

Chapter 6: Urban Area Policies

- 6.1 It is important that all new development revitalises the urban areas, particularly by contributing towards the regeneration of deprived areas. It is also important that, through the juxtaposition of homes, shops, jobs and services, the location of new development within the urban area reduces the need to use the private car. The policies within this chapter of the Plan are therefore only applicable within the urban areas as defined on the Proposals Map and all development proposals will be assessed against them as appropriate.
- 6.2 It should be noted, however, that whilst these policies are applicable across the urban area, policies within the Town Centres chapter of the Local Plan will be given greater weight when determining development proposals within the town centres.

Context

- 6.3 Warwick District contains four urban areas; Royal Leamington Spa (including Cubbington), Kenilworth, Warwick and Whitnash.
- 6.4 **Royal Leamington Spa** is the largest town in the District with a population of approximately 45,000 at the 2001 Census (not including Cubbington). The town has a rich heritage of Regency buildings built within a predominantly grid-iron street pattern with broad avenues and public gardens. The town grew significantly in the 20th century due to a mixture of heavy industry and engineering, although in recent years this has declined and been replaced by growth in the service sector. This growth has been reflected in the many residential areas which have been developed during this time. Today, the town is an important centre for employment, homes, shopping, services and leisure pursuits.
- 6.5 **Warwick** is the county town of Warwickshire with a population of approximately 25,000 at the 2001 Census. At its heart is a mediaeval town centre containing a fine range of buildings, including Warwick Castle, which makes the town a major tourist attraction. The town centre is surrounded by largely residential areas which have developed over different periods. A number of major local employers operate from within the town, including Warwickshire County Council, IBM and National Grid Transco. The town contains various shops, services and leisure facilities including Warwick Racecourse.
- 6.6 **Kenilworth** is also an historic town with a population of approximately 23,000 at the 2001 Census. Its history is centred on Kenilworth Castle and the Abbey which have their origins in the 12th century. Kenilworth grew rapidly after the Second World War and today has a strong residential character due to its proximity to Coventry and the nearby Warwick University. The town contains shopping, services and leisure facilities that meet local needs.
- 6.7 **Whitnash** had a population of approximately 7,800 at the 2001 Census. Its earliest settlers can be traced back to the Ancient Britons and at its heart lies St.

Margaret's Church. The town has seen considerable growth in recent years, both within its boundaries and on its borders.

UAP1 Directing New Housing

Residential development will be permitted on previously developed land and buildings within the confines of the urban areas subject to other policies to manage the supply of housing under Policy SC10.

In all other circumstances, residential development will not be permitted unless it is for affordable housing to meet local needs in accordance with the definition within Policy SC11.

- 6.8 Directing residential development on previously developed land will minimise the development of green field land and protect the environment. Furthermore, focussing new residential uses in urban locations will encourage future occupants to adopt more sustainable lifestyles.
- 6.9 Government guidance gives priority to re-using previously developed land within urban areas in preference to development elsewhere. This guidance is reiterated in the Structure Plan which requires the amount of green field land needed for new housing to be minimised. This approach is supported by the results of the pre-deposit consultation exercise with over 90% of respondents agreeing with building in towns before green field sites at the edges.
- 6.10 This policy is applicable to all proposals which seek to create new residential dwelling units, including new build, redevelopments, subdivisions, intensifications and conversions. In order to protect green field land, all land/buildings that are subject to residential proposals will be assessed against the definition given within PPS3 (2006) as to whether it is previously developed or green field. Only genuine proposals for affordable housing to meet local needs will be permitted as exceptions on green field land. This recognises the significant need identified for affordable housing within the District.
- 6.11 This policy needs to be read alongside all other policies within the Local Plan, particularly the Development Policies and Sustainable Communities Policies. It should be noted that some of the policies that seek to sustain communities, e.g. protecting employment land, community and leisure facilities, will be given greater weight when determining development proposals than this policy. Further, the level of windfall development may be regulated under Policy SC10 where there is evidence of a likely over-supply of housing in relation to the Structure Plan target.

UAP2 Directing New Employment Development

Major office development (Use Class B1(a)) will be permitted on previously-developed land within the town centres subject to the policies of the Town Centres Chapter. In all other circumstances, major office development will not be permitted unless there are no sequentially preferable sites or buildings, and the development accords with criteria b) to e) below.

Employment development for small scale offices, research and development and light industry (B1) will only be permitted on previously-developed land in the following locations:-

- a) within town centres subject to the policies within the Town Centres Chapter;
- b) within established employment areas;
- c) within the upper floors of units in local shopping centres;
- d) within sites allocated under Policy SSP1; or
- 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.

Employment development for general industrial uses (B2) and warehousing and distribution uses (B8) will only be permitted in the following locations:-

- a) within established employment areas;
- b) within town centres subject to the policies within the Town Centres Chapter; or
- c) within sites allocated under Policy SSP1.

6.12 Directing employment development to specific locations will support the retention of existing employment areas, in accordance with policies SC2 and TCP9, and provide other areas with certainty that their character and amenity will be protected. This policy will also ensure employment areas are well distributed within the urban area and that opportunities to use public transport for journeys to work are maximised. Furthermore, it is important that opportunities to redevelop existing employment areas are taken to reduce the requirement for releasing further green field land for employment use in the future.

6.13 Government guidance supports the re-use of previously developed land for employment purposes and encourages employment development in locations highly accessible by public transport. In particular, uses that are major generators of travel demand should be located in town centres and close to public transport interchanges, wherever possible. The Structure Plan requires employment development to maximise the use of previously developed land and for a portfolio of land to be provided. The need for a distribution of employment areas across the urban areas is supported by the results of the pre-deposit consultation exercise where 67% considered it was important to provide jobs close to where people live.

6.14 This policy is applicable to all proposals for new employment development, including new build, redevelopments, change of use, intensifications and extensions. Existing employment areas are defined under Policy SC2. With regard to offices (Use Class B1(a)), the policy makes a distinction between those of a large and small scale. Large scale are defined as having greater than 2,500 sq.m. of gross office floorspace and these should ideally be located within town centres. It is recognised, however, that suitable sites may not be possible for all potential occupiers, and in these circumstances, an applicant would be expected

to demonstrate through a sequential test that more central sites had been fully investigated. The sequential test would look firstly at sites within and then on the edge of town centres. 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. This approach will help to accommodate the predicted growth in the service sector, support local shopping centres and also promote use of public transport. It also recognises that B1 uses can more easily co-exist with residential uses.

- 6.15 Although this policy is seeking to direct future B1, B2 and B8 uses to the most sustainable locations, nothing in this policy should be interpreted as seeking to take away from, or override, existing planning permissions.

UAP3 Directing New Retail Development

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 1,000 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.

- 6.16 Maintaining the shopping function of the town centres is important in supporting the local economy and promoting more sustainable patterns of development. It is important therefore that any retail development in the wider urban area is strictly controlled. The primary objective of this policy 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, this policy will ensure it is directed to locations which maximise opportunities to reduce reliance on the private car.

- 6.17 This policy is consistent with the Government's aim to sustain and enhance town centres by making them the focus for new retail development. This guidance is reflected in the policies of the Structure Plan which require that the majority of new retail development be based in town centre locations. The Structure Plan also defines a hierarchy of town centres which designates Leamington as a 'main town centre' and Warwick and Kenilworth as 'other town centres'. 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. The results of the pre-deposit consultation exercise support this general approach to new retail development with strong support for improvements to town centres and restrictions on out of town shopping.
- 6.18 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. Retail development is defined as general shops (Use Class A1), financial and professional services (Use Class A2), food and drink (Use Class A3), drinking establishments (Use Class A4), and hot food take-aways (Use Class A5). In relation to proposals within town centres, this policy needs to be read alongside the policies within the town centre chapter, particularly TCP1-TCP8.
- 6.19 In assessing proposals outside of the town centres, the Council will require a Retail Impact Assessment for proposals over 1,000 sq. metres (gross floorspace) to accompany any planning application. This should contain the following information.
- In relation to proving a 'need', greater weight will be given to need expressed in quantitative terms rather than qualitative need. 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.
 - In relation to proving there are no suitable sites within or adjacent (300m of the defined retail area) to town centres, a full sequential test, in accordance with Government Guidance will need to be carried out which recognises the requirement for developers and retailers to be flexible about the format, design and scale of the development and the amount of car parking required; and
 - In relation to demonstrating a reduction the number and length of car journeys, it is not sufficient for schemes to be served by modest public transport provision. Evidence will be needed that proposals can genuinely reduce reliance on the motor car in accordance with the transport aims of the Structure Plan and Local Transport Plan.
- 6.20 Proposals of less than 1,000 sq. metres (gross floorspace) will also be assessed against the same criteria to ensure the viability and vitality of the town centres is not harmed. It is recognised that in appropriate locations small scale local shops can support communities and reduce reliance on the private car by providing day-to-day shopping facilities within local neighbourhoods.

UAP4 Protecting Local Shopping Centres

Changes of use from general shops (Use Class A1) to financial and professional services (Use Class A2) or restaurants and cafes (Use Class A3) or drinking establishments (Use Class A4) or hot food take- aways (Use Class A5) will not be permitted in local shopping centres, as defined on the Proposals Map, unless:-

- a) the unit has been vacant for a period of at least 1 year or evidence can be provided that the unit has been actively marketed for an A1 use for a period of at least 9 months; or**
- b) the proposed use can demonstrate that it will significantly increase pedestrian footfall in the centre and will introduce a new use into the centre which meets a local need; and**
- c) allowing the proposed change of use will maintain the predominance of A1 uses in the centre.**

Changes of use from Use Class A uses to all other uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by planning condition.

- 6.21 Local shopping centres provide a range of services and facilities that meet the day-to-day shopping needs of local people. They are often centrally located within a neighbourhood and can encourage walking and cycling as a mode of transport. The centres also have a wider social role in providing places for social interaction within communities. The protection of their shopping function is therefore very important and the loss of shop units to non retail uses will be resisted.
- 6.22 Government guidance supports the safeguarding and strengthening of local centres by encouraging a wide range of facilities to meet people's day-to-day needs, so reducing the need to travel. Structure Plan policy requires local plans to define local centres in order to provide people with access to convenience needs and local services.
- 6.23 Change of use includes the redevelopment of a unit to another use. 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. This policy is only applicable to the ground floor of units within the local centres defined on the Proposals Map and listed below. 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.

• Albion Street, Kenilworth
• High Street, Kenilworth
• Leyes Lane, Kenilworth
• The Oaks Precinct, Scott Rd, Kenilworth
• Crown Way, Lillington, Leamington Spa
• High Street/Queen Street, Cubbington,
• Rugby Road, Cubbington
• Rugby Road, Leamington Spa
• St Margaret's Road, Leamington Spa
• Sydenham Drive, Leamington Spa
• Coten End, Warwick
• Percy Estate (The Chantry), Warwick
• Reardon Court, Woodloes, Warwick
• Shakespeare Avenue, Warwick
• Othello Avenue, Warwick Gates
• Heathcote Road, Whitnash
• Home Farm Crescent, Whitnash

6.24 Whilst the objective of the policy is to retain general shops, the Council recognises that changes in peoples shopping habits may result in changes to the types of uses that are viable in local centres and to the types of uses that local people wish to see in the local centres.

6.25 The Council, therefore, accept that where there is no interest in the unit for a general shop, i.e. long term vacancy, it is in the best interests of the local centre to allow the introduction of other uses to create footfall and maintain the appearance of the centre. In addition, proposals which come from local community based groups, for example drop-in centres, can support the vitality of local centres and will be supported. In such circumstances the Council may wish to control the use, e.g. granting planning permission on a temporary basis to ensure the unit is not permanently lost from a retail use.

UAP5 Protecting Local Shops

Changes of use of general shops (Use Class A1), outside of town centres and local shopping centres, to financial and professional services (Use Class A2) or restaurants and cafes (Use Class A3) or drinking establishments (Use Class A4) or hot food take- aways (Use Class A5) will not be permitted.

6.26 Outside of the town centres and local shopping centres are a number of small shopping frontages and isolated shops, some of which help to serve the daily needs of local communities. The Council consider that general shops are more likely to meet the needs of local communities and therefore more appropriate to be dispersed within the urban area than financial/professional services or food and drink outlets. The objective of this policy is therefore to resist the spread of such uses to locations which may prejudice the vitality and viability of town and local centres. Furthermore, the policy will provide other areas with certainty that

their character and amenity will be protected from financial / professional or food and drink uses.

UAP6 Motor Vehicle Sales

Development for motor vehicle sales will only be permitted in existing employment areas where: -

- a) the proposal will be located near to other motor vehicle sales uses;**
- b) the location is served by public transport; and**
- c) the proposal contains a motor vehicle repair/servicing use which is a significant element of the proposal.**

- 6.27 Motor showrooms and repair centres are unusual in representing a mixture of employment and retail activity which are not commonly found within town centres. Motor vehicle sales, like many other businesses, are evolving and this is creating new demands for sites. They very often require sizable areas of land to provide for external display and storage. The repair activities also can generate noise and vehicle movements which can have an adverse impact on the character of residential areas. The uses also, by their very nature, can generate significant numbers of car borne trips.
- 6.28 The objective of this policy is to direct motor vehicle sales to locate in proximity to other similar uses and therefore cluster together in order to reduce vehicle journey lengths. It is also important that they locate in areas served by public transport in order to provide an alternative means of transport to the private car, particularly for staff and for people dropping off vehicles for repair. Tachbrook Park is an example of an area which is beginning to serve this role within Leamington Spa.
- 6.29 Although not strictly defined as employment within the Use Classes Order, motor vehicle sales and repairs bear similarities in relation to the fact that they can generate significant employment and also generate noise and disturbance detrimental to residential amenity. It is considered appropriate therefore to allow such uses within existing employment areas, as defined under Policy SC2, where it can be demonstrated that the motor repair element of the proposed use is significant by virtue of the fact that the use will generate employment levels commensurate with a general industrial use of the same site. Such developments should also be served by public transport defined as that within reasonable walking distance, i.e. 500 metres, of a bus stop.
- 6.30 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). It should be noted that this policy may conflict with the protection of employment land, Policy SC2, and in such circumstances Policy UAP6 will be given greater weight when determining development proposals.

UAP7 Directing New Tourism Development

Tourist development will only be permitted where it does not harm the quality of the surrounding built and natural environment.

New tourist facilities will need to demonstrate that the development is, or can be made accessible by foot, cycle and public transport.

Proposals for additional development at existing tourist facilities which is likely to increase visitor footfall may require the submission of a travel plan.

- 6.31 Tourism makes a significant contribution to the local economy particularly in terms of job creation, and is encouraged within the urban area, where it can contribute towards urban regeneration. The success of local tourism uses depends to an extent upon the quality of the built and natural environment, e.g. historic areas and buildings. It is recognised that it is the historic environment of the District's towns which makes them popular tourist attractions and it is therefore important that tourist development does not harm the quality of this environment. Tourism development can also impact on the quality of its environment through increased traffic generation and therefore proposals will need to demonstrate there is a choice of means of transport available.
- 6.32 Government policy encourages tourism development whilst at the same time conserving those qualities in the environment that are a major attraction for tourism. The need to secure a balance between these aims is reflected within the Structure Plan policy.
- 6.33 This policy is applicable to all proposals for new tourism development, including new build, redevelopments, change of use, intensifications and extensions. Tourism activities include visitor attractions such as museums and theme parks.
- 6.34 It is acknowledged that the development of existing tourist facilities can often be constrained by location, however, the council is keen that where possible facilities should seek to maximise the use of public transport. In this district as the majority of tourist facilities are already located in sustainable locations within or adjacent to town centres this does present a considerable issue. In all other locations the Council may require the submission of a travel plan to ensure the impact of development on accessibility is minimised.

UAP8 Directing New Visitor Accommodation

New visitor accommodation will be permitted where:-

- a) it is within or adjacent to the town centres; or**
- 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.**

Outside of these locations, only small scale extensions to existing visitor accommodation will be permitted.

- 6.35 It is important to have sufficient visitor accommodation in the towns in order to support the local economy, particularly tourism and leisure businesses. New visitor accommodation is therefore encouraged, particularly where it can contribute towards the vitality and viability of the town centres and promote employment creation. It is also important that all new accommodation is accessible by public transport to ensure that people without access to a private car are not excluded from visiting the area. Existing establishments outside of the town centres will, however, be supported and small scale extensions will be permitted recognising their role in meeting tourists demand.
- 6.36 Government guidance recognises the role of visitor accommodation in bringing economic and employment benefits and supporting a range of transport services and cultural activities. This guidance is reflected within the Structure Plan.
- 6.37 This policy is applicable to all proposals for new visitor accommodation, including new build, redevelopments, change of use, intensifications and extensions. Visitor accommodation includes hotels and guest houses (Use Class C1). In relation to proposals within town centres, this policy needs to be read alongside the policies within the town centre chapter. Adjacent is defined as that within reasonable walking distance, i.e. 500 metres.

UAP9 Directing New Leisure Development

Major leisure development will be permitted within the town centres. In all other circumstances, major leisure development will not be permitted unless:-

- a) there is a proven need for the proposal;**
- b) there are no sequentially preferable sites or buildings.**
- c) the development is, or can be made, accessible by foot, cycle, and public transport.**

All other leisure developments will only be permitted in locations which are accessible to the communities they propose to primarily serve by means other than the private car.

- 6.38 Major leisure development is important to support the local economy and encourage job creation and it is recognised that locating these uses in the town centre promotes more sustainable patterns of development. It is important therefore that major leisure development in the wider urban area is strictly controlled. The primary objective of this policy 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, this policy will ensure it is directed to locations which maximise opportunities to reduce reliance on the private car and promote social inclusion.
- 6.39 In identifying sites, a sequential approach should be adopted through which all potential town centre options are thoroughly assessed before less central sites are considered. First preference should be given to the town centre followed by edge of centre locations.

- 6.40 This policy is consistent with the Government's aim to sustain and enhance town centres by making them the focus for new leisure and entertainment development. This guidance is reflected in the policies of the Structure Plan which require that major leisure development be based in town centre locations.
- 6.41 This policy is applicable to all proposals for new major leisure development, including new build, redevelopments, change of use, intensifications and extensions. Major leisure development is defined as that which is 1,000 sq. metres, or over, of floorspace as defined within the Structure Plan. Leisure activities include both leisure (entertainment) uses such as cinemas and leisure (recreation) uses such as sports halls (Use Class D2).
- 6.42 In assessing proposals outside of the town centres, the Council will require an assessment of need for the proposed facility and also the adoption of a sequential approach which requires the applicant to demonstrate that no suitable sites exist within, or adjoining, the defined town centre before considering alternative locations. 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.
- 6.43 The Council considers that proposals of less than 1,000 sq. metres can support and enhance communities and reduce reliance on the private car by providing local facilities. These will therefore be permitted in locations which are accessible to the community they propose to serve by public transport, cycling and walking.