of each town centre. While the Policy certainly does the latter, I consider that it would benefit from some amendment, along the lines suggested by the objector, to refer also to the role and function of the centres and their catchments. I recommend accordingly.
- 7.3.7 Issue 6:** The Magistrates’ Court in Leamington Spa lies within the ‘area of search’ defined on the Proposals Map for major retail development. Any scheme in that location would be considered in relation to the requirements of Policy TCP3, and design would be assessed against the criteria of Policy DP1. I see no compelling reason for referring to this specific site in the reasoned justification supporting Policy TCP1. I note that

following discussion and clarification, the Leamington Society has conditionally withdrawn this objection.

7.3.8 Issue 7: I agree with the District Council that it is not the purpose of Policy TCP1 to identify potential enhancement schemes. As regards car parking, this is addressed by criterion d) of Policy TCP3, and by the second of the proposed changes to Paragraph 7.11 (supporting Policy TCP1), set out below. I note that the word ‘support’ has been replaced by the word ‘consider’ through the first of the Council’s proposed changes. Finally, I believe that the reference in Paragraph 7.11 to development proposals greater than 2,500 sq m (gross floorspace) in Warwick or Kenilworth is appropriate. This figure reflects the Structure Plan hierarchy of town centres in Policy TC.2.

Recommendations

7.3.9 (a) That the Revised Deposit Plan be modified as follows:

(i) amend Policy TCP1 to read:

“Proposals for retail, entertainment and leisure development will be permitted where they are of an appropriate scale in relation to the role and function of the town centre and its catchment, and reflect the character and form of the town centre.”

(ii) substitute the following text for the second sentence of Paragraph 7.11:

“It will however consider, in principle, proposals for schemes of greater than 2,500 sq m (gross floorspace) in Warwick or Kenilworth which have merit, particularly where these introduce convenience shopping into these centres.”

(iii) further amend Paragraph 7.11 by inserting between the penultimate and last sentences the following additional text:

“For the purposes of considering proposals within Warwick and Kenilworth town centres, the Council will expect applicants to meet the requirements contained in criteria b) to e) of policy TCP3.”

(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

7.4 Paragraphs 7.12 - 7.15 Policy TCP2 Directing Retail Development

Objections to First Deposit Version

39/AD	NHS West Midlands Division
258/AB	Sainsburys Supermarkets Ltd
265/AB	The Crown Estate

Objections to Revised Deposit Version

224/RAC Mr and Mrs R M Orr
321/RAQ West Midlands International Airport Ltd
350/RBE Tesco Stores Ltd

Key Issues

- 7.4.1** (1) Whether Policy TCP2 should be cross-referenced to Policy UAP3.
- (2) Whether (a) the Plan should include policies supporting the provision of primary healthcare facilities within town centres, and (b) Policy TCP2 should indicate where Class D1 uses will be permitted within town centres.
- (3) Whether it is appropriate to have a blanket policy restricting all development in shopping centres to Class A uses only.
- (4) Whether support should be given to ancillary retail development supporting major uses outside town centres.
- (5) Whether (a) the District Council has failed to plan positively by not providing a sufficient range of sites to meet the forecast need for more retail floorspace in Leamington Spa, (b) the Shires Retail Park should be recognised in the Plan as a preferred location for further retail development, (c) the District Council has provided an appropriate policy framework for considering planning applications for retail development, and (d) the amendments to policies and supporting text promoted by the objector would improve the Plan.

Inspector's Appraisal and Conclusions

7.4.2 Issue 1: The objector is concerned that if read in isolation Policy TCP2 (as drafted in the Revised Deposit Plan) suggests that retail development will only be permitted in town centres, whereas Policy UAP3 applies outside town centres. The User Guide makes it clear that Plan users should have regard to all relevant policies when considering development on a particular site. Consequently, there is no technical reason for including a cross-reference in Policy TCP2. Cross-references should, I feel, generally be avoided in the interests of securing a succinct Plan. Nevertheless, I recognise that here there is scope for confusion, not least because Policies UAP3 and TCP2 bear similar titles. At the inquiry, it was agreed between the District Council and the Crown Estate that a cross reference should be inserted and a form of words was agreed. I support that approach and reflect it in my recommendations.

7.4.3 Issue 2: Policy SC7 states that community facilities, which include primary health care services, will be permitted within town centres. Where no suitable sites are available, a sequential approach should be followed. Outside of these locations, facilities that can be demonstrated to meet a particular local need will be permitted subject to certain criteria being met. The Plan does therefore address primary health care needs and supports provision first in the town centres. While the retail areas defined on the Proposals Map occupy a significant proportion of the three town centres, there is other land available there to meet a variety of needs. I am satisfied that the Plan achieves a proper balance between protecting the retail core, which is essential in defending the

vitality and viability of each town centre, and accommodating other land use requirements that benefit from an accessible location. I see no need to amend Policy TCP2 in response to this objection nor to identify specific town centre locations where Class D1 activities will be permitted.

7.4.4 Issue 3: By restricting changes of use from Class A to other uses within the defined retail areas Policy TCP2 serves to maintain overall shopping floorspace levels within a tightly focused core and encourages the re-use/recycling of premises for retail purposes. I agree with the planning authority that preserving the retail offer is of paramount importance in supporting the vitality and viability of the District's town centres and ensuring their success as retail destinations. I see no conflict with PPS6 in this regard. Because the Policy only protects existing Class A uses, other non-Class A uses are excluded. In my view, this maintains an appropriate degree of flexibility.

7.4.5 Issue 4: I acknowledge that ancillary retail uses might be appropriate in certain circumstances in support of a major development. In such cases, Paragraph 3.30 of PPS6 advises that the retail element should be limited in scale and genuinely ancillary to the main development. The range of goods to be sold will also be relevant. I agree with the planning authority, though, that it is not necessary to add a specific reference to either Policy TCP2 or Policy UAP3. To do so could be misconstrued as general support for such proposals which could undermine the Plan's retail strategy and the 'town centres first' approach endorsed by Government guidance. It is my opinion that any planning application for such development should be assessed on its own merits.

7.4.6 Issue 5: This matter has been addressed elsewhere in my report in response to related objections (see Chapter 6, Policy UAP3, Issue 9).

Recommendations

7.4.7 (a) That the Revised Deposit Plan be modified as follows:

substitute the following wording for Policy TCP2:

“Within the town centres of Leamington Spa, Warwick and Kenilworth, new retail development will be primarily directed to the retail areas defined on the Proposals Map. In accordance with Government guidance, where suitable opportunities cannot be found within the retail areas, retail development will be supported in the following locations. These are firstly:

- a) the area of search for major retail development in Leamington Spa town centre defined on the Proposals Map in accordance with policy TCP3, and**
- b) the mixed use area of Warwick town centre defined on the Proposals Map in accordance with policy TCP8**

and then other sequential sites in edge-of-centre locations which are in accordance with Government guidance and other policies within this Plan. Retail development outside of town centres will be considered in accordance with policy UAP3 of the Plan.

Within the retail areas, changes of use from general shops (Class A1), financial and professional services (Class A2), restaurants and cafes (Class

A3), drinking establishments (Class A4) and hot food take-aways (Class A5) to other uses outside of Class A will not be permitted.”

- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

7.5 Paragraphs 7.16 - 7.22 Policy TCP3 Providing for Shopping Growth in Leamington Town Centre

Objections to First Deposit Version

2/AD	British Telecommunications plc
161/AA	Morley Fund Management
188/AD	Marks and Spencer plc
203/AA	Warwick Chamber of Trade and Commerce
225/AE	WM Morrisons Supermarkets plc
265/AA	The Crown Estate
302/AR	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

225/RAB	WM Morrisons Supermarkets plc
265/RAC	The Crown Estate
350/RBF	Tesco Stores Ltd

Key Issues

- 7.5.1** (1) Whether Leamington Spa town centre is suitable and there is a need for further large scale shopping development.
- (2) Whether the reference to ‘scale’ in criterion b) of the Policy should be subject to an exception where the competitiveness of the centre is impaired.
- (3) Whether the potential growth of Leamington Spa’s shopping floorspace beyond committed levels would constitute a threat to Warwick town centre.
- (4) Whether the maximum floorspace figure of 25,000 sq m given in Paragraph 7.18 of the First Deposit Plan is appropriate for inclusion in the supporting text.
- (5) Whether the Policy should allow for alternative non-retail redevelopment opportunities in the town centre.
- (6) Whether the Plan should also confirm the quantitative need in the District for convenience goods floorspace.
- (7) Whether the Plan should commit to keeping retail floorspace requirements under review.

- (8) Whether (a) the District Council has failed to plan positively by not providing a sufficient range of sites to meet the forecast need for more retail floorspace in Leamington Spa, (b) the Shires Retail Park should be recognised in the Plan as a preferred location for further retail development, (c) the District Council has provided an appropriate policy framework for considering planning applications for retail development, and (d) the amendments to policies and supporting text promoted by the objector would improve the Plan.

Inspector's Appraisal and Conclusions

- 7.5.2 Issue 1:** English Heritage questions the overall need for, and suitability of, major shopping development in Leamington Spa town centre. Whilst recognising that a successful retail sector is a key factor in the vitality and viability of a town centre, the objector points out that RSS emphasises the complementary nature of town centres rather than their competitive status. In its view, Leamington Spa should aim to retain and build on its existing character of a diverse range of smaller scale retail operations. This would, it is argued, offer a distinctive retail experience, better respect the essential character of the historic townscape and offer potential for integrating tourism and retail activities.
- 7.5.3** Work has been undertaken to assess the physical capacity of Leamington Spa town centre to accommodate the growth envisaged in the DTZ Retail Study. This confirms that there is potential for further large scale retail development. In these circumstances, I do not consider it premature to identify an area of search through the Local Plan process. I note that in light of the District Council's response to this objection and changes made to the Revised Deposit Plan, English Heritage has conditionally withdrawn its objection.
- 7.5.4 Issue 2:** I accept the planning authority's contention that criterion b) does not seek to unduly restrict the scale of new retail development. Its purpose is simply to ensure that the scale of any proposals does not prejudice the character and form of the town centre. The environmental quality of Leamington's historic core is, of course, at the very heart of the town's draw as a high quality retail destination. There is no evidence that the criterion, as drafted, would prevent the shopping centre from changing its position in the retail hierarchy. In my opinion, the additional wording suggested by the objector would not improve the Policy.
- 7.5.5 Issue 3:** Leamington Spa is recognised as a 'main town centre' in the Structure Plan hierarchy and is a sub-regional shopping destination. It is appropriate that it should be the focus for most new development. Retail studies undertaken for the District Council conclude that the 3 town centres should develop complementary strategies based on their relative size and importance. The 2004 DTZ report identifies the volume of convenience and comparison goods floorspace that each of the town centres might provide to maintain their market position. I concur with the planning authority that the major challenge is to see how such development can be accommodated. I am satisfied that this Local Plan, while giving prominence to development of the retail function of Leamington Spa town centre, does not seek to achieve this at the expense of, or by marginalising, the role of Warwick town centre.
- 7.5.6 Issue 4:** The maximum gross floorspace figure for new comparison goods of 25,000 sq m set out in the First Deposit Plan was derived from the 2002 DTZ retail study. Although not made explicit, it was based on a projection to 2008. The figure was

amended in the Revised Deposit Plan to 37,300³ sq m by looking forward to 2016. While it extends beyond 2011, it serves to show that on current estimates the growth of Leamington Spa town centre as a comparison goods retail destination is likely to continue beyond the Plan period. I support this and other alterations made to Paragraph 7.18 which serve to clarify the District Council's position.

7.5.7 Issue 5: The purpose of the 'area of search' defined on the Proposals Map is to indicate possible future locations for retail growth. It does not preclude alternative acceptable forms of development in the town centre.

7.5.8 Issue 6: This matter has been addressed elsewhere in my report in response to other objections. In brief, I acknowledge that the additional convenience goods floorspace required is relatively modest. In light of this, the District Council has chosen to concentrate through Policy TCP3 on comparison goods. This is seen as the major retail challenge for the District. In such circumstances I see no need to burden the Plan with non-essential information.

7.5.9 Issue 7: Paragraph 7.18 of the Revised Deposit Plan states that the District Council is committed to periodically reviewing its retail data to ensure that changing conditions are considered. The planning authority confirms that re-appraisal of retail capacity will be carried out in due course. The objection by Marks and Spencer plc is therefore met.

7.5.10 Issue 8: This issue is addressed elsewhere in the report in response to related objections (see Chapter 6, Policy UAP3, Issue 9).

Recommendations

7.5.11 (a) That the Revised Deposit Plan be modified as follows:

(i) amend the first part of Policy TCP3 to read:

“Proposals for large scale shopping development will be permitted provided:-

a) they are within (i) the retail areas of the town centre, and then (ii) the area of search defined on the Proposals Map;”

(ii) amend the third and fourth sentences of Paragraph 7.18 to read:

“An updated Retail Study, received in June 2004, identified convenience, comparison and retail warehousing floorspace capacity to 2011 which further grows to 2016. The 2004 study identified the fact that Leamington town centre could support a maximum of 37,700 sq. metres (gross) comparison floorspace.”

(iii) amend Paragraph 7.22 to read:

“For the operation of this policy, ‘large scale’ retail proposals refers to proposals with a floorspace of over 1,000 sq m.”

³This figure is incorrect and should have been 37,700 sq m

- (b) **That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

7.6 Paragraphs 7.23 - 7.26 Policy TCP4 Primary Retail Frontages

Objections to First Deposit Version

38/AB Dr Andrew Cave
171/AA Portland Place Residents' Association
192/AC Chamber of Trade
296/AD CLARA

Objection to Revised Deposit Version

354/RAC Roger Higgins

Key Issues

- 7.6.1** (1) Whether (a) the Policy should distinguish between restaurants/cafes and pubs/clubs, and (b) Paragraph 7.25 should be worded more strongly to recognise the anti-social behaviour associated with some patrons of licensed premises in Leamington Spa town centre.
- (2) Whether the remainder of Warwick Street, Park Street and Regent Street, Leamington Spa should be designated as Primary Retail Frontages and the acceptable level of non-retail uses reduced from 25% to 15%.
- (3) Whether the Policy should limit or preclude altogether licensed premises within a 50m radius of designated residential and retail areas.
- (4) Whether criterion b) of Policy TCP4 should be strengthened by restricting the creation of a continuous non-A1 frontage of more than 12m.
- (5) Whether further limitations are necessary in respect of the concentration of A3 and A5 uses and their balance in relation to the number of A1 units.

Inspector's Appraisal and Conclusions

- 7.6.2 Issue 1:** Both the Policy and the reasoned justification were amended at Revised Deposit stage to take account of the changes made by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. They now differentiate between restaurants and cafes (Class A3), drinking establishments (Class A4), and hot food take-aways (Class A5). Moreover, additional wording was introduced into Paragraph 7.25 to explain that in accordance with the Licensing Act 2003 the District Council is now responsible for granting licenses.

- 7.6.3** As regards the matter of anti-social behaviour, the Plan acknowledges that an excessive concentration of A3 and A4 licensed premises has raised concerns, particularly in Leamington Spa, with regard to community safety issues. Policy TCP4 has the effect of maintaining an element of control over the number and location of A3, A4 and A5 uses (which include licensed premises), in addition to protecting the integrity of the retail function. Paragraph 7.25 goes on to confirm that the District Council will work actively with the police, local community groups and residents to ensure licensing issues are correctly considered and that the amenity of residents and other interests is protected. Given these provisions and assurances, I consider it unnecessary to strengthen the wording of Paragraph 7.25.
- 7.6.4 Issue 2:** I am advised that the 25% restriction on the proportion of non-A1 frontage in Primary Retail Frontages represents a considerable strengthening of policy in relation to the adopted Local Plan. A significant number of frontages in Leamington Spa town centre are already at or exceed that threshold. This will severely limit the scope for further losses of Class A1 uses. Like the District Council, I believe that reducing the threshold to 15% would be overly restrictive in relation to Government advice in PPS6. That guidance seeks to encourage a mix of uses within town centres and to support the evening economy. In light of this, I see no compelling argument for extending the Primary Retail Frontages in Leamington Spa beyond those already identified on the Leamington Town Centre Inset Map.
- 7.6.5 Issue 3:** As the District Council points out, it would prove impracticable from an operational viewpoint to provide an A3/A4/A5 limitation or exclusion zone of 50m radius around the town centre primary retail frontages and residential areas - if only because many town centre properties are in mixed use and have dwelling units on their upper floors. In any event, the effect of any non-A1 proposals on neighbouring residential development would fall to be assessed under Policy DP2 (Amenity).
- 7.6.6 Issue 4:** Again, the 16m criterion of Policy TCP4 represents a considerable strengthening of the policy position in relation to the current adopted Local Plan. The District Council says it has set a figure of 16m to be the equivalent of 2 or 3 traditional independent retailer shop frontages. There is no compelling evidence before me to suggest that a lower figure of 12m would be more appropriate. The criteria approach taken by Policy TCP4 is, in my view, preferable to the embargo suggested for certain uses in specified locations. Such suggestions include no further A3 outlets in Augusta Place, Leamington Spa.
- 7.6.7 Issue 5:** Policy TCP4 is already restrictive in relation to the proportion and length of non-A1 frontage allowed within the Primary Retail Frontages. It seems to me that market forces will determine how many of those non-retail uses are occupied as restaurants/cafes, hot food take-aways, and drinking establishments. There is no need, in my view, to introduce further criteria into Policy TCP4. As regards drinking establishments, a separate control regime falls upon the District Council following introduction of the 2003 Licensing Act.

Recommendations

- 7.6.8 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

7.7 Paragraphs 7.27 - 7.28 Policy TCP5 Secondary Retail Areas

Objections to First Deposit Version

38/AF	Dr Andrew Cave
66/AV	The Warwick Society
193/BP	Coten End and Emscote Residents' Association
199/BP	James Mackay

Objections to Revised Deposit Version

224/RAD	Mr and Mrs R M Orr
354/RAD	Roger Higgins

Key Issues

- 7.7.1**
- (1) Whether the threshold for non-A1 frontage should be changed from 50% to 25% or 20%, and the proportion of continuous non-A1 frontage amended from 16m to 14m.
 - (2) Whether 'white land' shown on the Leamington Spa Town Centre Inset Map should be subject to the same thresholds as Policy TCP5.
 - (3) Whether the last sentence of Paragraph 7.28 (exempting the café quarters from the controls set by Policy TCP5) should be deleted.
 - (4) Whether there should be a ban on further A3 outlets in Augusta Place, Leamington Spa.
 - (5) Whether the qualifications set out in criteria a) and b) are arbitrary and without reasoned justification.
 - (6) Whether further restrictions are necessary in respect of the concentration of A3 and A5 uses and their balance in relation to the number of A1 units.

Inspector's Appraisal and Conclusions

- 7.7.2 Issue 1:** Paragraph 2.17 of PPS6 defines secondary retail areas as locations that are appropriate for the introduction of a more mixed and diverse range of Class A uses. While it is important that such areas do not lose their predominant retail function and character, I believe a threshold of 25% or 20% would be unduly restrictive. It would not allow enough flexibility to ensure a successful blend of uses and would not be distinguishable from the primary retail frontages where Policy TCP4 sets a 25% limit for non-A1 uses. As regards the restriction on the length of continuous non-A1 frontage, I note that this represents a considerable strengthening from the approach taken in the current adopted Local Plan. Many frontages are already at or exceed that threshold. I see no argument for amending the figure from 16m to 14m.

- 7.7.3 Issue 2:** Policy TCP5 relates solely to the secondary retail areas. These comprise all of the retail areas shown on the Proposals Map that are not otherwise defined as primary retail frontage. They are still essentially shopping locations where it is important to retain the predominantly retail character while encouraging an appropriate mix of uses to maintain and enhance the vitality of the town centres. The same policy consideration does not apply to the unannotated (white land) areas of the town centre. It would not therefore be appropriate, in my view, to extend the criteria/thresholds of Policy TCP5 across a broader geographical spread. Issues of amenity arising from a concentration of A3, A4 and A5 uses in such areas can be addressed through generic Development Policy DP2.
- 7.7.4 Issue 3:** I see no reason to remove the exception made in respect of the café quarters defined in Policy TCP6. The merits of introducing café quarters were identified in the DTZ Retail Studies. Although non-retail uses, they serve to maintain retail character in its broadest sense.
- 7.7.5 Issue 4:** I agree with the District Council that it would be inappropriate to place a specific embargo on further A3 uses in Augusta Place given the restrictive policy framework that already applies in respect of A3, A4 and A5 uses. I note that while sections of Augusta Place lie within the defined retail area, other parts fall within the area intended to be primarily in residential use with the majority left unannotated on the Proposals Map.
- 7.7.6 Issue 5:** I do not regard the criteria set out in Policy TCP5 as arbitrary and inadequately justified. They have been drawn up following appeal decisions where adopted Local Plan policy has been challenged. I concur with colleague Inspectors that it is more meaningful to consider the percentage of the street elevation as a linear measurement (frontage) rather than as a percentage of the overall number of units by usage. It is important to distinguish between primary and secondary retail areas. The clearest way to do this is by numerical thresholds. I am advised by the District Council that many Inspectors have applied a 50% threshold to secondary retail areas. I am satisfied that the Plan properly differentiates between primary and secondary retail areas and that both Policies TCP4 and TCP5 provide readily measurable thresholds against which proposals can be assessed. Policy TCP5 provides for a greater degree of flexibility. It indicates that in exceptional cases, proposals which do not fulfil the second criterion may be accepted where they would not have a prominence in the streetscape that would affect the predominantly retail character of the area. I consider that to be appropriate.
- 7.7.7 Issue 6:** A similar objection has been made in respect of Policy TCP4. Policy TCP5 is already restrictive in relation to the proportion of non-A1 uses (by frontage) allowed in secondary retail areas. Market forces will determine how many of those non-retail uses are occupied as restaurants/cafes, hot food take-aways, and drinking establishments. There is no need, in my view, to introduce further criteria into Policy TCP5. In terms of drinking establishments, a separate control regime is administered by the District Council under the 2003 Licensing Act.
- 7.7.8** While I recommend no changes to Policy TCP5 specifically in response to objections, I believe the Policy would benefit from some minor drafting changes/corrections to make the wording consistent with that employed in Policy TCP4. I recommend accordingly.

Recommendations

7.7.9 (a) That the Revised Deposit Plan be modified as follows:

substitute the following wording for Policy TCP5:

“Changes of use from shops (Class A1) to financial and professional services (Class A2) or restaurants and cafes (Class A3) or drinking establishments (Class A4) or hot food take-aways (Class A5) within the secondary retail areas will be permitted unless:-

- a) more than 50% of the total length of the street frontage is in non A1 use: or**
- b) the proposal consists of, or would contribute to creating, a continuous non A1 frontage of more than 16m.**

In exceptional cases, proposals which do not fulfil the second criterion may be accepted where they would not have a prominence in the streetscape that would affect the predominantly retail character of the area.”

- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

7.8 Paragraphs 7.29 - 7.30 Policy TCP6 Café Quarters

Objections to First Deposit Version

66/AU	The Warwick Society
193/BQ	Coten End and Emscote Residents' Association
199/BQ	James Mackay
266/AG	Warwick Town Council
302/AT	English Heritage (West Midlands Region)

Objections to Revised Deposit Version

266/RAB	Warwick Town Council
312/RAE	Mrs Cherry Dodd
354/RAF	Roger Higgins

Key Issues

- 7.8.1 (1) Whether the Policy serves an appropriate planning function.**
- (2) Whether the Policy is at odds with maintaining the shopping focus of the town centre, encouraging residential occupation, and discouraging use of the private car.**

- (3) Whether (a) the term ‘café quarter’ is misleading, and (b) Market Place has become biased in favour of the evening economy, leaving a square that is a bleak void during the daytime winter months.

Inspector's Appraisal and Conclusions

- 7.8.2 Issue 1:** English Heritage questions the purpose of this Policy and considers that, as a minimum, the café quarter extension along Old Square should be omitted. The quarter is seen by the District Council as a means of attracting more visitors to Warwick town centre, creating stronger links with Warwick Castle and fully utilising the space created in Market Square. I support that concept which will serve to enhance the vitality and viability of the town centre by taking advantage of spin off from the major tourist attraction of Warwick Castle. I note that the café quarter has been extended along Old Square to identify and encourage a potential pedestrian circuit. Again, I endorse that principle. I recognise the particular concerns of English Heritage in relation to maintaining the integrity of the setting of St Mary's Church. Any planning application for A3 or A4 use would need to be sensitively handled to minimise visual intrusion and any loss of amenity. Nevertheless, I consider the objectives of the Policy to be sound.
- 7.8.3 Issue 2:** This Policy is being promoted by the District Council as a response to a need/opportunity identified in the 2002 DTZ Retail Study. By creating a policy environment where further A3 and A4 uses (but not A5 - hot food take-aways) would be encouraged, it seeks to create a new destination and interest that will attract visitors to Warwick Castle as well as local residents. The intention is to complement the town's shopping role and provide a focus for leisure use and promotion of the evening economy. It capitalises on the improvements made to Market Place in 1999 which removed traffic conflicts and created an open pedestrian-friendly area for public events. I note that care has been taken to defend Warwick's retail offer. Both Smith Street and Swan Street have been identified as primary retail frontages where the more restrictive Policy TCP4 applies. Residential amenity would need to be safeguarded. The District Council says that all development proposals for A3 or A4 use would be carefully scrutinised and consideration given to sound insulation and extraction of cooking fumes. As regards use of the private car, I note that there is public car parking available in addition to existing public transport services. The District Council recognises that these could be improved as part of a linked marketing and signposting strategy. I conclude on this issue that there is no conflict, in principle, with other Plan objectives. A defined café quarter here would complement the town centre shopping function, need not give rise to serious amenity problems, and would not necessarily encourage car-borne visitors from a wider area.
- 7.8.4 Issue 3:** I do not consider the ‘café quarter’ terminology used in Policy TCP6 to be ambiguous or confusing. The Policy sets out clearly the uses that will be permitted in the locations defined on the Proposals Map. The District Council's intention is that this part of the town centre should provide an attractive environment that will offer interest for visitors and local residents throughout the year. Its success will ultimately depend upon strengthening the links between the Castle and this part of the town centre, and securing private sector investment and confidence. I support this policy approach.

Recommendations

- 7.8.5 That no modifications be made to the Revised Deposit Plan in respect of these objections.**

7.9 Paragraphs 7.31 - 7.34 Policy TCP7. Opportunity Sites in Old Town, Leamington Spa.

Objections to First Deposit Version

6/AB	Chiltern Railways
120/AO	Miller Homes (West Midlands)
148/AS	Campaign to Protect Rural England (Warwickshire Branch)
159/AD	Rail Property Ltd and Network Rail Infrastructure Ltd
233/AA	Tanya Newby
294/AA	British Waterways

Objections to Revised Deposit Version

148/RBA	Campaign to Protect Rural England (Warwickshire Branch)
195/RBG	The Leamington Society
350/RBG	Tesco Stores Ltd

Key Issues

- 7.9.1** (1) Whether Policies TCP7 (Site A) and SSP1 (Site A) should be replaced by a composite policy for the area.
- (2) Whether the composite policy referred to above should include:
- a town-side entrance to Leamington railway station
 - a bus/rail interchange
 - secure cycle accommodation
 - safe walking and cycling routes between the station and the town centre
 - retention of the Stagecoach bus depot
 - car parking for the station
 - a focus on commercial and office uses, with housing subsidiary and directed at social needs
- (3) Whether the reasoned justification should refer to the extensive frontage to the Grand Union Canal shared by Opportunity Sites A, B and C and the possibility of integrating the waterway in any regeneration scheme.
- (4) Whether Policy TCP7 (Site A) should require regeneration proposals to take into account the need for additional car parking for rail users and pedestrian accessibility.
- (5) Whether the Policy should be more specific about the types and mix of uses that should be provided.
- (6) Whether Paragraph 7.33A of the supporting text should be deleted and addressed via a supplementary planning document.

Inspector's Appraisal and Conclusions

- 7.9.2 Issue 1:** (*Railway Station area, Leamington Spa*) The objection site is the former LNWR (later LMS) station and goods yard. This linear site of 5.7ha extends from Lower Avenue in the east to the Ford Foundry in the west. Since closure of the LMS station and removal of all tracks the land has been in forms of employment use. The now redundant and derelict Quicks Garage awaiting redevelopment was built in the late 1970s; the Stagecoach Bus Garage was constructed in the 1980s; and the Target van hire compound is the modern successor to former coal yards and rail sidings. Vehicular access to the land is obtained from Station Approach loop road to the north. A footpath/cycleway crosses the site from north to south linking Avenue Road with the railway station (a Grade II listed building) located on the south side of the tracks. A pedestrian underpass at the eastern end of the site gives access to the station buildings. The northern boundary of the site abuts a Conservation Area which wraps around the site to include the railway station.
- 7.9.3** The land is subject of 2 allocations in the Revised Deposit Plan. The eastern section is within Opportunity Site A identified in Policy TCP7 while the western area is allocated under Policy SSP1 (Site A). The part of the objection site not covered by a specific allocation on the Proposals Map is the bus depot. Appeals in respect of housing development (apartments) on the former Quicks Garage site were dismissed following a public inquiry heard in April/May 2006. A planning application by Chiltern Railways for station parking on the eastern area of the land has recently been refused by the District Council.
- 7.9.4** In November 1996 the District Council engaged consultants to undertake an Urban Design and Environmental Study of the area around the railway station. This was published in due course as the Leamington Station Area Enhancement Study. The same consultants were again commissioned in 1998 to assist with regeneration proposals for Leamington Old Town. Four documents were prepared to support what was to be a successful bid for funding under the Single Regeneration Bid 5 programme. These documents, including ‘Development Principles for the Station Area’ (DPSA) were eventually adopted by the District Council as supplementary planning guidance (‘saved’, and now SPD, under the provisions of the 2004 Act). When the District Council approved the First Deposit Version of the Local Plan in 2003 the opportunity was taken to translate these development principles into Local Plan policy. Policy SC3 seeks to protect public transport interchanges from development that would have a harmful impact on their operational efficiency. Policy TCP7 identifies opportunity sites within which regeneration will be supported. The objection site includes the section of Opportunity Site A north of the railway station where ‘housing/ commercial and business use (B1, B2, B8)/ improved access to the railway station/ improvements to rail related car parking/ pedestrian accessibility’ will be supported. The reference to ‘improvements to rail related car parking/ pedestrian accessibility’ was added at Revised Deposit stage, in response to objections. And the further reference to ‘improved access to the railway station’ has been suggested by the District Council following consultation on the Revised Deposit Plan. Policy SSP1 allocates the 2.1ha Station Goods Yard for Class B employment use.
- 7.9.5** This site is seen by CPRE (Warwickshire Branch) as a key location for redevelopment in the town. The objector contends that the DPSA is out-of-date. It was completed during rail privatisation (1998/99) when rail development proved near impossible and precluded a corporate view, and the delivery of housing land was a key feature. The Local Plan now offers the opportunity to set out a policy for the whole of the area north of the

railway station that can incorporate proposals for all transport related facilities required. In 2002 the Leamington Society drafted a concept for a bus/rail interchange on land north of the railway station, extending the main subway northwards and constructing a new entrance and interchange. This was developed in more detail by CPRE (Warwickshire Branch). It would use the eastern third of the Quick's site and land currently in railway ownership further to the east. I note that those proposals were submitted to the County Council, the District Council, Chiltern Railways and the local MP. The objector says that since 2003 the local authorities have not brought about any significant changes except for some improvements to the existing south-side car park and access to the railway station. For a time bus services were routed in front of the station entrance but this has not endured and provision for cycle parking has deteriorated. CPRE (Warwickshire Branch) argues that there is currently no effective bus/rail interchange at Leamington railway station, with bus stops and services widely scattered in a confused manner along a number of highways north and south of the station. Enhancement of Leamington railway station, provision of a bus/rail interchange, and improvement of access by foot and cycle would, it is argued, all contribute to Structure Plan Policy T1 objectives of achieving a modal shift and growth in public transport usage, reducing reliance on the private car.

7.9.6 I do not accept there is a need for a clearer and more extensive policy. I consider that, taken together, Policies TCP7 and SSP1 (as amended at Revised Deposit stage, and as subsequently proposed to be further changed by the District Council) provide satisfactory coverage both spatially and in terms of their policy content to direct investment towards regenerating the area. They establish, in my opinion, an appropriate basis for considering and assessing planning applications. In reaching this view, I have borne in mind that there are no proposals to relocate the Stagecoach bus depot that separates much of Site A of Policy SSP1 from Opportunity Site A of Policy TCP7. Indeed, the objector and the District Council are at one in supporting retention of this major facility that has been the subject of relatively recent investment. Apart from the absence of a specific bus/rail interchange on the town-side of the railway tracks, the objector supports the broad mix of land uses proposed for this locality - housing, commercial and business, and rail-related car parking - although not the disposition of land uses and detailed schemes that have so far been forthcoming in the Miller Homes appeals and the Chiltern Railways application.

7.9.7 The Proposals Map places the site where housing development has been sought in the Old Town regeneration area and therefore outside the control afforded by the District Council's 'Managing Housing Supply' SPD. CPRE (Warwickshire Branch) maintains that this land is not actually in Old Town and can contribute nothing to its regeneration but is more closely related to the low density Conservation Area to the north which includes Avenue Road, Adelaide Road, the Pump Room Gardens and Victoria Park. The objector argues that Opportunity Site A should exclude land north of the railway station and west of Lower Avenue. I do not agree. I accept the District Council's argument that the physical extent of Old Town is not defined. The land in question lies at the interface of areas of different character, one of which is likely to change significantly in the near future. I see no reason to question the role of this section of Opportunity Site A in contributing positively to regeneration of the locality.

7.9.8 Issue 2: I turn now to the various elements put forward by the objector as components of a more comprehensive policy. Looking first at the provision of a town-side entrance to Leamington station, this proposal is also supported by other objectors (The Leamington Society and Tanya Newby). For historic reasons Leamington station is located on the south side of the tracks. Facing towards Old Warwick Road, it turns its back on the town. There is an existing pedestrian link to the town centre via an

underpass but to access that route one has to first exit the station. The present path and subway is perceived as unpleasant and unsafe. The District Council recognises this and, together with the objectors, supports a more direct link to the town centre through the station itself thereby opening up the station from the north side of the tracks. This aspiration has been acknowledged through proposed changes to the Revised Deposit Plan which add the words 'improved access to the railway station' to Policy TCP7 and incorporate a new paragraph in the reasoned justification. The final version of the Warwickshire Local Transport Plan 2006 reflects this. I endorse those changes. I agree with the District Council that it would be inappropriate for Policy TCP7 to go any further. Such a project would necessitate significant engineering works. It would be complex and costly, and would involve land not in public ownership but controlled by Chiltern Railways under their existing franchise. Moreover, Leamington station is a Grade II listed building in a conservation area. It is important that the building remains in active use by keeping other rail facilities on the north side of the tracks secondary in nature. I note that although CPRE (Warwickshire Branch) did not support the planning application by Chiltern Railways for additional station car parking at the eastern end of the objection site (which proposals included improved access for pedestrians and cyclists to and from the existing subway), those works would not have precluded a new tunnel link

- 7.9.9** The LTP 2006 makes mention of a new bus terminal on the northern side of the railway station, subject to funding as part of the £14.8m SPARK Major Bid scheme. That funding has now been secured (WCC News Release dated 6 July 2006). The terminal would be provided on land at the eastern end of Avenue Road, rather than within the objection site. It is envisaged that this would be a 'superbus' station with shelters, raised kerbs and real time information. The bus interchange would be served by a new bus service to be introduced as part of the proposed Warwick and Leamington park and ride scheme. I concur with the District Council that in view of this reference in the LTP, other references in the Local Plan and the terms of Policy SC3, there is an adequate framework already in place to ensure support for a new bus interchange to the north of the station without the need for its inclusion in Policy TCP7 or a specific allocation. Although the County Council's park and ride proposal has not been subject to public debate or detailed consultation, and is only a bid for Government funding at this stage, the objector's vision of a much more elaborate bus/rail interchange with possible waiting room/ticket office/shop/cafe, bus turning area and taxi rank etc within the objection site appears to be out of step with current County Council thinking on the subject. I note that the proposals were drawn up before the station building was listed in 2004.
- 7.9.10** As regards secure cycle parking, this is already provided on the station forecourt and there is a proposal in the LTP to extend this. Support for the development of cycle and pedestrian facilities is given by Local Plan Policy SC4.
- 7.9.11** The railway station is served by existing pedestrian and cycle routes. Route 41 is shown on the Proposals Map and forms part of the National Cycle Network. It links the station with the town centre and Warwick. The LTP 2006 includes a number of specific proposals for new footpaths and cycleways in the District. I have concluded elsewhere in my report that Paragraph 5.20 of the Local Plan should be amended to include a cross-reference to those measures listed in the LTP.
- 7.9.12** As I have recorded earlier, there are no proposals to relocate the Stagecoach bus depot. I see no need to include it within a broader Policy.

- 7.9.13** CPRE (Warwickshire Branch) indicated at the hearing that it would prefer additional car parking provision for the railway station to be made on land to the west and north of the bus depot (as in Omission Site 20, proposed by BR Residuary Ltd), rather than on the recent application site west of Lower Avenue. This suggestion is not, in my view, a compelling reason either on its own or in combination with other arguments, for amending or deleting employment allocation SSP1 (Site A) in favour of a much more extensive composite policy embracing all of the land as far east as Lower Avenue. The District Council is confident that allocation SSP1 (Site A) will come forward for development during the Plan period.
- 7.9.14** The objector considers that the primary land use focus of the wider objection site should be commercial and office uses to ensure viability of a public transport interchange and associated buildings, and to be compatible in terms of size, bulk and activity with the adjoining residential area to the north. It is the objector's opinion that, despite approaches made to the District Council, it is most unlikely that the employment allocation would be developed as a traditional estate of industrial workshops and warehouses. Whereas the SPG was housing-led, today there is a situation of housing land oversupply. Any housing component should, it is argued, be subsidiary and directed at social needs. I see no need for this. The driver is regeneration rather than housing and Policy TCP7 covers a range of land uses. To my mind there is a greater likelihood of successful regeneration and compatibility with adjacent uses being achieved by maintaining flexibility. I consider that the broad specifications of acceptable land uses set out in Policies TCP7 (Opportunity Site A) and SSP1 (Site A) are sufficient and appropriate in the circumstances. As and when particular schemes come forward they stand to be assessed against those policies and all other relevant policies of the Plan.
- 7.9.15** I conclude on these 2 related issues that a composite policy covering a larger site extending beyond the town centre would not improve the Plan. I am satisfied that the changes made to the Revised Deposit Plan, supplemented by the further changes suggested by the Council, will ensure that a proper planning framework is in place to secure regeneration of the area and provide a sound basis for assessing the merits of any scheme.
- 7.9.16 Issue 3:** Additional text was added to the reasoned justification at Revised Deposit stage in response to this objection. Paragraph 7.33 now indicates that Sites A to C have a considerable frontage to the Grand Union Canal and any regeneration schemes may have the ability to address, and integrate with, the waterway. I support that alteration and note that the objection by British Waterways has been conditionally withdrawn.
- 7.9.17 Issue 4:** The Plan was amended at Revised Deposit stage to include, in respect of Site A (Station Area), the following additional text: "improvements to rail related car parking/pedestrian accessibility". The District Council also seeks, through a proposed change, to introduce a new Paragraph 7.33B. This emphasises the potential to improve linkages with the Station and includes consideration of further rail related car parking. These objections have therefore been substantially met.
- 7.9.18 Issue 5:** Policy TCP7 gives a broad indication of the uses that would be acceptable for each of the 4 opportunity sites. I agree with the District Council that the precise mix of uses is a matter that should be the subject of discussions on an individual site basis. In my opinion, it would not be appropriate for the Policy to descend to that level of detail. Being part of a wider regeneration strategy for the Old Town area of Leamington Spa an element of flexibility is necessary.

7.9.19 Issue 6: The range of acceptable uses for Site C (Court Street Area) is set out in Policy TCP7. Paragraph 7.33A, added at Revised Deposit stage, provides the development industry and other interested parties with relevant information in respect of a planning brief prepared in 2003. This text also outlines the subsequent District Council decision to seek a partner to consider opportunities for the development of a wider area of Old Town focusing on the canal. I consider it appropriate that this be included in the supporting text rather than as SPD.

Recommendations

7.9.20 (a) That the Revised Deposit Plan be modified as follows:

(i) amend Policy TCP7 (Site A Station Area) by inserting after ‘(B1, B2, B8)’ the additional wording:

“/improved access to the railway station/”

(ii) insert a new Paragraph 7.33B⁴ to read:

“Leamington railway station lies immediately to the south of the railway line within site A. This site also includes land to the north of the railway line and opportunities may exist here to improve rail related car parking and create a northern pedestrian access to the station to improve links between the station and the rest of the town centre. The Council will support proposals to achieve these aims where they would enhance the overall attractiveness of the station and accord with Policy SC3.”

(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

7.10 Paragraph 7.35 Policy TCP8 Warwick Town Centre Mixed Use Area

Objection to First Deposit Version

204/AA Asda Stores Ltd

Objections to Revised Deposit Version

350/RBH Tesco Stores Ltd

354/RAJ Roger Higgins

Key Issues

⁴ It is assumed that the reference in CD28 to Paragraph 7.33A is an error and should read 7.33B.

- 7.10.1** (1) Whether a foodstore should be identified as an acceptable use in this mixed use area.
- (2) Whether encouragement of B1 offices is at odds with providing every day and specialist shops for residents and visitors.
- (3) Whether the retail element of the mixed use area should be subject to the sequential approach.

Inspector's Appraisal and Conclusions

7.10.2 Issue 1: As the District Council points out, the area covered by Policy TCP8 fulfils a unique function in Warwick District. Linking 2 primary shopping areas in the same town it is one where no single use predominates. In order to encourage pedestrian movement between these 2 areas and support traders on Smith Street in particular, the Policy identifies a range of uses that might be acceptable including Class A1 shops. Nonetheless, I consider that an explicit reference to a new foodstore in this location would not be appropriate. Any such proposal of any scale would need to be assessed against a range of issues, including Policy TCP1, to determine the effect upon the town centre as a whole.

7.10.3 Issue 2: This is an area of transition between the defined retail areas of Swan Street/Market Place and Smith Street. Policy TCP8 reflects the fact that no single land use stands out by establishing a policy framework that allows a wide variety of new uses to be introduced. In these circumstances, B1 and A2 uses would be just as acceptable as every day and specialist shops. I see no inconsistency in this regard.

7.10.4 Issue 3: In light of my recommendations in respect of Policy TCP2 and the clear placing of the Warwick mixed-use area within the sequential approach, I see no requirement for amendments to Policy TCP8.

Recommendations

7.10.5 That no modifications be made to the Revised Deposit Plan in respect of these objections.

7.11 Paragraphs 7.36 - 7.38 Policy TCP9 Protecting Employment Land and Buildings

Objections to First Deposit Version

104/AB	Warwickshire County Council (Property Services Dept)
117/AP	Langstone Homes Ltd
120/AP	Miller Homes (West Midlands)
158/AE	Tyler-Parkes Partnership
200/AB	Taylor Woodrow Strategic Developments
223/AW	Kenilworth Town Council
226/AQ	Environment Agency
228/BC	West Midlands RSL Planning Consortium

274/AA Regenesis
295/AA B&Q plc

Objections to Revised Deposit Version

104/RAC Warwickshire County Council (Property Services Dept)
119/RAK Bloor Homes Ltd
120/RAE Miller Homes (West Midlands)
214/RAK Mrs J Biles
239/RAD Mr D Austin
312/RAF Mrs Cherry Dodd
322/RAK J G Land and Estates
350/RBJ Tesco Stores Ltd
354/RAH Roger Higgins

Key Issues

- 7.11.1** (1) Whether Policy TCP9 is inconsistent with Policy SC2 in its approach to protecting employment land.
- (2) Whether (a) the Policy is at odds with Policy TCP7 in respect of the Althorpe Street/Court Street area of Leamington Spa, and (b) a more flexible approach is required to support the regeneration of Old Town.
- (3) Whether the Policy should refer to affordable housing.
- (4) Whether proposals for the use of employment land/buildings for residential purposes within high risk flood zones should have to demonstrate that safe pedestrian access can be provided.
- (5) Whether the Policy ought to be applied across the whole of the urban areas and not just the town centres.
- (6) Whether Policy TCP9 is too prescriptive.
- (7) Whether the Warwick Town Centre Employment Area should exclude 2-22 Northgate Street, and parts of The Butts and Barrack Street.
- (8) Whether the Policy reflects the advice in Paragraph 42a of PPG3.
- (9) Whether the protected employment areas will inhibit retail and residential opportunities in the town centres.
- (10) Whether Paragraph 7.37 is sufficiently clear in explaining the relationship between Policies TCP9 and SC2.
- (11) Whether Paragraph 7.37A is too vague and aspirational and conflicts with Paragraph 7.38 in respect of the protection of employment sites.
- (12) Whether over-development of apartment blocks in and around the town centre has blighted opportunities to expand the employment sector.

Inspector's Appraisal and Conclusions

- 7.11.2 Issue 1:** Policy TCP9 recognises the importance of supporting a successful employment sector within town centres while offering the necessary flexibility. It identifies the most significant town centre employment areas, affording them protection from changes of use. Elsewhere in the town centres, in accordance with PPS6, changes of use are allowed to provide the development opportunities required in a dynamic commercial environment that are essential to vital and viable town centres. Policy TCP9 is more flexible than Policy SC2. The latter protects all employment land/buildings outside of town centres in order to ensure an adequate employment land supply across the District. I support this structured approach and see no inconsistency in regard to the Plan's policy provisions. Nor do I regard as inappropriate the different ways in which Policies TCP9 and SC2 have been framed.
- 7.11.3 Issue 2:** The District Council accepted that there was an inconsistency between designation of the entire Althorpe Street/Court Street area as a protected town centre employment area and Policy TCP7 which identifies this location as Opportunity Site C suitable for a range of uses that include retail, housing and community facilities. In order to address the matter, the protected employment area was reduced in the Revised Deposit Plan to accord with the Court Street Planning Brief⁵. An additional Paragraph 7.37A was also added to the supporting text to afford flexibility. This indicates that the District Council may consider the introduction of a wider range of uses here if they can positively contribute to the wider regeneration aspirations of this section of Old Town. I endorse these alterations which I believe meet the concerns of the objector, Regenesis.
- 7.11.4 Issue 3:** Affordable housing would be considered as a possible alternative use to existing employment land/buildings under this Policy in town centre locations outside the Town Centre Employment Areas. However, the same applies to many other types of development, including other forms of residential use. In the circumstances I see no need to make specific reference to affordable housing either in the Policy or the reasoned justification.
- 7.11.5 Issue 4:** Any development scheme proposed would also have to comply with Policy DP10 (Flooding). Criterion g) requires in the case of dwellings proposed in high risk areas that safe, dry pedestrian access should be available to land subject to lesser risk. In light of this, I consider it unnecessary to duplicate such provision in Policy TCP9.
- 7.11.6 Issue 5:** I do not accept this argument. I consider that Policies TCP9 and SC2, taken together, provide an appropriate framework that protects the District's employment land portfolio. They cater for a wide range of employment needs while permitting a greater degree of flexibility in the town centres outside the most valuable areas of employment land. Applying a more flexible approach to alternative uses throughout the urban areas of the District would undermine that carefully thought out approach to the detriment of the District's employment base.
- 7.11.7 Issue 6:** The objector maintains that Policy TCP9 is unduly prescriptive. Concern is raised that the Town Centre Employment Areas (where changes of use to non-employment uses will not be permitted) include many listed buildings some of which may not be able to accommodate new employment activities. It seems to me, though,

⁵ CD203

that there will always be exceptions to any policy. It is impossible to cover all circumstances. In cases like this it would be open to the applicant to show that an employment use is not viable and that an alternative use is acceptable in accordance with Policy DAP7 (Changes of Use of Listed Buildings) and PPG15. I agree with the District Council that such proposals should be considered on a case by case basis. This does not mean that Policy TCP9 has insufficient flexibility.

7.11.8 Issue 7: (2-22 Northgate Street, premises at Northgate Street/The Butts, and Barrack Street, Warwick) The Warwick town centre employment area consists for the main part of County Council offices, Crown Court, public library and other buildings in community use. This commercial area lies within Warwick Conservation Area and contains many listed buildings. Its designation as an employment area has been carried forward from the adopted Local Plan. Warwickshire County Council (Property Services Dept) would like 2-22 Northgate Street, premises between Northgate Street and The Butts, and properties in Barrack Street excluded from the application of Policy TCP9 by amending the boundary of the protected area on the Proposals Map or by amending the terms of the Policy itself. The County Council's intention is to dispose of 2-22 Northgate Street for residential use. It is committed to occupying new offices pre-let at Saltisford, Warwick. As regards the Barrack Street office block, the objector points out that this building erected in the late '60s has long been recognised as a mistake. It dominates views towards the historic centre of the town from several approaches, detracting from St Mary's Church in particular. It should be replaced by redevelopment more sympathetic to its location.

7.11.9 Policy TCP9 recognises the importance of maintaining a successful employment sector. In order to ensure a continuing supply of employment opportunities and an appropriate mix of town centre uses it has identified the most significant town centre employment areas and afforded them protection from changes of use. It is clearly essential to maintain a balance of uses and a supply of employment premises to ensure the vitality, viability and diversity of Warwick town centre. This is a very sustainable location well served by public transport links which has residential areas close at hand. It serves as the hub of the office area and is important to Warwick as an administrative centre.

7.11.10 On the other hand, the County Council has a duty to adapt to changing needs and to seek the most efficient and cost-effective accommodation for staff. 2-22 Northgate Street and premises in The Butts have been occupied by the County Council as offices for many years and extensions have been erected behind the main façade. But they were not originally constructed as offices. Having been built as dwellings, they are relatively inefficient in terms of usage and maintenance costs. Paragraph 9.33 of the Revised Deposit Plan echoes the advice in PPG15 that the best use of a listed building will often be the use for which it was originally designed. Re-use for residential purposes, including demolition of the more inappropriate additions behind the Northgate Street frontage, would accord with the concept of mixed-use development in town centres promoted by PPS6. The objector argues that there is a right to expect the plan-led system to give a degree of certainty and predictability. Prior to committing to the expense of preparing a detailed scheme, an applicant ought to be informed through the Local Plan whether the principle of the land use proposed is acceptable.

7.11.11 This employment area provides the office element that is vital to the economic health of the town. I believe it would not be appropriate at this time to consider the future use of the listed buildings at 2-22 Northgate Street and the other premises and sites identified by the County Council. To amend the boundaries of the employment area in the absence of

more specific proposals would be premature. Those boundaries have been drawn tightly to exclude only the designated employment areas from the more flexible approach envisaged by PPS6 within town centres. Other town centre locations are not subject to the same policy restrictions. As regards the wording of Policy TCP9, I see no case for amending it to allow one or more listed buildings to be used for their original purpose and/or to facilitate development where there would be material benefit to the setting of one or more listed buildings and/or the character and appearance of a conservation area. Such matters are already covered by other Plan policies and would be weighed in the balance alongside Policy TCP9 as and when any planning application is considered. Since most of the buildings in question are listed, to amend Policy TCP9 in this way would destroy the integrity of the employment area. In my opinion, the premises at 2-22 Northgate Street are a crucial part of the employment area's matrix of uses. I conclude that Policy TCP9 should not be altered to accommodate these objections, and that the boundaries of the Warwick town centre employment area should be maintained.

7.11.12 Issue 8: Paragraph 42(a) of PPG3 indicates that local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved policies and development plan documents or redundant land or buildings in industrial or commercial use, but which is no longer needed for such use. A number of exceptions are given. One of these is where the housing development would undermine the planning for housing strategy set out in the regional spatial strategy or the development plan document where this is up-to-date, in particular if it would lead to over-provision of new housing and this would exacerbate the problems of, or lead to, low demand.

7.11.13 In Warwick District there is evidence of an oversupply of housing in relation to strategic requirements. This has resulted in the SPD 'Managing Housing Supply' which seeks to severely limit urban windfalls. Given that further housing development would clearly undermine the RSS housing strategy, I believe that the first sentence of Paragraph 42(a) should not be applied here. In my view, a more flexible approach to employment land should pertain to the town centres only, to ensure that the District can offer a balanced portfolio of sites.

7.11.14 Issue 9: I do not believe that designation of the Town Centre Employment Areas imposes significant constraints on delivering retail and residential opportunities in the town centres as a whole. The extent of the protected areas is limited and offset by the explicit support given to the provision of a wide range of alternative uses in other parts of the town centres.

7.11.15 Issue 10: I note that the words '(outside of town centres)' were added at the end of the first sentence of Paragraph 7.37 at Revised Deposit stage. This assists comprehension. In my view the text, as amended, clearly sets out the relationship between Policy TCP9 (which applies in the town centres) and Policy SC2 (which applies elsewhere in the District). It also sets out the objective of the Policy and defines the protected areas (that is, the Town Centre Employment Areas). I consider that no further clarification or re-drafting of the supporting text is called for.

7.11.16 Issue 11: Paragraph 7.37A was introduced at Revised Deposit stage to resolve a conflict between policies TCP9 and TCP7 (Opportunity Sites in Old Town, Leamington Spa). It indicates that the District Council may consider the introduction of a wider range of uses in the Court Street/Althorpe Street protected employment area, provided such uses positively contribute to the wider regeneration aspirations of this area of Old Town.

I consider this to be neither vague nor inappropriate. I see no inconsistency with Paragraph 7.38.

7.11.17 Issue 12: I do not believe that the construction of apartment blocks has blighted, or will blight in the future, opportunities for employment development in the town centres. The Town Centre Employment Areas defined under Policy TCP9 where a concentration of employment activity will be protected and maintained are substantial enough. Moreover, Policy UAP2 allows for new employment opportunities to be created in town centres.

Recommendations

7.11.18 That no modifications be made to the Revised Deposit Plan in respect of these objections.

7.12 Paragraphs 7.39 - 7.41 Policy TCP10 Protecting the Residential Role of Town Centres

Objection to First Deposit Version

191/AA Robin A Richmond

Objections to Revised Deposit Version

191/RAU Robin A Richmond
195/RAV The Leamington Society
312/RAG Mrs Cherry Dodd
349/RAU Mr. D. G. Goodyear

Key Issues

- 7.12.1** (1) Whether the Plan, and Policy TCP10 in particular, fails to address safety and fairness and understates the detrimental effects that past planning decisions have had on town centre residential communities.
- (2) Whether the mix of housing allowed in town centres, particularly in Warwick, is insufficiently diverse with a preponderance of one and two bedroom apartments unsuitable for families.

Inspector's Appraisal and Conclusions

7.12.2 Issue 1: The objective of Policy TCP10 is to resist the loss of residential uses in the predominantly residential areas of the town centres, defined on the Proposals Map, and to protect the character of those areas. To assess the effects on residential character, development proposals need to be considered against the criteria set out in the Plan's generic development policies - notably DP1 (Layout and Design), DP2 (Amenity) and DP8 (Parking). Paragraph 7.40 makes it clear that to maintain residential character the District Council will have regard to cumulative impacts.

7.12.3 By identifying the predominantly residential areas of the town centres and ensuring that their character is not prejudiced by the introduction of other uses, I believe that the Plan has set an appropriate planning framework. In my view, the Plan strives to achieve safety and fairness, building upon the experience of past planning decisions. I see no need to clarify the nature of the pressures experienced as different land uses seek to co-exist in town centres, nor to single out car parking as a specific issue.

7.12.4 Issue 2: The recent trend towards apartments in town centres is driven by market forces and the fact that many schemes involve sites and conversions of upper floors of buildings that do not lend themselves to the provision of more generous-size family accommodation. Such intensive town centre apartment developments in sustainable locations help to underpin the vitality and viability of town centres. Nevertheless, there is a wide range of other residential accommodation currently available in the District's town centres to provide diversity. This includes larger family housing. On the evidence before me, I do not believe that there is a serious imbalance in supply.

Recommendations

7.12.5 That no modifications be made to the Revised Deposit Plan in respect of these objections.

7.13 Paragraph 7.42 Policy TCP11 Protecting Residential Uses on Upper Floors

Objection to First Deposit Version

226/AR Environment Agency

Objections to Revised Deposit Version

191/RAV Robin A Richmond
195/RAW The Leamington Society
349/RAV Mr. D. G. Goodyear

Key Issues

- 7.13.1** (1) Whether Paragraph 7.42 should acknowledge that not all town centre locations are suitable for increased residential use.
- (2) Whether the Policy should be amended to require additional parking where flats are introduced.

Inspector's Appraisal and Conclusions

7.13.2 Issue 1: In response to an objection from the Environment Agency that town centre locations in the floodplain can put occupants' safety at risk, the last sentence of Paragraph 7.42 was amended at Revised Deposit stage. The supporting text now indicates that further residential use is encouraged only in 'suitable' town centres. I

endorse that alteration subject to minor drafting improvements and note that on this basis the objection has been conditionally withdrawn.

7.13.3 Issue 2: Objectors are fearful regarding the parking implications of high density flat developments taking place in town centres. The District Council says it is well aware of those concerns and that new residential development will be assessed in relation to Policy DP8 (Parking) as and when specific proposals are submitted for approval.

7.13.4 Policy TCP11, though, has a strictly limited remit. Its purpose is simply to protect existing residential uses on upper floors in town centres. Here, the parking requirement will previously have been addressed when planning permission was originally granted. With this in mind, I see no reason to amend either the Policy itself or the reasoned justification. .

Recommendations

7.13.5 (a) That the Revised Deposit Plan be modified as follows:

amend the final sentence of Paragraph 7.42 to read:

“Encouraging greater living in suitable town centre locations can also enhance personal safety by increasing natural surveillance.”

(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

7.14 Paragraphs 7.43 - 7.45 Policy TCP12 Upper Floors within Town Centres

Objections to First Deposit Version

191/AB Robin A Richmond
226/AS Environment Agency

Objections to Revised Deposit Version

191/RAW Robin A Richmond
195/RAX The Leamington Society
283/RAR The Ancient Monuments Society
349/RAW Mr. D. G. Goodyear

Key Issues

- 7.14.1** (1) Whether proposals for new residential uses on upper floors should have regard to safe pedestrian access arrangements when located in high flood risk zones.
- (2) Whether (a) ‘living over the shop’ should be better defined, (b) only small extensions should be allowed, (c) entrance to upper floors should not require open

external staircases, (d) the amenities of neighbouring occupiers should be protected.

- (3) Whether the supporting text offers sufficient protection for existing town centre residential communities in terms of parking and vehicular access.

Inspector's Appraisal and Conclusions

7.14.2 Issue 1: I agree with the District Council that while the Environment Agency's comments are valid, the main purpose of this Policy is to ensure that where proposals are submitted for ground floor uses only, applicants also consider how access to the upper floors can be achieved to facilitate full usage of the premises at some stage in the future. Floodplain issues do not apply to all town centre uses. Where they are relevant, appropriate consideration can be given under Policy DP10 (Flooding). Consequently, I see no reason to amend the Policy or the supporting text.

7.14.3 Issue 2: The detailed matters subject of this objection are, in my opinion, more properly addressed under the Plan's generic development policies. The purpose of Policy TCP12 is simply to ensure that the potential to use upper floors is not sterilised by poorly considered ground floor proposals. Again, I see no need to amend the Policy or the reasoned justification.

7.14.4 Issue 3: Making full use of buildings for commercial or residential use in town centres is consistent with Government guidance. Furthermore, town centre developments are expected to take advantage of public transport opportunities. The concerns raised by objectors in relation to off-street parking provision for upper floor uses and any difficulties in relation to vehicular access would be addressed through the Plan's development policies - in particular, Policy DP6 (Access) and DP8 (Parking). In my view, the additional wording suggested for Paragraphs 7.43 and 7.44, requiring that development must take account of social and environmental considerations, particularly those of enhancing the quality of the environment for residents, and meet maximum parking standards unless it can be demonstrated that lower levels of parking would not prove detrimental, add little of substance.

7.14.5 Finally, although not raised by objectors, I consider that the title of Policy TCP12 is not sufficiently clear as to its purpose and would benefit from clarification. I recommend accordingly.

Recommendations

7.14.6 (a) That the Revised Deposit Plan be modified as follows:

amend the title of Policy TCP12 to read:

“Access to Upper Floors within Town Centres.”

(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.

7.15 Paragraphs 7.46 - 7.47 Policy TCP13 Design of Shopfronts

Objection to First Deposit Version

302/AW English Heritage (West Midlands Region)

Objection to Revised Deposit Version

283/RAS The Ancient Monuments Society

Key Issues

- 7.15.1** (1) Whether Paragraph 7.46 should include a cross reference to listed buildings and conservation areas.
- (2) Whether the Policy should require adherence to Council-approved design guidelines in all major shopping streets, avoiding the standard shopfronts favoured by national retailers.

Inspector's Appraisal and Conclusions

7.15.2 Issue 1: Such a cross-reference was added at Revised Deposit stage, emphasising the importance of installing quality replacement shopfronts where buildings are listed or located within conservation areas. I endorse that alteration and note that the objection by English Heritage has been conditionally withdrawn.

7.15.3 Issue 2: The various suggestions made by the Ancient Monuments Society for strengthening the Policy are, in my view, unduly prescriptive. There is already reference in Paragraph 7.47 of the supporting text to detailed design guidance on shopfronts in Warwick and Leamington Spa published by the District Council and to SPG on design issues involved in increasing security for retail premises. I consider those references to be sufficient.

Recommendations

7.15.4 That no modifications be made to the Revised Deposit Plan in respect of these objections.

7.16 Chapter 7 – Policy omissions

Objections to First Deposit Version

38/AA Dr Andrew Cave

38/AC Dr Andrew Cave

38/AD Dr Andrew Cave

38/AE Dr Andrew Cave

38/AG Dr Andrew Cave

38/AH	Dr Andrew Cave
38/AJ	Dr Andrew Cave
38/AK	Dr Andrew Cave
38/AL	Dr Andrew Cave
109/AB	Warwickshire County Council (Planning, Transport & Economic Strategy)
152/AE	Royal Leamington Spa Town Council
221/AX	Kenilworth Society
302/AS	English Heritage (West Midlands Region)

Objection to Revised Deposit Version

223/RAH Kenilworth Town Council

Key Issues

- 7.16.1** (1) Whether Policy TCP3 should be deleted and replaced by a policy that refers to the preparation of a town centre strategy leading ultimately to an area action plan.
- (2) Whether Paragraph 7.8 properly identifies the issues relating to Kenilworth town centre.
- (3) Whether the Plan should contain a specific policy to shape further proposals for Kenilworth town centre.
- (4) Whether the Plan should incorporate a policy to encourage the 24 hour economy.
- (5) Whether there should be a specific policy to encourage growth of the tourist industry in Leamington Spa.
- (6) Whether the development of a new Public Service Centre should be encouraged at Smalley Place, Kenilworth.
- (7) Whether the Plan adequately addresses the issues associated with A3, A4 and A5 uses in terms of noise nuisance and anti-social behaviour and their impact on the living conditions of town centre residents.
- (8) Whether a policy should be included in the Plan that requires A3, A4 and A5 uses to provide fully and clearly signed toilet facilities for their customers within properties located in the primary and secondary retail areas and areas coloured white on the Proposals Map.

Inspector's Appraisal and Conclusions

- 7.16.2 Issue 1:** (A related objection has been made by English Heritage in respect of Policy TCP3.) Since the First Deposit Plan was published in November 2003, the DTZ Retail Study has been updated. The 2004 version of that Study has provided the Council with shopping growth forecasts for the District. In these circumstances the Plan needs to be pro-active. I accept the planning authority's approach of identifying an area of search in Leamington Spa where town centre growth options can be considered in advance of less sustainable out-of-centre locations. Paragraphs 7.8 and 7.8A of the supporting text were amended/introduced at Revised Deposit stage, and further proposed changes have

subsequently been put forward by the District Council in respect of Paragraph 7.8A. Amongst other matters they refer to the ongoing work commissioned by the District Council to underpin Policy TCP3, including the Chandos Street feasibility study. Given Leamington Spa's potential for further large scale retail development I do not regard Policy TCP3 as premature or otherwise inappropriate. I note that in light of the alterations made at Revised Deposit stage, English Heritage has conditionally withdrawn its objection.

7.16.3 Issue 2: The ways in which Kenilworth town centre might strengthen its current role have been amended in the Revised Deposit Plan. Emphasis is now placed on its convenience goods function and the need to create greater unity between the town centre and its significant tourist attractions. I note that the reference to Kenilworth town centre being a major tourist destination has been omitted and the term 'convenience goods' is now explained in the glossary. In my opinion, the points of objection have been substantially addressed.

7.16.4 Issue 3: I see no need for a policy of this sort. The Plan sets out a town centre framework based on size thresholds for new development (Policy TCP1), the most sequentially acceptable locations for new development (Policy TCP2), and changes of use in primary retail frontages and secondary retail areas (Policies TCP4 and TCP5 respectively). Together, these should lead to an appropriate mix of town centre uses in compliance with Government policy. The District Council has drawn attention to ongoing work to develop an agreed framework for the future of Kenilworth town centre. This work is referred to in the proposed changes to Paragraph 7.8A which I support (subject to minor redrafting) and which are set out in my recommendations below.

7.16.5 Issue 4: I consider that such a policy would be inappropriate. It could increase tension and lead to friction between all-night business operations and town centre residents. The Plan seeks to maintain the vitality and viability of the District's town centres. It does this by fostering a diverse range of land uses, as advocated by PPS6. In my opinion, that is the more appropriate way of securing the future of town centres rather than by specifically encouraging 24 hour business. I note that following discussions, Warwickshire County Council has conditionally withdrawn this objection.

7.16.6 Issue 5: I consider that Policy UAP7 (Directing New Tourism Development) provides sufficient encouragement of tourism-related development throughout the urban areas. The supporting text recognises the significant contribution that tourism makes to the local economy, particularly in terms of job creation. In my view, there is no reason to introduce a specific tourism policy for Leamington Spa in the Town Centres Chapter of the Plan.

7.16.7 Issue 6: This objection has been addressed through proposed changes to Paragraph 7.8A of the Revised Deposit Plan which refers to a framework for improvements to Kenilworth town centre including the possible redevelopment of a Public Service Centre at Smalley Place. I support that amendment.

7.16.8 Issue 7: I believe that the Plan adequately controls the number and distribution of A3, A4 and A5 uses in the town centres. It does this, in relation to the provisions of the current adopted Local Plan, by increasing the proportion of A1 uses that must be retained in the primary shopping frontages and setting more appropriate limits on non-A1 uses within the secondary retail areas. It also quantifies the maximum amount of non-A1 frontage that should be present along any parade. While these controls are aimed

primarily at retaining retail function they also have the effect of protecting residential amenity. I note that monitoring by the District Council shows that a significant number of locations within the town centres have already reached their capacity under Policies TCP4 or TCP5.

7.16.9 The District Council has recently taken over responsibility for licensing under the Licensing Act 2003. It has, I am told, adopted a licensing policy which identifies ‘hotspots’ within parts of Leamington Spa town centre. In the designated ‘saturation areas’ where there is known to be a problem of crime and disorder and a history of anti-social behaviour there is a presumption that no more licenses will be granted unless the prospective licensee can demonstrate the steps that will be taken to prevent nuisance, reduce crime and disorder, and promote public safety. Given that the powers available to the licensing authority are strong and wide ranging, I consider that these matters are more appropriately left to the licensing regime rather than being addressed under the planning acts through the medium of this Local Plan.

7.16.10 In expressing concern regarding the excessive concentration of licensed premises, objectors have put forward a range of additional policies to strictly control the location of any further A3 and A4 uses in the town centres, but particularly in Leamington Spa. While the wording varies between objectors and objections, the District Council has set out in its response statement a sample policy which echoes the sentiments of all of the objectors. This reads as follows: “Within the primary and secondary retail frontages and within the areas of the Plan with no specific designation, no A3 use (*now split into A3, A4 and A5 uses as a result of changes to The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005*) should be permitted within a 50m radius of residential areas if there is the slightest risk of any form of nuisance resulting to those in such residential areas.” Another objector has suggested a new policy to the effect that all proposals within the Inset Area Boundary on the Leamington Town Plan must comply completely with the regulations, aims and objectives of the Government Response to the ODPM Report on the Evening Economy and Urban Renaissance, and the Licensing Act 2003.

7.16.11 I do not support such policies for several reasons. Firstly, as outlined above, the primary and secondary retail frontages have been afforded greater protection from the introduction of non-A1 uses than previously through the provisions of Policies TCP4 and TCP5. Secondly, in accordance with the PPS6 sequential approach the unannotated (or ‘white’) areas of the town centre fall within the definition of ‘edge-of-centre’. First preference for the location of further Class A proposals would be the identified retail areas. Edge-of-centre sites would be considered only when options within the defined retail areas have been discounted. Thirdly, it would be very difficult to exclude all such new uses within 50m of residential areas given the close proximity of town centre activities. Finally, and again as discussed above, the District Council can more effectively control licensed premises through licensing rather than planning powers. I conclude on this issue that further policy provisions along the lines suggested would not improve the Plan.

7.16.12 Issue 8: I agree with the District Council that this is not a land use issue. It goes beyond the range of matters that can and should be addressed in a development plan.

Recommendations

7.16.13 (a) That the Revised Deposit Plan be modified as follows:

substitute the following text for Paragraph 7.8A:

“Following from the work undertaken by DTZ the Council is presently undertaking further work to address some of the key issues within the town centres. Within Leamington town centre it has commissioned work to assess the feasibility and opportunities for a retail-led redevelopment of Chandos Street car park. This work will also take account of the future need for car parking in maintaining the retail attractiveness of the town centre overall. In Kenilworth the Council, alongside Warwickshire County Council and Kenilworth Town Council, has developed traffic management measures which have not yet been agreed. They will be subject to public consultation as part of the consideration of a wider framework of improvements to the town centre that will also include environmental improvements and the possible redevelopment of a number of sites, in particular a Public Service Centre at Smalley Place.”

- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**
