
CHAPTER 6: URBAN AREA POLICIES

6.1 Overview

6.1.1 The policies in this chapter of the Plan apply throughout the urban areas. I support those provisions, subject in most cases to relatively minor modifications. I consider that Policy UAP3 (Directing New Retail Development) and its supporting text should be amended to more accurately reflect the sequential approach to site selection set out in PPS6. I am satisfied that in the particular context of Leamington Spa the District Council has planned positively to meet the forecast need for additional retail floorspace. In light of this, the out-of-centre Shires Retail Park should not be identified as a preferred location for further retail development. In my view, an appropriate policy framework has been provided for assessing planning applications for retail development.

6.2 Paragraphs 6.1 - 6.7 Introduction to Chapter 6

Objection to First Deposit Version

303/AE Racecourse Holdings Trust

Objections to Revised Deposit Version

66/RBA The Warwick Society
191/RAS Robin A Richmond
195/RAT The Leamington Society
199/RAH James Mackay
349/RAS Mr. D. G. Goodyear
226/AK Environment Agency

Key Issues

- 6.2.1**
- (1) Whether the introduction should indicate that policies in this chapter should be read alongside policies in other chapters.
 - (2) Whether the introductory text in respect of Warwick should contain a reference to Warwick Racecourse.
 - (3) Whether the reference in Paragraph 6.5 to 'Conoco' should be amended.
 - (4) Whether reference should be made in Paragraph 6.1 to the fact that for some people there is no alternative to the private car and therefore provision for off-street parking should be made.

Inspector's Appraisal and Conclusions

- 6.2.2 Issue 1:** A new Paragraph 2.3A was added to the User Guide at Revised Deposit stage to make it clear that Plan users should have regard to all relevant policies when considering development on a particular site. The Environment Agency has confirmed that this amendment overcomes the objection.
- 6.2.3 Issue 2:** A reference to Warwick Racecourse was added to the text of the Revised Deposit Plan, thereby meeting the objection of Racecourse Holdings Trust.
- 6.2.4 Issue 3:** The District Council has put forward a proposed change to amend the name ‘Conoco’ to ‘National Grid Transco’. I support that correction/updating.
- 6.2.5 Issue 4:** The purpose of the introductory section to Chapter 6 is to set the scene for the Urban Area Policies. Elsewhere in the Plan it is indicated that maximum parking standards will be set out in SPD. The supporting text to Policy DP8 (Parking) was amended in the Revised Deposit Plan (and is recommended for further modification in my report) to confirm that these maximum figures will apply unless the applicant can demonstrate that a lower or, exceptionally, a higher level of parking provision is appropriate - in accordance with PPG13. I see no need to duplicate this information here.

Recommendations

- 6.2.6 (a) That the Revised Deposit Plan be modified as follows:**
- substitute the words “National Grid Transco” for ‘Conoco’ in the penultimate sentence of Paragraph 6.5.**
- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

6.3 Paragraphs 6.8 - 6.11 Policy UAP1 Directing New Housing

Objections to First Deposit Version

5/AA	Mrs Christa Knight-Adams
47/AA	Brenda Meatyard
50/AA	Iris Dickson
62/AA	L.C. Lim
66/AP	The Warwick Society
69/AG	Linda Forbes
75/AA	John Trevor & Lois Betty Godfrey
76/AA	Mr and Mrs Parsons
77/AA	Dr V.F Weinstein
78/AA	Mrs P.M Pemberton
84/AA	Mr J.C Rogers
85/AA	J.H Hardy
86/AA	G.M Allan
87/AA	Kenneth Henry Heppel

109/AZ	Warwickshire County Council (Planning, Transport & Economic Strategy)
111/AE	The Chamber of Commerce
117/AN	Langstone Homes Ltd
120/AM	Miller Homes (West Midlands)
132/AB	KB Benfield Group Holdings Ltd
142/AD	A C Lloyd Ltd
150/AD	Warwickshire County Council (Museum Field Services - Ecology)
158/AB	Tyler-Parkes Partnership
163/AA	Roger Copping
170/AB	Mr Martin Wood
191/AE	Robin A Richmond
193/AS	Coten End and Emscote Residents' Association
193/BK	Coten End and Emscote Residents' Association
199/AS	James Mackay
199/BK	James Mackay
200/AD	Taylor Woodrow Strategic Developments
201/AB	Home Builders' Federation
208/AA	Pettifer Estates Ltd
210/AM	English Nature
220/AP	Cala Homes (Midlands) Ltd
222/AA	John Burman & Family
227/AA	David Wilson Homes (East Midlands) Ltd.
232/AA	Mrs J K Binks
239/AE	Mr D Austin
240/AB	George Wimpey Strategic Land
241/AA	Mr & Mrs Ewell
256/AL	T & N Ltd
259/AA	Anthony N & Christine M Duke
288/AA	Warwickshire Police Authority
290/AC	H E Johnson
291/AF	George Wimpey UK Ltd
296/AF	CLARA

Objections to Revised Deposit Version

4/RAA	Arlington Planning Services LLP
66/RBB	The Warwick Society
119/RAJ	Bloor Homes Ltd
120/RAF	Miller Homes (West Midlands)
191/RAT	Robin A Richmond
195/RAU	The Leamington Society
214/RAJ	Mrs J Biles
222/RAA	John Burman & Family
227/RAA	David Wilson Homes (East Midlands) Ltd.
239/RAE	Mr D Austin
322/RAJ	J G Land and Estates
349/RAT	Mr. D. G. Goodyear

Key Issues

- 6.3.1**
- (1) Whether Policy UAP1 should preclude redevelopment of existing housing at a higher density.
 - (2) Whether the Policy should refer to standards of development and protection of character and amenity.
 - (3) Whether the Policy should allow affordable housing only on greenfield sites in the urban area.
 - (4) Whether more land should be released for affordable housing.
 - (5) Whether Policy UAP1 should include: (a) a housing target, (b) detailed housing figures, (c) housing land set aside and safeguarded for the next Plan period, and (d) justification for restricting market housing to brownfield sites only.
 - (6) Whether the Policy should be more flexible and allow for the development of greenfield sites in appropriate locations on the edge of the urban areas.
 - (7) Whether Policy UAP1 should allocate sites for housing.
 - (8) Whether housing development should be restricted to 8,000 dwellings.
 - (9) Whether the wording of the Policy is misleading.
 - (10) Whether the cross-reference to Policy SC8a should be deleted.
 - (11) Whether the word ‘minimise’ in the second line of Paragraph 6.8 should be replaced with the word ‘prevent’.
 - (12) Whether major development should be subject to scrutiny in terms of infrastructure, amenity and transport.

Inspector’s Appraisal and Conclusions

- 6.3.2 Issue 1:** Policy UAP1 does not seek to prevent, in principle, the redevelopment of existing housing to a higher density either in North Leamington Spa or elsewhere in the urban areas of the District. Such a prohibition would be contrary to national planning policy guidance. PPG3 encourages densities of between 30 and 50 dwellings per hectare net to promote more efficient use of land. It gives priority to the re-use of previously developed urban land, the definition of which includes domestic curtilages. However, in spite of the findings of the 2002 Urban Capacity Study, any specific proposal coming forward would need to be assessed against criteria set out in a range of other Plan policies. These include development policies DP1 (Layout and Design), DP2 (Amenity), DP5 (Density), and DP7 (Traffic Generation). Where the site is in or close to a designated area, such as a conservation area, the relevant policies in Chapter 9 would also apply. In this way, I believe that adequate protection is afforded against ‘town cramming’, loss of existing residential character, and excessive traffic generation - which are matters that have been raised by many objectors. But I see no need to refer in Policy UAP1 to the generic Development Policies of the Plan. Paragraph 2.3 of the User Guide makes it clear that a key principle of this Local Plan is that users should have regard to all relevant policies when considering development on a particular site.

- 6.3.3 Issue 2:** Policies DP1-DP3 and DP5-DP8 are concerned with ensuring that satisfactory standards of development are achieved in all cases. There is no place for these in Policy UAP1 which only applies to housing in urban areas.
- 6.3.4 Issue 3:** Policy UAP1 directs development to previously developed urban land and buildings. But it does not preclude affordable housing to meet local needs on greenfield sites in the urban area. Such sites include parks, recreation grounds and allotments, even when they contain built structures. These fall outside the definition of previously developed land given in Annex C of PPG3. This concession is made because of the high level of need for affordable housing and the limited opportunities for provision. Nevertheless, I accept that few of these greenfield sites are likely to come forward given the need to address other Plan policies that seek to protect important areas of open space.
- 6.3.5 Issue 4:** Because affordable housing requires an element of subsidy and the commitment of a social housing provider, I believe the Plan should only allocate land for affordable housing where there is a degree of certainty that it will actually be developed for that purpose. Government policy is that affordable housing should be delivered as part of private developments to ensure that communities are mixed and balanced. Local Plan Policy SC9 seeks an element of affordable housing on sites of 10 or more dwellings (or 0.25ha or more) in towns. Exceptions are made for affordable housing in circumstances where market housing would not normally be accepted. They include greenfield land (Policy UAP1) and employment land (Policy SC2). Moreover, the SPD on Managing Housing Supply, which restricts windfall development in urban areas, excludes development of solely affordable housing. It would not be feasible in my view to make additional policy concessions.
- 6.3.6 Issue 5:** The county-wide housing requirement in the RSS has not yet been disaggregated into District figures. Consequently, the Plan refers to a 'strategic housing requirement' rather than to a specific target. Policy UAP1 only applies to the urban areas. With this in mind, I agree with the District Council that it is more appropriate to include a reference to the strategic housing requirement in Policy SC8a. In order to secure a more streamlined Plan, detailed housing figures are set out in Appendix 2. In my opinion, that is the correct approach. I am content that these figures, taken alongside national, regional and sub-regional policy, provide adequate justification for not allowing further market housing on greenfield sites. I see no need to identify potential housing allocations for the next Plan period. Work will commence shortly on a Core Strategy DPD. This, together with an Allocations DPD arising from the Phase Two Review of RSS, will address longer term development needs.
- 6.3.7 Issue 6:** PPG13 refers to the need to accommodate housing in locations that are highly accessible to jobs, shops and services by modes other than the private car. The urban areas of Warwick, Leamington Spa (including Whitnash) and Kenilworth are the most sustainable locations in the District. These are tight-knit settlements with a range of shops and services well served by public transport. I am satisfied that the capacity for brownfield windfall development in these urban areas, taken alongside existing commitments, is sufficient to meet the strategic housing requirement. Indeed, Revised Appendix 2 shows that completions and commitments alone at 2005 exceed the housing requirement for the period to 2011.
- 6.3.8** PPG3 sets a presumption that previously developed sites should be developed before greenfield sites. It goes on to say that local plans should only seek to identify sufficient land to meet the housing requirement set as a result of RPG or the strategic planning

process. Even if it was necessary to allocate housing sites in this Plan, and I do not believe that to be the case, I am sure the District Council would be seeking to identify urban brownfield land that is viable, suitable and available before looking to greenfield sites. I conclude on this issue that, given the situation prevailing in Warwick District, there is no need to make the Policy more flexible either by amending the Policy or by identifying greenfield sites for market housing on the edge of the urban areas.

6.3.9 Issue 7: This matter has already been considered in respect of Issue 6 above. It is examined in greater depth when assessing objections to Policy SC8a.

6.3.10 Issue 8: The Warwickshire Structure Plan allows for the provision of 8,000 dwellings in Warwick District between 1996 and 2011. In June 2004 RPG11 was adopted and this now has the status of RSS. Government advice is that for the period 2001-2011 at least, the housing requirement set out in the RSS should be apportioned between Districts in accordance with the Structure Plan housing allocations, and that the requirement should not be significantly exceeded. In order to address this matter, the District Council amended the Local Plan by inserting new Policy SC8a at Revised Deposit stage. At the same time Policy UAP1 was altered to include a cross-reference to Policy SC8a. Subsequently, in September 2005 the District Council agreed the SPD 'Managing Housing Supply'. This restricts new housing to that which meets the District Council's priorities - such as increasing the amount of affordable housing and promoting the vitality and viability of town centres. In these changed circumstances, the Structure Plan figure of 8,000 dwellings ceases to have relevance.

6.3.11 Issue 9: I do not believe that the wording of Policy UAP1 is misleading or otherwise inappropriate. The second section of the Policy starts off with the phrase: 'In all other circumstances...'. This clarifies and augments what is said in the first section.

6.3.12 Issue 10: The SPD 'Managing Housing Supply' was introduced in September 2005 following advice from GOWM, the West Midlands Regional Assembly and Warwickshire County Council - all of whom recognised that the issue of oversupply of housing in the District needed to be addressed urgently and that SPD supported by a 'parent' policy in the Revised Deposit Plan was an appropriate mechanism. I agree with the District Council that to have simply relied upon a policy in the emerging Plan would have led to unacceptable delay. By the time the Local Plan was adopted, the oversupply situation would have worsened considerably. In my view, the cross-reference to Policy SC8a in Policy UAP1 is entirely appropriate given that the accompanying SPD, which may not remain in force for the duration of the Plan, relates specifically to urban windfall sites. Suspension of the SPD will depend upon a number of factors including the rate of implementation of existing commitments revealed by annual monitoring, and the outcome of the Phase Two Review of RSS expected in 2008.

6.3.13 Issue 11: Bearing in mind that there are a number of committed housing sites on greenfield land, and Policy UAP1 allows affordable housing to meet local needs on greenfield land, it would be inaccurate to say that directing residential development to previously developed land will prevent such development. In my view, the word 'minimise', used by the District Council in Paragraph 6.8 of the Plan, is appropriate.

6.3.14 Issue 12: Chapter 5 (Sustaining Communities) is largely concerned with ensuring that new development is accompanied by the necessary infrastructure, services and facilities. This will be achieved through consultations with service providers and negotiations with developers. Where development is likely to have a significant impact, I

note that appropriate facilities or financial contributions will be sought as part of the development and secured through S106 planning obligations. The District Council cites previous examples of Hatton Hospital, Heathcote (Warwick Gates) and South West Warwick. Relevant Plan Policies include SC9 (Affordable Housing), SC10 (Transport Improvements), SC11 (Open Space and Recreation), SC12 (Community Facilities) and SC13 (Public Art). I see no need to duplicate such provisions in Policy UAP1.

Recommendations

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

6.4 Paragraphs 6.12 - 6.14A Policy UAP2 Directing New Employment Development

Objections to First Deposit Version

109/AY	Warwickshire County Council (Planning, Transport & Economic Strategy)
205/AA	Ford Motor Company Ltd
212/AB	IBM United Kingdom Ltd
223/AM	Kenilworth Town Council
228/AY	West Midlands RSL Planning Consortium
256/AM	T & N Ltd
266/AE	Warwick Town Council
291/AG	George Wimpey UK Ltd

Objections to Revised Deposit Version

168/RAP	Advantage West Midlands
348/RAA	Merrill Lynch Investment Managers

Key Issues

- 6.4.1**
- (1) Whether criterion e) should be amended to refer also to walking and cycling.
 - (2) Whether Policy UAP2 should make reference to employment uses that fall outside the 'B' Use Class.
 - (3) Whether the Policy should clarify what is meant by 'adjacent to public transport corridors'.
 - (4) Whether sites allocated for employment use should be reviewed for their potential for housing development.
 - (5) Whether the Policy should take account of the need for new mixed use allocations to meet strategic requirements.

- (6) Whether increased parking demand arising from office use of upper floors in local shopping centres should be addressed by means of commuted sums.
- (7) Whether land at Stratford Road, Warwick should be allocated for employment use under this Policy.
- (8) Whether the Policy should be amended in the light of Policies SSP2 (Major Developed Sites in the Green Belt) and SSP3 (Stoneleigh Park), which do not fit readily into the sequential approach.
- (9) Whether it is appropriate to have a floorspace threshold distinguishing major office development from small scale offices and limiting development according to location.
- (10) Whether the definition of urban areas should be clarified and Policy UAP2 cross-referenced to Policy RAP7 in order to make small scale developments in rural areas more acceptable to support the rural economy.
- (11) Whether Radford Semele should be recognised as a location where Urban Area Policies apply.
- (12) Whether (a) the Policy is unduly restrictive in relation to employment development in Kenilworth, and (b) the reference in criterion e) to public transport corridors should be replaced by a more general reference to locations well served by public transport.
- (13) Whether criterion c) should be amended to allow B1 development on the ground floors of existing units in local centres.

Inspector's Appraisal and Conclusions

- 6.4.2 Issue 1:** I note that a reference to walking and cycling was added to criterion e) at Revised Deposit stage, thereby satisfying the objection from Warwickshire County Council. I support that alteration.
- 6.4.3 Issue 2:** Policy UAP2 seeks to direct activities that fall within Use Classes B1, B2 and B8 only. Other employment generating uses such as retail, motor vehicle sales, tourism and leisure will be treated on their merits in the light of other relevant Plan policies - including UAP3, UAP6, UAP7 and UAP9. Given the strategic significance afforded to Class B employment activities, I see no case for referring to other uses in Policy UAP2.
- 6.4.4 Issue 3:** The District Council acknowledged that Policy UAP2 could be improved to ensure that office development takes place in accessible locations, more closely reflecting Government advice in PPGs 4 and 13 and PPS6. I note that the Policy was redrafted in the Revised Deposit Plan to make a distinction between major office schemes likely to generate a significant number of jobs which should be directed towards town centres, and smaller scale office developments.
- 6.4.5** Criterion e) addresses accessibility, but has been overtaken by events with publication of the Warwickshire Local Transport Plan 2006 which supercedes the 'public transport corridors' concept. I recommend elsewhere in my report that such corridors should be

deleted from the Proposals Map. In light of this, I consider that criterion e) should be amended in favour of a more general accessibility criterion, similar to that employed in Policies UAP3 and UAP9. The supporting text should also be altered. I recommend accordingly.

- 6.4.6 Issue 4:** Policy UAP2 addresses the location of new employment development. It does not make employment allocations. These are provided through Policy SSP1. The review of land allocated for industrial or commercial use for its potential to accommodate housing required by Paragraph 42 of PPG3, and the favourable treatment of planning applications required by Paragraph 42(a) where no longer needed for such use, is not directly relevant here. The issue of whether existing employment land should be considered for alternative uses is dealt with in relation to Policy SC2.
- 6.4.7 Issue 5:** I accept that this Policy would not prevent mixed use developments which incorporate employment elements from coming forward, providing the other land use components (housing, retail, leisure for example) accord with other relevant Plan policies.
- 6.4.8 Issue 6:** As the District Council indicates, any car parking issues arising from individual developments would be considered on a case by case basis in light of Policy DP8 and the forthcoming SPD on parking. As regards commuted sums, PPG13 makes it clear that because there should be no minimum parking requirements it is inappropriate for a local authority to seek commuted payments based purely around the lack of parking on a site. – although it may be appropriate to negotiate for contributions towards the provision of a park and ride scheme where this will improve accessibility to the site by public transport, or towards the cost of introducing on-street parking controls in the vicinity of a site.
- 6.4.9 Issue 7:** This site specific objection by George Wimpey UK Ltd is addressed elsewhere in my report in conjunction with other objections (see Chapter 10 Policy omissions, Issue 20). My overall conclusion is that in order to meet strategic requirements to 2011 there is no need to find further employment sites beyond those allocated through Policy SSP1. Appendix 1 of the Plan sets out the employment land supply position.
- 6.4.10 Issue 8:** Policy UAP2 applies to the urban areas only. In contrast, those sites covered by Policies SSP2 and SSP3 are all in the Green Belt, being locations that would not normally be acceptable as employment sites were it not for a long history of use and occupation. This calls for special consideration and separate policy provisions. I concur with the District Council that it would not be appropriate to address such sites through Policy UAP2.
- 6.4.11 Issue 9:** The District Council accepted that Policy UAP2 was too restrictive in the First Deposit Plan. Responding to comments from GOWM, the redrafted version set out in the Revised Deposit Plan is more flexible. That flexibility is enhanced by further changes proposed to criterion e) following publication of the Warwickshire Local Transport Plan 2006. Policy UAP2 indicates that major office development (defined as more than 2,500 sq m gross floorspace) should be located in the town centres. If no such sites are available, then a sequential assessment should be applied as outlined in Paragraph 6.14 of the supporting text. As the District Council points out, this does not preclude smaller sites in town centres being developed for office purposes, nor does it prevent larger office developments outside town centres. What it does is to ensure that

larger office schemes are located in town centres first, wherever suitable sites exist. PPS6 makes it clear that local centres should not be included in the sequential search for large scale developments because they are unlikely to be appropriate. It advises local planning authorities to consider setting an indicative upper limit for different scales of development in different types of centre. This is what the District Council has done. I support that approach.

6.4.12 Issue 10: T&N Ltd argue that the Plan's presentation of policies relating to topics such as employment is confusing in relation to urban and rural areas. In their view, topics should be presented in separate chapters. If this is not feasible at this late stage of Plan preparation, then the policies should clearly state to which area they are referring and be cross-referenced to the other area.

6.4.13 The District Council says that cross-references have been deliberately minimised to simplify the Plan and reduce its bulk. Paragraph 6.1 makes it clear that the policies in Chapter 6 apply only to the urban areas of the District defined on the Proposals Map. In these circumstances, I see no reason to cross-reference Policy UAP2 with Policy RAP7. I note that while the latter also supports employment development, it restricts this to local needs only in the rural areas.

6.4.14 Issue 11: T&N Ltd contend that Policy UAP2 is too restrictive. By focusing employment development on the town centres and established employment locations in urban areas it is seen as failing to meet the needs of smaller settlements. Furthermore, it reinforces existing commuting patterns with car journeys to the major employment areas in Warwick and Leamington Spa adding to congestion already experienced. The objector considers that the Plan should take a more supportive stance in relation to the rural economy.

6.4.15 I see no sound argument for including the settlement of Radford Semele (identified in the Plan as a Limited Growth Village) within the urban area where the Plan's Urban Area Policies apply. Although the village is situated close to Leamington Spa, it is separated by open land designated as an Area of Restraint. Moreover, it has been classed as a village in previous Plans, and retains a village identity notwithstanding the lack of a distinct centre. I consider that it is quite unlike Cubbington which forms a physical extension of the built-up area of Leamington Spa. Moreover, Cubbington has a dissimilar demographic profile with a larger population and a greater number of households. I accept the District Council's response that the DoE's National Land Use Classification has limited relevance here. That Classification has been devised to fulfil a specific purpose, distinguishing between land use and land cover. I conclude that there is no compelling reason for including Radford Semele in the urban area definition, and no need to amend Policy UAP2 or Paragraph 6.3 in this regard.

6.4.16 Issue 12: I acknowledge that there have been losses of Class B employment in Kenilworth in recent years, and there is little opportunity to provide new employment land in the centre of Kenilworth with no allocations proposed under Policy SSP1. The sequential test will be applied in these circumstances if it can be demonstrated that no suitable sites are available. I have already concluded in relation to Issue 3 above that the reference to public transport corridors in criterion e) of the Revised Deposit Plan should be replaced by a more general accessibility criterion. This will serve to make the Policy less restrictive and help to protect the town's future employment position.

6.4.17 Issue 13: Kenilworth Town Council considers that because some ground floor units in Kenilworth High Street local centre are already in B1 use, it would be logical to extend criterion c) to cover ground floor accommodation as well as the upper floors. However, Policy UAP4 is the principal policy addressing local shopping centres. It seeks to resist the loss of Class A uses in general and Class A1 shops in particular. This is very important to the majority of local shopping centres across the District where most if not all uses fall within Class A. The District Council points out that Kenilworth High Street, and Coten End, Warwick, are rather different animals in that a wider range of uses co-exist in these local centres. It seems to me that the most appropriate way of addressing this matter is to treat proposals for ground floor B1 uses within local shopping centres on their merits in the light of Policies UAP2 and UAP4. In this way, there is no risk of contradiction or inconsistency.

Recommendations

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

(i) substitute the following for criterion e) of Policy UAP2:

“adjacent to public transport interchanges or in other locations which are genuinely accessible and well served by a choice of means of transport, especially public transport, walking and cycling.”

(ii) substitute the following text for the seventh and eighth sentences of Paragraph 6.14:

“The policy takes a more flexible approach to small scale B1 uses than to B2 and B8 uses by permitting such uses within the local shopping parades and in other locations that are accessible and well served by a choice of means of transport.”

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

6.5 Paragraphs 6.15 - 6.19 Policy UAP3 Directing New Retail Development

Objections to First Deposit Version

54/AJ	Conservative Group of Councillors
109/AM	Warwickshire County Council (Planning, Transport & Economic Strategy)
161/AB	Morley Fund Management
188/AC	Marks and Spencer plc
193/BL	Coten End and Emscote Residents' Association
199/BL	James Mackay
219/AC	Deeley Properties Ltd
221/AT	Kenilworth Society
225/AA	WM Morrisons Supermarkets PLC

228/AZ	West Midlands RSL Planning Consortium
258/AE	Sainsburys Supermarkets Ltd
265/AC	The Crown Estate
295/AB	B&Q plc

Objections to Revised Deposit Version

321/RAN	West Midlands International Airport Ltd
321/RAP	West Midlands International Airport Ltd
350/RAZ	Tesco Stores Ltd
354/RAA	Roger Higgins

Key Issues

- 6.5.1** (1) Whether ancillary retail uses outside town centres should be supported where they help sustain other major uses.
- (2) Whether a further criterion should be added to the Policy requiring retail developments to demonstrate that there would be no significant adverse impact on the vitality and viability of town centres, district centres and local centres or on the development plan retail strategy.
- (3) Whether sites earmarked as commercial allocations should be reviewed for their potential to accommodate housing development.
- (4) Whether it should be clarified where local centres fit into the Policy, and whether the size thresholds are gross or net figures.
- (5) Whether (a) the Policy is too restrictive in respect of small scale retail developments, and (b) the same policy criteria should apply to retail proposals of less than 1000 sq m floorspace as to larger schemes.
- (6) Whether, given the physical constraints of Warwick town centre for food retailing, small scale developments should be directed to the centre of housing estates as an alternative strategy.
- (7) Whether the Policy is inconsistent with national planning guidance in that need should be determined in relation to both qualitative and quantitative factors.
- (8) Whether the Policy should be reworded to more closely reflect Government guidance.
- (9) 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 this objector (the Crown Estate) would improve the Plan.
- (10) Whether (a) the 1,000 sq m (gross) floorspace threshold for retail impact assessment of schemes outside town centres is appropriate, (b) the District

Council's retail policies properly reflect the Government's sequential approach to site selection, and (c) the need to reduce the number and length of car journeys associated with shopping trips is an appropriate criterion for Policy UAP3.

Inspector's Appraisal and Conclusions

- 6.5.2 Issue 1:** I consider it unnecessary to make an explicit reference to ancillary uses in Policy UAP3 or in the supporting text. Referring to the acceptability of shops as an ancillary element of other forms of development would only serve to confuse and could even undermine the retail objectives of the Plan in conflict with PPS6. Any such proposal would need to be considered on its merits against the advice in Paragraph 3.30 of PPS6 that it is genuinely ancillary and limited in scale. This will depend upon, amongst other matters, the range of goods sold and the proportion of turnover derived from goods sold which are not directly related to the main use.
- 6.5.3 Issue 2:** The main thrust of Policy UAP3 is to direct new retail development to town centre locations in order to maintain and enhance the vitality and viability of the District's town centres. The Policy's primary objective is clearly stated in Paragraph 6.15 of the supporting text. Nevertheless, Paragraphs 3.20-3.23 of PPS6 do refer to the need to assess the impact of applications for main town centre uses which are in edge-of-centre or out-of-centre locations and which are not in accordance with an up-to-date development plan strategy. With this in mind, I consider that the objector's suggested amendment would improve the Policy.
- 6.5.4 Issue 3:** I do not believe any reference is required to the review of commercial sites for housing within Policy UAP3. The Plan has not made any retail allocations. Consequently, Paragraphs 42 and 42(a) of PPG3 do not bear on this matter.
- 6.5.5 Issue 4:** There is no need, in my view, to explain where local centres stand in relation to Policy UAP3. The Policy allows retail development within the towns centres. It provides that in all other circumstances retail development will only be permitted where certain criteria are met, including 'no sequentially preferable sites or buildings'. Policy UAP4 goes on to protect local centres by restricting changes of use that could compromise their ability to provide for local day-to-day shopping needs. Although the Plan has been amended at Revised Deposit stage to indicate that the floorspace figures quoted are generally gross figures, there is no such clarity in respect of the broad upper limit of 2,500 sq m set for Warwick and Kenilworth. In my opinion, the Plan would benefit from this further clarification.
- 6.5.6 Issue 5:** Paragraph 6.19 of the reasoned justification acknowledges that in appropriate locations neighbourhood shops can support communities and reduce reliance on the private car by providing day-to-day shopping facilities. In my opinion, Policy UAP3 is not unduly restrictive in its treatment of small-scale retail developments. I consider it reasonable to assess all proposals for new retail floorspace against Policy UAP3 regardless of scale - although proposals of less than 1000 sq m floorspace will not normally be required to provide a formal Retail Impact Assessment. In this way, it is possible to ensure that the retail objectives of the Plan are not compromised.
- 6.5.7 Issue 6:** I am satisfied that the thrust of Policy UAP3 is the correct approach. The 'town centres first' strategy is consistent with Government policy promoted through PPS6. While opportunities to realise substantive levels of new retail floorspace in Warwick town centre may be limited, the stance taken by Policy UAP3 requires

developers to fully assess town centre availability before alternative less central locations are considered.

- 6.5.8 Issue 7:** Criterion a) of Policy UAP3 refers to a proven ‘quantitative need’ for the proposal. This is expanded upon in Paragraph 6.18 of the supporting text which explains that in relation to proving need, greater weight will be given to need expressed in quantitative rather than qualitative terms. It goes on to say that proposals should demonstrate that expenditure is available, that there is clear retailer demand, that there are gaps in current provision which need to be met, and that there is evidence of inadequacy of existing floorspace in terms of problems of ‘over trading’. I am content that appropriate references are made to both quantitative and qualitative factors in this text. However, to ensure consistency between the Policy and its reasoned justification I consider that the word ‘quantitative’ should be replaced with the word ‘retail’ in criterion a). This would allow an assessment of all factors that constitute retail need.
- 6.5.9 Issue 8:** The overarching aim of PPS6 is to promote town centres as the preferred location for new retail development. This strategy is echoed in RSS Policy PA11 and in Structure Plan Policies TC.1 and TC.2. Local Plan Policy UAP3 has a similar focus. It directs retail development to town centres first. Only after that does it set out those factors that will be taken into account when considering retail schemes in other sequentially less preferable locations outside town centres. To my mind, this approach is consistent with the thrust of national planning policy advice.
- 6.5.10 Issue 9:** (*The Shires, Leamington Spa*) The objection made by the Crown Estate in respect of Policy UAP3 is one of a suite of objections considered at a formal hearing session. Other objections relate to Chapter 7 (Town Centre Policies), in particular Policies TCP2 (Directing Retail Development) and TCP3 (Providing for Shopping Growth in Leamington Town Centre). For convenience, and to maintain coherence of the objections, I deal with them together in this section of the report. All of my recommendations for modification are set out below. However, where they relate to Policies TCP2 and TCP3 the recommendations are duplicated in Chapter 7.
- 6.5.11** Retail work has been undertaken by consultants DTZ for the District Council in two separate tranches to inform local plan preparation. The studies identify quantitative and qualitative shortfalls of retail provision in Leamington Spa. They indicate that in the period to 2011 there is a quantitative need, on scenario 1(b), for 21,900 sq m of comparison goods floorspace and 16,000 sq m of retail warehouse floorspace. PPS6 promotes a positive, plan-led approach to planning for town centres, with the guidance summarised at Paragraph 2.16. The objector maintains that having assessed need the District Council has not ‘planned positively’ by identifying sufficient sites to meet that need in accordance with the sequential approach to site selection. Government advice is that to ensure the future vitality and viability of town centres local planning authorities should do more than simply use development control powers to approve or refuse individual planning applications for retail and mixed-use town centre development. PPS6 advises planning authorities to allocate adequate sites to meet the identified need for at least the first 5 years from adoption of the Plan, with allocation taking place according to a ‘town centres first’ policy approach. In following such a sequence the possibility should be considered of extending the town centre boundary to meet retail need.
- 6.5.12** The objector feels that the District Council’s failure to follow the advice in PPS6 is not justified by local circumstances. There is agreement between the parties that the DTZ

studies identify a substantial unmet need. The Crown Estate considers that the deficiencies in the Plan should be rectified by either making allocations or by making some other changes to the Plan to allow the need to be met during the Plan period. The main potential retail site relied upon by the District Council is the Chandos Street car park which is proposed for redevelopment to provide additional comparison goods floorspace. However, CBRE's assessment that this site will not come forward until September 2012 at the earliest was agreed by the District Council's representative at the hearing to be "not unduly out of order". There are also doubts as to whether 20,000 sq m of comparison goods floorspace can be accommodated on the site given the constraints to which it is subject, including the need to replace existing car parking provision. Other possible retail sites have been identified by the District Council in the GVA Grimley sequential assessment, carried out to assist assessment of proposals for extensions to out-of-centre food stores (Sainsburys – Shires Retail Park, Leamington Spa; and Tesco – Emscote Road, Warwick). However, few of these sites are likely to become available during the Plan period and they are not suitable to accommodate the need for retail warehouse floorspace.

6.5.13 As there are no town centre or edge-of-centre sites available, the objector argues that it is necessary to look to out-of-centre sites. The third bullet point of Paragraph 2.44 of PPS6 indicates that preference will be given to sites which are, or will be, well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre. No site is closer to Leamington Spa town centre than the Shires Retail Park. This is an established focus for retail development within the District. It is identified in the 2002 and 2004 DTZ reports as a significant retail destination within the Leamington Spa catchment. Although out-of-centre, the Shires is genuinely accessible by a choice of means of transport and a destination where opportunities for linked trips can be maximised for both comparison goods and retail warehousing. It affords an opportunity to accommodate some of the District's retail need through extension, greater intensification of use, or utilisation of adjacent land. Additional floorspace can be provided here without having an unduly adverse effect on car use, traffic and congestion. This is confirmed by the Motion Transport Planning report on the transport sustainability of the site. The objector seeks an indication in the Plan that co-location of retail uses with established out-of-centre retail destinations, facilitating opportunities for linked trips, is to be given preference over less sustainable options, and that the Shires Retail Park is a preferred location for additional retail development to meet the forecast needs for Leamington Spa. If no action is taken the Crown Estate considers there is a real risk that the danger identified by DTZ will arise - namely that "...the District Council will find itself fighting an increasingly rearguard battle to prevent new out-of-centre retailing in more sensitive policy locations."

6.5.14 I do not believe that the District Council has failed to plan positively for its town centres. Paragraph 2.16 of PPS6 describes the key tasks that local planning authorities should undertake, working in conjunction with stakeholders. Table 1 of the Council's hearing statement provides a summary of the work being carried out in the District. It confirms that the majority of those tasks are being, or have already been, addressed. In 2001 the District Council commissioned DTZ to prepare a retail study for the District. The report, published in 2002, made 5 key recommendations. These are summarised in Core Topic Paper 8¹. A key finding was capacity for significant further retail floorspace in Leamington Spa town centre for the period to 2008. In 2004 further work was commissioned to assess likely future capacity for both comparison and convenience retail

¹ CD22

floorspace. It identified further capacity across the District to 2016. The District Council acknowledges that those floorspace estimates present a challenge. However, I agree that they should only be used as a guide and not be set in stone. The impact of changes like internet shopping, for instance, remains very uncertain. The more recent 'Regional Centres Study', commissioned by the West Midlands Regional Assembly, forecasts significantly lower floorspace capacity in Leamington town centre up to 2021. I consider that the DTZ figures should therefore be treated with a degree of caution and not as a target that the District must strive to attain under all circumstances.

6.5.15 The District Council has identified on the Proposals Map (Leamington Town Centre Inset) an 'area of search' under Policy TCP3 where, subject to various criteria being met, proposals for large scale shopping development will be permitted. That area of search adjoins and surrounds the main retail area in the town centre. It includes the Chandos Street car park site which the District Council is promoting for further retail development. I concur with the planning authority that the site is well related to shops on Warwick Street and those at the Royal Priors Shopping Centre. I note that in 2004 the District Council appointed consultants CBRE to undertake a commercial appraisal of the development opportunities of the site. It was considered to be commercially viable and likely to attract a range of potential retailers. I am told that its viability has improved further since that time. Preliminary assessments have indicated that the site could deliver up to 20,000 sq m of new retail floorspace, including a new anchor department store, and a net increase in car parking. Alone, this would be nearly sufficient to meet the requirement for Leamington Spa town centre to 2021, as identified by the Regional Centres Study. The District Council acknowledges that it might have to invoke its compulsory purchase order powers in order to link through to the existing retail area. However, it has successfully used such tools in the past on a number of occasions. Here, the District Council already owns most of the land making it easier to deliver the project. It is accepted that there could be some delay. For that reason and because of the early stage reached in assessing the proposal when the Revised Deposit Plan was drafted, the land was not formally allocated as a retail site. I believe that the District Council's decision not to do so was the correct one. To make such an allocation now would preclude public consultation. I favour the alternative approach of identifying an area of search. This gives greater flexibility for allowing schemes to come forward. It is particularly important in a town like Leamington Spa where the historic fabric and many listed buildings make retail development particularly difficult to achieve. While it does not meet the PPS6 requirement to allocate at least a 5 year supply of retail sites, it does represent in my view an appropriate pragmatic response to local needs and circumstances.

6.5.16 The Government's objective is to promote and enhance existing town centres first. I am satisfied that the District Council is pursuing a pro-active and plan-led approach. In accordance with PPS6, the Plan includes policies that seek to protect existing retail uses in the District's town centres, promote new retail developments in those locations, and provide a basis for evaluating out-of-centre proposals. In my opinion, the planning authority is right to be concerned about including any reference in the Plan that might suggest early consideration would be given to specific sites outside the town centres. In this regard, I note that much of the Shires Retail Park has an open Class A1 consent. I agree with the District Council that identification of the Shires as a preferred location for additional retail development could present a potential threat to market confidence in the town centre and could prejudice delivery of the Council-backed Chandos Street site.

- 6.5.17** I turn now to the detailed criticisms made of Policies UAP3, TCP2 and TCP3 and the supporting text. The Crown Estate seeks to clarify the preferred location for siting retail development within Leamington Spa in accordance with the sequential approach set out in PPS6, and to make Policies TCP2 and TCP3 consistent with Policy UAP3.
- 6.5.18** Looking first at Policy UAP3, I agree that the initial sentence should be qualified by adding the further words "...in accordance with those policies set out in the Town Centres section of the Plan." I consider that criterion b) should be expanded to more accurately reflect national planning guidance. It should say: "b) there are no available, suitable and viable sequentially preferable sites or buildings." As regards criteria c) and d), I believe these are relevant aspects of national planning policy to which regard should be had. In my view, they should not be relegated to the supporting text. The reasoned justification makes it clear that the primary objective of Policy UAP3 is to maintain and enhance the vitality and viability of existing town centres through new development. However, where development is considered appropriate outside of the town centres, it will ensure that it is directed to locations which maximise opportunities to reduce reliance on the private car. Nevertheless, I feel there is scope for improving upon criterion c). I favour the wording discussed at a subsequent hearing when other objections were examined. This wording no longer refers to reducing the number and length of car journeys but refers instead to reducing the need to travel by private car. I recommend accordingly. Next, in my view the sequential approach referred to in criterion b) should be clearly set out in the Policy itself. I support the wording discussed at the hearing, namely: "The sequential approach to be followed requires that locations are considered in the following order. First, sites and buildings within the town centres, and then in the case of Leamington Spa the area of search set out in Policy TCP3 and in the case of Warwick the mixed use area set out in Policy TCP8, followed by edge-of-centre sites, and then out-of-centre sites." The footnote to Table 2 in Annex A of PPS6 explains that the 'centre' for purposes of the policy statement constitutes the primary shopping area. Consequently, I accept that the primary shopping area and the area of search (Leamington Spa)/town centre mixed use area (Warwick) represent two discrete steps in the sequence, not one. The District Council acknowledges this. Finally, while I note that the objector is only seeking a 'leg up from the bottom rung of the ladder' in terms of the sequential approach, I do not believe it is necessary or appropriate to give preference to certain out-of-centre sites compared with others. Bearing in mind the retention of criteria c) and d), I do not support inclusion within the Policy of the objector's suggested text. Nor do I favour designation of the Shires on the Proposals Map as a 'retail warehouse park (UAP3)'.
- 6.5.19** Turning to Policy TCP2, I support in principle the amendments suggested by the objector. However, I consider that the policy wording agreed between the District Council and Tesco Stores Ltd in response to other objections is more appropriate, subject to minor modifications. It clarifies the status and role of the Warwick town centre mixed use area and the District Council's application of the sequential approach enshrined in PPS6.
- 6.5.20** As regards the supporting text, I consider that reference should also be made in Paragraph 7.12 to the Warwick town centre mixed use area covered by Policy TCP8. I see no need, though, to further amend Paragraph 7.12 in the manner promoted by the Crown Estate. In my view, it would not be appropriate to indicate that once town centre and edge-of-centre options have been discounted, the preference is to combine out-of-centre development with existing retail development accessible by a choice of means of

transport, such as the Shires, to maximise the opportunities for linked trips and reduce overall car usage.

6.5.21 Finally, in respect of Policy TCP3 and Paragraph 7.18, I endorse some of the amendments put forward by the objector. I consider that criterion a) of Policy TCP3 should be amended to read: “they are within (i) the retail areas of the town centre; and then (ii) the area of search defined on the Proposals Map”. Moreover, the 3rd and 4th sentences of Paragraph 7.18 should say: “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 m (gross) comparison floorspace.” Both of these changes would ensure greater accuracy. I see no need, though, to add the words: “in Leamington Spa town centre” to the first sentence of Policy TCP3. This would simply reiterate what is already in the title.

6.5.22 Issue 10: A number of objections have been made by Tesco Stores Ltd to the Plan’s retail policies. For convenience, and to reflect the way in which they were dealt with at a single informal hearing, I address them together in this section of my report. My recommendations follow. Where those recommendations relate to Policies other than UAP3 I replicate them under the relevant Chapter/Policy.

6.5.23 Tesco Stores Ltd considers that Policy UAP3 is inflexible and unduly onerous in relation to PPS6 in regarding retail schemes with a gross floorspace in excess of 1,000 sq m as being ‘major’ proposals warranting the preparation of a comprehensive retail impact assessment. In the objector’s view there is little justification for such a threshold which goes beyond setting an upper limit for the scale of development that the planning authority is likely to find acceptable in particular centres.

6.5.24 Paragraph 3.20 of PPS6 indicates that a retail impact assessment should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. The implication is that all schemes will require assessment but not all will need the same degree of analysis. Paragraph 3.23 goes on to say that the level of detail and type of evidence should be proportionate to the scale and nature of the proposal. While any development of over 2,500 sq m should have an assessment that covers all of the factors listed in Paragraph 3.22, it may also occasionally be necessary for smaller developments. No minimum size threshold is set.

6.5.25 The District Council’s approach is based upon Structure Plan Policy TC.2. This identifies a hierarchy of retail centres, classifying Leamington Spa as a ‘main town centre’, and Warwick and Kenilworth as ‘other town centres’. The Policy indicates that all shopping, leisure and entertainment developments of 1,000 sq m or over should be located within these centres, with schemes of 2,500 sq m or more situated in the main town centre of Leamington Spa. It recognises that proposals greater than 1,000 sq m, if not within a town centre, could have a damaging effect on existing centres. Paragraph 7.22 of the Local Plan confirms that in the context of Warwick District (and specifically Policy TCP3) large scale or major retail proposals are considered to be those with a floorspace of over 1,000 sq m. I consider that in the light of Structure Plan TC.2 a threshold of 1,000 sq m floorspace above which a retail impact assessment is required is not unreasonable. It reflects local circumstances, as allowed for by PPS6. I see little merit in the argument that Structure Plan Policy TC.2 was drawn up prior to PPS6, nor that the 2,500 sq m threshold is a standard one should expect to be universally adopted to

ensure consistency for the development industry. In any event, I note that the list of factors in Paragraph 6.18 of the Local Plan that need to be examined in an impact assessment is not as exhaustive as that in Paragraph 3.22 of PPS6. It focuses on the key issues of need, sequential assessment and reducing the number and length of car journeys. Clearly, any proposal greater than 2,500 sq m gross floorspace would need to be accompanied by a broader retail impact assessment embracing all of the matters identified in PPS6. However, I agree with the objector that the reference in Paragraph 7.22 of the Local Plan to ‘major’ retail proposals is confusing in relation to Structure Plan Policy TC.2. In my view, it should be deleted, relying instead on the words ‘large scale’.

6.5.26 Turning to the sequential approach to site selection, the objector is concerned on a number of counts. Firstly, the wording of Policies TCP2 and TCP8 appear to suggest that an embargo is being placed on the development of all sites for retail purposes unless previously identified or allocated in the Plan. The first paragraph of Policy TCP2 which reads ‘new retail development will only be permitted’ is considered to be unnecessarily restrictive and out of keeping with the flexibility and stepped approach of PPS6. Secondly, it is felt that excessive weight is given to the Leamington Spa ‘area of search’ and the Warwick ‘town centre mixed-use area’, rather than to the principal relationship to the ‘primary shopping area’. In particular, Policy TCP8 should confirm that the mixed use area of Warwick is not an extension of the primary shopping area. Sites within it should be categorised as edge-of-centre in retail policy terms. Thirdly, the relationship between Policies UAP3 and TCP2 needs to be clarified. Whereas Policy UAP3 relates to the urban areas and applies the sequential approach in a conventional manner, Policy TCP2 implies that any development outside of town centres will be precluded without further consideration. Finally, with regard to Paragraph 6.18, the Plan should adopt the definition of edge-of-centre included in Annex A of PPS6 - ‘within easy walking distance (ie up to 300m) of the primary shopping area’, rather than that specified of 200-300m of the defined retail area.

6.5.27 Looking first at the question of consistency between Policies UAP3 and TCP2, the Plan’s User Guide and Paragraph 7.2 make it clear that policies within the Town Centres Chapter apply only to town centres. Nevertheless, the District Council has accepted in response to other objections that a suitable reference in Policy TCP2 would clarify the point. I endorse that alteration. Turning to the role of the Warwick mixed-use area, the District Council has again conceded in addressing other objections at the inquiry that the status and role of the Warwick mixed-use area should be made clearer. The area links the two primary shopping areas where it is important to encourage pedestrian movement. In terms of PPS6 guidance, I agree that the focus for new retail development should firstly be upon the two retail areas that form the primary shopping area within the town centre. The mixed-use area should be considered after that. The various alterations I recommend to Policy TCP2 would, I believe, make this sequential approach explicit. As regards what is meant by edge-of-centre, the District Council has no objection to the reference in Paragraph 6.18 being changed to 300m to accord with PPS6. I agree that this reference is not only more accurate but it is more precise. However, I accept that the words ‘primary shopping area’ should not be substituted for ‘defined retail area’. The former is not a term used elsewhere in the Plan and would only serve to confuse the Plan user.

6.5.28 Tesco Stores Ltd (and other objectors) contend that the requirement in Policy UAP3c) for all new retail schemes outside town centres to demonstrate that the proposal would reduce the number and length of car journeys is not in accordance with either over-arching Policy T.1 of the Structure Plan or PPG13, and is unduly onerous. In the objectors’ view, if acceptable when measured against other criteria in the Plan, the

development should be regarded as being in a sustainable location and accessible by other modes of transport. I do not accept these arguments. I note that in setting this as a policy criterion the District Council was guided by the advice in Paragraphs 2.49 and 3.27 of PPS6. This indicates that in selecting appropriate sites for allocation local authorities should have regard to the impact on car use, traffic and congestion, and in assessing new developments to whether the proposal would have an impact on the overall distance travelled by car. It is also one of the key objectives of PPG13.

6.5.29 Finally, the objector has suggested a number of other amendments to the Plan's retail policies and supporting text. The District Council has no objection to inserting a reference in Paragraph 6.17 to Government guidance. I agree that this would be beneficial. Like the planning authority, I favour its inclusion in the reasoned justification rather than in Policy UAP3 itself in order to keep the Policy concise. I think it would be better not to name a specific PPS or PPG to ensure that the Plan does not date as quickly as it might otherwise do. As regards criterion d) of Policy UAP3, I support the District Council's proposed change. This will ensure that it accords more closely with the approach taken in PPS6. The District Council also has no objection to adding a reference to consumer choice in the first bullet point of Paragraph 6.18. I concur that this would be appropriate, responding to the advice on qualitative need in Paragraph 2.35 of PPS6. In terms of Policies TCP2 and TCP8, I accept that the former would benefit from further clarification. However, I consider that the wording suggested by Tesco Stores Ltd is not the most effective. The new wording I support clarifies the sequential approach and the position within it of the area of search in Leamington Spa and the mixed-use area in Warwick town centre. In light of these recommendations, I see no need to modify Policy TCP8 in the manner suggested.

Recommendations

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

(i) substitute the following wording for Policy UAP3:

“Retail development will be permitted within the town centres in accordance with those policies set out in the Town Centres section of the Plan. In all other circumstances retail development will not be permitted unless:-

- a) there is a proven retail need for the proposal;**
- b) there are no available, suitable and viable sequentially preferable sites or buildings;**
- c) it would reduce the need to travel by private car;**
- d) the development is, or can be made, genuinely accessible and well served by a choice of means of transport, especially public transport, walking and cycling as well as by car;**
- e) it can be demonstrated that the proposal would not have a significant adverse impact on the vitality and viability of town centres, district centres and local centres nor on the development plan retail strategy.**

The sequential approach to be followed requires that locations are considered in the following order. First, sites and buildings within the retail areas of the town centres, and then in the case of Leamington

Spa the area of search set out in Policy TCP3 and in the case of Warwick the mixed use area set out in Policy TCP8, followed by edge-of-centre sites, and then out-of-centre sites.

Development proposals of over 1000 sq. metres (gross floorspace) outside of the town centres will be required to demonstrate how they comply with this policy by way of a Retail Impact Assessment.”

(ii) amend the fourth sentence of Paragraph 6.16 to read:

“This distinction seeks to focus all new shopping development compatible with their scale, nature and character within town centres with a broad upper limit of 2,500 sq. metres (gross floorspace) in Warwick and Kenilworth.”

(iii) amend the first sentence of Paragraph 6.17 to read:

“This policy is applicable to all proposals for new retail development including new build, redevelopments, changes of use, intensifications and extensions in accordance with Government guidance.”

(iv) amend the second sentence of the first bullet point of Paragraph 6.18 to read:

“Proposals should demonstrate that expenditure is available, that there is clear retailer demand, that there are gaps in current provision which need to be met, that there is evidence of inadequacy of existing floorspace in terms of problems of ‘over trading’, and that the development will provide for consumer choice.”

(v) amend the third bullet point of Paragraph 6.18 to read:

“In relation to proving there are no suitable sites within or adjacent (300m of the defined retail area) to town centres,”

(vi) 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.”

(vii) 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;”

(viii) 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.”

(ix) 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.”

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

6.6 Paragraphs 6.20 - 6.24 Policy UAP4 Protecting Local Shopping Centres

Objections to First Deposit Version

66/AQ	The Warwick Society
116/AA	Midland Assured Homes (1990) Ltd
193/BM	Coten End and Emscote Residents’ Association
199/BM	James Mackay
220/AQ	Cala Homes (Midlands) Ltd
221/AU	Kenilworth Society
223/AQ	Kenilworth Town Council
266/AK	Warwick Town Council

Objections to Revised Deposit Version

Key Issues

- 6.6.1** (1) Whether it is appropriate to include Leyes Lane Shopping Centre, Kenilworth, in Policy UAP4.
- (2) Whether the shops along Emscote Road, Warwick, between Humphris Street and Bridge Street, should be identified as a local shopping centre.
- (3) Whether the Lower Cape Road area, Warwick, should be added to the list of local centres in Paragraph 6.22 of the Plan.
- (4) Whether the shopping facilities proposed to be developed as part of the South West Warwick allocation (Narrow Hall Meadow, Warwick) should be included in the list of local centres.
- (5) Whether it is appropriate to list High Street, Kenilworth as a local shopping centre given that it is a significant retail/commercial centre for tourists.
- (6) Whether Policy UAP4 should also protect other groups of shops in Kenilworth at Albion Street, Common Lane and Whitemoor Road.
- (7) Whether the Policy should be amended to allow the change of use of accommodation over shops to residential use.
- (8) Whether Policy UAP4, in seeking to restrict changes of use, is out of alignment with Government policy and market requirements.

Inspector's Appraisal and Conclusions

6.6.2 The District Council explains that the purpose of Policy UAP4 is to protect the most valuable non town centre shopping facilities in the urban areas. These local centres are seen as playing an important role in meeting day to day needs. They have been identified on the basis of the following conditions:

- 6 or more units in a continuous elevation or cluster
- purpose built
- serve a range of day to day needs
- located at least 0.5km (and usually 1km) from town centre or major out-of-centre store
- have potential to offer a range of local shops/services

6.6.3 Issue 1: Leyes Lane Local Shopping Centre, Kenilworth meets the above conditions. This parade of shops and adjacent pub was purpose built during the 1980s to serve the Eastern Kenilworth Estate. I note that its designation as a local centre has been carried forward from the adopted Local Plan where protection is afforded under Policy (DW) S7. However, Policy UAP4 goes further. Criteria a) – c) set out tests that have to be met before changes of use are allowed resulting in the loss of Class A1 units to uses within Classes A2-A5. The District Council says that such criteria have been

incorporated as a positive response to pressure to allow a wider range of services in local centres and to avoid problems arising from long term vacancies. It seems to me that this policy approach is well thought out and appropriate. While Midland Assured Homes (1990) Ltd argue that inclusion of this local shopping centre in Policy UAP4 would unduly restrict the types of use that can operate from the site and have an unacceptable detrimental effect on its management and value, I do not believe that would be the case. Concentrating on the length of vacancy/active marketing, pedestrian footfall/local need, and the predominance of A1 uses remaining in the centre, serves to add flexibility to the Policy. In my opinion, these criteria would be most helpful in assessing the appropriateness of alternative uses.

- 6.6.4 Issue 2:** I concur with the District Council that the shops in question do not meet the conditions set out in Paragraph 6.6.2 above. They were not purpose built and they are not tightly defined in a continuous elevation but are separated by residential uses. Being situated only 100m or so from a Tesco Supermarket they are not a readily defensible local centre.
- 6.6.5 Issue 3:** Again, the scatter of shops in the Lower Cape Road area of Warwick do not meet the conditions set out above. The shops are dispersed and in my view do not form an appropriately defined and defensible local shopping facility.
- 6.6.6 Issue 4:** The Warwick Society's objection has been met. The Revised Deposit Plan states: "It is envisaged that the provision of a local centre on the South West Warwick housing allocation will occur during this Plan period (Narrow Hall Meadow Road), and this will also be afforded protection by this policy in due course." I endorse that alteration.
- 6.6.7 Issue 5:** I am satisfied that High Street, Kenilworth has been correctly identified as a local shopping centre in this Local Plan. It is located some distance from Kenilworth town centre retail core where the most valuable primary and secondary retail frontages occur. In addition to meeting the needs of tourists it also serves a local catchment. In my view, it would not be appropriate to extend Kenilworth town centre to include High Street nor to reinstate it as a second town centre, as suggested by the Kenilworth Society. Kenilworth Town Council has not explained why or in what manner the boundary of the centre shown on the information plan in Chapter 13 need to be reviewed. Consequently, I have no evidence on which to question the appropriateness of those limits.
- 6.6.8 Issue 6:** The District Council has put forward proposed changes, recognising that Albion Street, Kenilworth meets the requirements of Policy UAP4 for recognition as a local centre. I support that amendment (together with minor changes to the text of Paragraph 6.22). However, as regards Whitemoor Road and Common Lane, the objector (Kenilworth Town Council) accepts that here the criteria are not satisfied. I agree with the District Council that these facilities are more appropriately afforded consideration under Policy UAP5 which relates to small shopping frontages and isolated shops. That Policy seeks to protect Class A1 premises (general shops) in order to maintain access to day to day shopping needs and resist the spread of financial/professional services and food/drink outlets.
- 6.6.9 Issue 7:** Paragraph 6.22 makes it clear that the Policy only applies to ground floor accommodation within the defined local centres. This would not preclude residential use of the upper floors, subject to other Plan policies.

6.6.10 Issue 8: I am content that Policy UAP4 is consistent with national planning policy guidance and not out of step with market conditions. Moreover, the Policy is adequately justified in the supporting text. PPS6 indicates that the mix of uses in local centres should be carefully managed and recognises that a network of local centres is essential to provide easily accessible shopping to meet people's day to day needs. In my view, the approach adopted here is not overly restrictive. Paragraph 6.24 of the supporting text sets out the circumstances where non Class A1 alternatives may be acceptable to secure the long term future and viability of local centres.

Recommendations

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

- (i) add Albion Street, Kenilworth to the list of local centres identified in Paragraph 6.22.**
- (ii) add Albion Street Local Shopping Centre, Kenilworth to the Proposals Map (Part 5: Kenilworth Inset).**
- (iii) include an Information Plan in Chapter 13 showing the boundaries of Albion Street Local Shopping Centre, Kenilworth.**
- (iv) amend the second sentence of Paragraph 6.22 to read:**

“For the purposes of this policy, local centres are defined as a small group of shops consisting of a cluster of six or more units (normally in a continuous elevation), usually comprising a newsagent, general grocery store, post office, and other small shops of a local nature.”

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

6.7 Paragraphs 6.26 - 6.29 Policy UAP6 Motor Vehicle Sales

Objection to First Deposit Version

205/AC Ford Motor Company Ltd

Objection to Revised Deposit Version

350/RBA Tesco Stores Ltd

Key Issues

6.7.1 (1) Whether the Policy applies to both existing and allocated employment sites.

- (2) Whether it is appropriate to remove by planning condition ‘permitted development’ rights in relation to changes of use from motor vehicle showroom to Class A1 (general shops) within existing centres.

Inspector's Appraisal and Conclusions

- 6.7.2 Issue 1:** The Policy clearly states that it applies to existing employment areas. It should not be applied to sites allocated for employment use in this Plan. Motor vehicle sales are sui generis. I agree with the District Council that while vehicle sales centres may contain vehicle preparation/repair/servicing/MOT facilities, the activity as a whole is unlikely to qualify as a Class B use. Consequently, allowing a non Class B use would not achieve the objective of the Plan’s employment policies which is to provide a sufficient quantity of Class B employment land to meet the Structure Plan requirements.
- 6.7.3 Issue 2:** I accept that it is not the purpose of this Policy to restrict changes of use within existing retail centres. The District Council has put forward a proposed change to Paragraph 6.29 to address the matter. I endorse that change subject to deletion of the words ‘or allocated’ which contradicts what the Council has said in relation to Issue 1. I believe this change meets the objection by Tesco Sores Ltd.

Recommendations

- 6.7.4 (a) That the Revised Deposit Plan be modified by amending Paragraph 6.29 to read:**
- “This policy only applies to proposals to locate motor showrooms and repair centres within existing employment areas. In these locations, and in all other locations outside of defined retail areas, it should be noted that the showroom or retail element of the proposed use will be controlled through a planning condition to remove permitted development rights in relation to changes of use to A1 (general shops)”**
- (b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

6.8 Paragraphs 6.30 - 6.32A Policy UAP7 Directing New Tourism Development

Objections to First Deposit Version

122/AB	Warwick Castle
195/AG	The Leamington Society
205/AD	Ford Motor Company Ltd
302/AP	English Heritage (West Midlands Region)
303/AF	Racecourse Holdings Trust

Objections to Revised Deposit Version

122/RAC	Warwick Castle
---------	----------------

Key Issues

- 6.8.1** (1) Whether the term ‘highly’ accessible should be deleted from the Policy to be consistent with PPG3.
- (2) Whether the Policy should be reworded to refer to the historic environment.
- (3) Whether Policy UAP7 fails to attach sufficient importance to the employment generating potential of new tourism developments.
- (4) Whether existing hotels in town centre locations should be protected from changes of use.
- (5) Whether the Policy should distinguish between existing tourist facilities and new tourism development.
- (6) Whether Paragraph 6.32A should make clear those instances where a travel plan may be required.
- (7) Whether there should be a reference in the reasoned justification to the Regional Visitor Economy Strategy.

Inspector's Appraisal and Conclusions

- 6.8.2 Issue 1:** PPG3 relates to housing rather than tourism. PPG13, though, indicates that new tourist development should be well served by public transport. The District Council recognises that national policy no longer uses the word ‘highly’ when addressing accessibility. It has therefore removed this word from the Policy in the Revised Deposit Plan. I endorse that amendment.
- 6.8.3 Issue 2:** I believe that the term ‘the built and natural environment’ also embraces the historic environment. Nevertheless, the District Council has augmented the reasoned justification at Paragraph 6.30 of the Revised Deposit Plan to make it clear that tourism development should not harm the quality of the historic environment. On this basis English Heritage has confirmed that its objection has been satisfied.
- 6.8.4 Issue 3:** The supporting text at Paragraph 6.30 has been amended in the Revised Deposit Plan to acknowledge that tourism makes a significant contribution to the local economy, ‘particularly in terms of job creation’. In my view, this effectively meets the objection.
- 6.8.5 Issue 4:** The District Council says that over the last decade there has been a decline in demand for smaller hotels, reflecting national market trends. Given the lack of evidence of need for additional visitor bed spaces in the District, I consider it would be inappropriate to seek to protect town centre hotels from changes of use to residential or other types of accommodation. I note that the objection from the Leamington Society has been withdrawn.

6.8.6 Issue 5: In response to this objection the District Council introduced a new Paragraph 6.32A into the Revised Deposit Plan. This recognises that existing tourist facilities may be constrained by their location and surroundings, and generally adopts a more flexible approach to their development. I believe that to be appropriate. I note that Warwick Castle has indicated that its objection is satisfied.

6.8.7 Issue 6: The District Council has accepted that the final sentence of Paragraph 6.32A would benefit from amendment to indicate that ‘in all other locations’, outside town centres, the submission of a travel plan ‘may’ be required to minimise the impact of development on accessibility. I endorse the wording suggested in the Council’s proposed change which clarifies the intent of the Policy and brings the supporting text into line with the Policy itself. This alteration meets the objections by Racecourse Holdings Trust and Warwick Castle. In addition, I believe that the word ‘not’ may be missing from the preceding sentence in the Revised Deposit Plan. The District Council should satisfy itself as to whether there is, in fact, a typographical error.

6.8.8 Issue 7: I concur with the District Council that in order to ensure a slimmed down Plan consistent with the new style planning framework it is not necessary to refer to every single document that may have informed its preparation. What is more important is to reflect, as in this case, the objectives of relevant strategies.

Recommendations

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

(i) amend the final sentence of Paragraph 6.32A to read:

“In all other locations the Council may require the submission of a travel plan to ensure the impact of development on accessibility is minimised.”

(ii) insert the word “not” in the penultimate sentence of Paragraph 6.32A before the word ‘present’ (*but only if this is a typographical error*).

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

6.9 Paragraphs 6.33 - 6.35 Policy UAP8 Directing New Visitor Accommodation

Objections to First Deposit Version

66/AR	The Warwick Society
147/AA	Sundial Conference and Training Group
205/AE	Ford Motor Company Ltd
223/AS	Kenilworth Town Council
303/AG	Racecourse Holdings Trust

Objections to Revised Deposit Version

223/RAF Kenilworth Town Council
354/RAG Roger Higgins

Key Issue

- 6.9.1** (1) Whether locations for new visitor accommodation (Policy UAP8) and new employment development (Policy UAP2) are unnecessarily restricted by the requirement to be located adjacent to a public transport corridor.
- (2) Whether the Policy should include a caveat to allow new visitor accommodation for Warwick Racecourse.
- (3) Whether the Policy is unduly restrictive in respect of development in urban areas.
- (4) Whether the Policy fails to recognise the importance of new visitor accommodation in terms of employment generation.
- (5) Whether the Policy should acknowledge that visitor accommodation may also be acceptable outside the urban areas, as per Policy RAP16.
- (6) Whether the Plan should include a policy to protect hotels from change of use and loss of visitor accommodation.
- (7) Whether 3 specific sites in Warwick should be considered for hotel development.

Inspector's Appraisal and Conclusion

- 6.9.2 Issue 1:** The intention of the public transport corridors illustrated on the Proposals Map is to ensure that new visitor accommodation and new employment development is made accessible by public transport in accordance with the objectives of PPG13. They reflect the 'Quality Bus Corridors' identified in the Local Transport Plan 2000, one of which passes through Kenilworth.
- 6.9.3** Kenilworth Town Council contends that these public transport corridors are irrelevant to Kenilworth. The route shown through the town does not relate to the main bus services. Moreover, the area near to the Castle where a number of hotels are situated meets neither of the criteria in Policy UAP8. It is not within or adjacent to the town centre nor adjacent to a public transport corridor.
- 6.9.4** Circumstances have altered since the Revised Deposit Plan was published. The final version of the Warwickshire Local Transport Plan 2006² does not show 'Quality Bus Corridors' although it still makes reference in the text to such corridors within Warwick, Leamington Spa and Whitnash. Instead, the latest LTP shows a broad North/South Corridor linking the urban areas of Nuneaton, Bedworth, Kenilworth, Leamington Spa, Whitnash and Warwick where there is a need for a step change in public transport provision.

² CD904

- 6.9.5** Clearly, the debate surrounding this topic has been overtaken by the more up-to-date policy document. The District Council concedes that the basis upon which Policies UAP2 and UAP8 included a criterion on the matter has now changed. The transport corridors shown on the Proposals Map no longer have significance. I accept that they should be deleted. But in order to satisfy the general thrust of PPG13 I agree with the District Council that a fresh criterion should be added to each Policy requiring locations to be genuinely accessible and well served by a choice of means of transport - similar to the requirements in Policies UAP3 and UAP9.
- 6.9.6 Issue 2:** I concur with the District Council that this matter is best addressed in conjunction with a related objection by Racecourse Holdings Trust who are seeking a site specific policy in respect of Warwick Racecourse (see Chapter 10, Policy omissions, Issue 27).
- 6.9.7 Issue 3:** As a consequence of the background policy changes set out in Paragraph 6.9.4 above, the District Council accepts that a more flexible approach to the development of visitor accommodation is appropriate in urban situations. I support the amendments proposed whereby the reference to public transport corridors would be removed and replaced with a more general criterion that developments need to be accessible and well served by a choice of means of transport. I believe Kenilworth Town Council to be broadly supportive of those changes. They serve to make the Policy less restrictive, generally, than the equivalent Policy RAP16 that applies to the rural areas.
- 6.9.8 Issue 4:** The District Council recognises the employment potential of new visitor accommodation. As with Policy UAP7, the supporting text was augmented in the Revised Deposit Plan. Paragraph 6.33 specifically acknowledges its role in promoting employment creation. I endorse that amendment.
- 6.9.9 Issue 5:** The circumstances where visitor accommodation will be allowed in rural areas are clearly set out in Policy RAP16. I see no need to duplicate that information in Policy UAP8 or its supporting text.
- 6.9.10 Issue 6:** A similar objection has been made by the Warwick Society to Policy UAP7. Over the last 10 years or so there has been a decline in the demand for smaller hotel accommodation in the District, reflecting national experience. Given a lack of evidence to show that there is a need for additional visitor accommodation, it would be inappropriate, in my view, to protect such accommodation from changes of use to residential or other purposes.
- 6.9.11 Issue 7:** Three sites/premises have been identified in Warwick as suitable for conversion to hotel use - the County Council offices in Barrack Street; houses in Northgate Street; and the northern part of the County Council offices that were originally the old prison and later barracks block. All of these sites/premises are protected through Policy TCP9 which seeks to resist the redevelopment or change of use of existing employment land and buildings for other uses within the Town Centre Employment Areas. Nevertheless, the District Council recognises that if an appropriate scheme was submitted it is possible that it could be viewed favourably since the Plan directs new visitor accommodation to the town centres. Such a proposal could, for example, form part of a mixed use development that meets the objectives of Policy TCP9 and other relevant policies including those relating to the historic environment.

6.9.12 However, there is no information before me to show that additional visitor bed spaces are required in the District. In the absence of such evidence, I believe it would be inappropriate to allocate any of these sites/premises for hotel use. This would only serve to preclude their use for other purposes.

Recommendations

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

(i) delete the public transport corridors shown on the Proposals Map.

(ii) substitute the following for criterion e) of Policy UAP2:

“e) adjacent to public transport interchanges or in other locations which are genuinely accessible and well served by a choice of means of transport, especially public transport, walking and cycling.”

(iii) delete the following text in Paragraph 6.14: ‘...or corridors as defined on the Proposals Map’, and substitute:

“...or where there is otherwise a choice of modes of transport.”

(iv) substitute the following for criterion b) of Policy UAP8:

“b) it is adjacent to a public transport interchange or otherwise genuinely accessible and well served by a choice of means of transport, especially public transport, walking and cycling.”

(v) delete the following text in the final sentence of Paragraph 6.33:

‘and public transport corridors.’

(vi) delete the following text in the final sentence of Paragraph 6.35:

‘Transport corridors are defined on the Proposals Map and’

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

6.10 Paragraphs 6.36 - 6.40 Policy UAP9 Directing New Leisure Development

Objections to First Deposit Version

- 37/AP Sport England
- 205/AF Ford Motor Company Ltd
- 303/AH Racecourse Holdings Trust

Objections to Revised Deposit Version

265/RAA	The Crown Estate
303/RAE	Racecourse Holdings Trust
350/RBB	Tesco Stores Ltd

Key Issues

- 6.10.1** (1) Whether the first sentence of the Policy should be amended to refer both to sites within the town centres and those adjacent to the town centres.
- (2) Whether use of the word ‘highly’ accessible in criterion c) and Paragraph 6.39 is consistent with national planning policy.
- (3) Whether the Policy should recognise the employment potential of new leisure development.
- (4) Whether the Policy should allow development with a regional or national catchment located away from the town centres to be considered on its merits.
- (5) Whether the sequential approach outlined in Paragraph 6.36A accords with PPS6.
- (6) Whether criterion b) should refer to ‘edge of centre’ sites.

Inspector's Appraisal and Conclusions

6.10.2 Issue 1: Policy UAP9 requires major leisure development to follow a sequential approach to site selection, reflecting the guidance set out in Paragraph 2.44 of PPS6. First preference should be given to the town centres. All potential town centre options should be thoroughly assessed before less central sites are considered. I note that criterion b) was re-drafted in the Revised Deposit Plan to make the sequential approach clearer and more complete. It indicates that major leisure development will not be permitted outside the town centres unless there are no sequentially preferable sites or buildings. I support that amendment to the Plan and see no need to alter the first sentence of the Policy.

6.10.3 Issue 2: Although the District Council used the term ‘highly’ accessible in the Revised Deposit Plan to accord with the then extant PPG6, a different approach/wording is employed in the more recently published PPS6. I agree with the District Council that it would be appropriate to amend the wording to make it more compliant with the latest Government advice. I endorse the proposed change put forward which requires alternative locations to be ‘well served by a choice of means of transport (including public transport, cycling and walking)’.

6.10.4 Issue 3: A reference to the employment generation potential of new visitor accommodation has been included in Paragraph 6.36 of the Revised Deposit Plan. While I support that amendment, I can see no justification for indicating that existing and allocated employment sites would be suitable locations for such uses.

6.10.5 Issue 4: I acknowledge that there could be instances where it might be appropriate to locate leisure activities with a national or regional significance outside town centres. These would be treated as exceptional cases to be determined on their own merits. In my

view, it would not be appropriate to make specific provision within Policy UAP9. To do so would weaken the Policy. I note that Sport England is satisfied with the District Council's response.

6.10.6 Issue 5: The District Council accepts that the PPS6 sequential approach does not regard 'local centres' as appropriate locations for large scale leisure development. A proposed change has been put forward to omit the reference to local centres from Paragraph 6.36A. Once again, I support the Council's revised wording.

6.10.7 Issue 6: Amended criterion b) requires that a sequential approach be followed in respect of the location of major leisure development, in accordance with PPS6. Paragraph 6.36A, as proposed to be changed, explains that first preference should be given to the town centres, followed by 'edge of centre' locations. While acknowledging that historic centres may not be suitable for major leisure development, I see no need to refer in the Policy itself to 'edge of centre' sites.

Recommendations

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

- (i) amend criterion c) of Policy UAP9 by omitting the word 'highly'.**
- (ii) substitute the following for the final sentence of Paragraph 6.39:**

“Alternative locations should be well served by a choice of means of transport (including public transport, cycling and walking) and may include sites adjacent to public transport corridors.”

- (iii) substitute the following for the final sentence of Paragraph 6.36A:**

“First preference should be given to the town centre followed by edge of centre locations.”

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

6.11 Chapter 6 – Policy omissions

Objections to First Deposit Version

66/AD	The Warwick Society
109/AN	Warwickshire County Council (Planning, Transport & Economic Strategy)
109/BA	Warwickshire County Council (Planning, Transport & Economic Strategy)
111/AB	The Chamber of Commerce
117/AO	Langstone Homes Ltd
120/AN	Miller Homes (West Midlands)

200/AC	Taylor Woodrow Strategic Developments
228/AW	West Midlands RSL Planning Consortium
262/AF	Warwick & Leamington Spa Green Party
296/AC	CLARA

Objections to Revised Deposit Version

No objections

Key Issues

- 6.11.1** (1) Whether the Plan should contain a policy to limit housing growth to the Structure Plan target only, with the exception of affordable housing.
- (2) Whether the Plan should include a policy to reduce the number of vacant dwellings, business premises and retail units.
- (3) Whether the Plan should incorporate a policy which recognises and maximises visitor attractions and their links with other towns.
- (4) Whether the Plan should include a policy that allows for the redevelopment of employment land in urban areas, in line with PPG3.
- (5) Whether the Plan should allocate a site for, or otherwise encourage, a hotel development in Leamington Spa town centre and seek to protect existing hotels.
- (6) Whether the Plan should explain the situation in Warwick District concerning the housing needs of key workers.
- (7) Whether the Plan should include a policy to protect mature gardens in the urban area from development.

Inspector's Appraisal and Conclusions

6.11.2 Issue 1: This objection was addressed at Revised Deposit stage by the introduction of Policy SC8a. The Policy provides that where there is a risk of substantially exceeding the strategic target for new housing, the District Council will regulate the further supply of windfall sites through the introduction of a Supplementary Planning Document. An exception is made for affordable housing to meet local needs by virtue of Policy UAP1.

6.11.3 Issue 2: I am told that the vacancy rate for dwellings in the District (vacant for more than 6 months) was just 2.2% in April 2005. I accept that this is a level that would be expected in normal circumstances, allowing for delays in the turnover of properties, probate and the like. While there are some longer term vacant dwellings in Old Town, Leamington Spa, the District Council points out that the Single Regeneration Budget programme aims to bring back into use 20 vacant dwellings between 2004/5 and 2006/7. As regards vacancies in commercial and industrial premises, the Plan contains a range of policies directed towards stimulating investment. They include the Site Specific policies and the Town Centre policies. Other policies seek to improve the quality of the environment, adding to its attractiveness. I agree with the planning authority that in the circumstances prevailing in Warwick District where property values are high and

accommodation is at a premium, an aspirational policy to bring back into use vacant properties would not improve the Plan or affect its outcomes.

6.11.4 Issue 3: Objective 1F of this Local Plan seeks to promote sustainable tourism where it protects the particular character of the area and is accessible by various transport modes. Existing major tourist attractions like Warwick Castle, the town of Warwick, Kenilworth Castle and Hatton Country World are all protected. The Plan's tourism policies (UAP7, UAP8, RAP15 and RAP16) make provision for new tourism development together with visitor accommodation in both the urban and rural areas. Other policies are also relevant. They include TCP1 aimed at protecting and enhancing town centres, TCP3 providing for shopping growth in Leamington town centre, and TCP6 promoting a café quarter in Warwick town centre. Having regard to the number and range of Plan policies that can be brought to bear, I do not believe that a further policy is necessary to maximise the District's tourism potential and links with other towns.

6.11.5 Issue 4: Paragraph 42 of PPG3 states that local planning authorities should review their non-housing allocations and consider whether some of that land might better be used for housing or mixed use development. Given that Warwick District currently has an oversupply of housing land in relation to the strategic requirement, I consider that to allow employment allocations to be developed for market housing would undermine the housing strategy.

6.11.6 There is, though, a serious shortage of affordable housing in the District. I note that at Revised Deposit stage, Policy SC2 (Protecting Employment Land and Buildings) was amended to make an exception for affordable housing. Likewise, the SPD 'Managing Housing Supply' agreed by the District Council in September 2005 includes a similar exception. Those exemptions are, in my view, appropriate.

6.11.7 Issue 5: Policy UAP8 encourages the provision of visitor accommodation in town centres where it would contribute to vitality and viability and where it would be accessible by means other than the private car. The Regent Hotel development in Leamington Spa has recently been completed. It provides quality accommodation for both business people and tourists. I am told that at present there are no sites available in Leamington Spa town centre suitable for allocation for hotel use.

6.11.8 As regards existing hotel accommodation, I am assured that there is no shortage of hotel bedspaces in the District. In these circumstances, I do not consider it would be appropriate to include a policy to protect existing hotel uses. Market forces will determine whether or not they prosper.

6.11.9 Issue 6: Policy SC9 is a general policy relating to affordable housing on private development sites. It does not address key worker housing which is a very specific issue. I note that the South Warwickshire Housing Assessment³ included an appraisal of the housing needs of key workers. The District Council says that it will consider ways in which those needs can be met in consultation with the Joint Commissioning Partnership and include proposals in its Housing Strategy. In my view, this detailed issue is one which needs to be addressed outside the Local Plan process.

³ CD307

6.11.10 Issue 7: I agree with the planning authority that it is not possible to protect mature gardens for their own sake without full survey and justification. PPG3 includes gardens in the definition of previously developed land which should be taken for development before greenfield sites. In some circumstances their development can secure greater efficiency in the use of land.

6.11.11 Nevertheless, I recognise that other gardens do contribute to the character and appearance of an area. In those instances, amenity is protected through Development Policies DP1, DP2 and DP5. Policy DAP10 specifically protects the appearance and setting of conservation areas. The District Council has put forward a proposed change to the reasoned justification of that Policy referring to those gardens and open spaces that add to the historic appearance and interest of conservation areas. I support that proposed change.

Recommendations

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

add Paragraph 9.39A to read:

“Gardens and open spaces that add to the historic appearance and interest of conservation areas should be protected from development.”

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