

## Warwick District Local Plan 1996 - 2011 Topic Response Analysis – First Deposit Version

Topic Chapter 6 Introduction
<p><b>Summary of matters raised in objections.</b></p> <ol style="list-style-type: none"> <li>1. The introduction should include a statement to the effect that policies in this chapter should be read alongside policies in other chapters of the plan. <i>226/AK Environment Agency</i></li> <li>2. The introductory text to Warwick should contain a reference to Warwick Racecourse. <i>303/AE Racecourse Holdings Trust</i></li> </ol>
<p><b>Response of Head of Planning &amp; Engineering to matters raised</b></p> <ol style="list-style-type: none"> <li>1. The User Guide makes this point clear and it is not considered necessary to repeat this in every chapter</li> <li>2. Agreed that the introduction to Warwick should include a reference to Warwick Racecourse.</li> </ol>
<p><b>Recommended revision(s)</b></p> <ol style="list-style-type: none"> <li>1. No change</li> <li>2. At the end of paragraph 6.5 add “including Warwick Racecourse.”</li> </ol>

Topic: UAP1 – Directing New Housing
<p><b>Summary of matters raised in objections.</b></p> <ol style="list-style-type: none"> <li>1. Policy should not allow for redevelopment of existing housing at a higher density <i>47/AA Brenda Meatyard; 48/AA Doreen Whitehead; 49/AA Prof. Tom Whitehead; 50/AA Iris Dickson; 62/AA L C Lim; 75/AA J,T &amp; L B Godfrey; 76/AA Mr &amp; Mrs Parsons; 77/AA Dr V F Weinstein; 78/AA Mrs PM Pemberton; 84/AA Mr J C Rogers; 85/AA G M Allan; 87/AA K H Heppel; 232/AA Mrs J K Binks; 241/AA Mr &amp; Mrs Ewell; 259/AA A N &amp; C M Duke; 296/AF CLARA</i></li> <li>2. The policy should allow for the development of some greenfield sites. <i>5/AA Mrs C Knight-Adams;</i></li> <li>3. Paragraph 6.10 should state that affordable housing development on greenfield sites should only be permitted in the rural area. <i>66/AP The Warwick Society</i></li> <li>4. New housing schemes should include provision for cycle parking and take into account the needs of those using mobility scooters <i>69/AG Linda Forbes</i></li> <li>5. Policy should make reference to highly accessible locations according to paragraph 14 of PPG13 <i>109/AZ Warwickshire CC (Planning, Transport &amp; Economic Strategy)</i></li> <li>6. More land should be released for affordable housing in particular. <i>111AE/The Chamber</i></li> <li>7. Policy should be more flexible / allow for the development of greenfield sites in appropriate locations</li> </ol>

*117/AN Landstone Homes Ltd; 120/AM Miller Homes (West Midlands); 132/AB KB Benfield Group Holdings; 142/AD A C Lloyd Ltd; 200/AD Taylor Woodrow Strategic Developments; 201/AB House Builders Federation; 208/AA Pettifer Estates; 239/AE D Austin; 288/AA Warwickshire Police Authority; 290/AC H E Johnson; 170/AB Mr Martin Wood*

8. Paragraph 6.11 should include reference to Designated Area policies  
*150/AD Warwickshire County Council ( Museum Field Services – Ecology)*
9. Policy should allocate sites to ensure Structure Plan targets are met  
*158/AB Tyler-Parkes Partnership; 227/AA David Wilson Homes (East Midlands Ltd); 240/AB George Wimpey Strategic Land; 256/AL T & N Limited*
10. Policy should seek to preserve the character and amenity of existing residential areas.  
*163/AA Roger Copping; 191/AE Robin A Richmond*
11. Housing should be restricted to 8,000 dwellings  
*193/AS Coten End and Emscote Residents Association; 199/AS James MacKay*
12. Policy should state that only affordable housing should be permitted on greenfield sites  
*193/BK Coten End and Emscote Residents Association; 199/BK James Mackay*
13. Policy should recognise the importance of brownfield sites for nature conservation  
*210/AM English Nature*
14. Exceptions to the policy should include other very special circumstances such as the preservation or restoration of a listed building.  
*220/AP Cala Homes Ltd*
15. Policy should include a target, more detailed housing figures and justification for development on brownfield sites only  
*222/AA John Burman & Family*
16. Wording of policy is misleading – it should state that residential development will only be permitted on previously-developed land within the confines of the urban areas.  
*226/AN Environment Agency*
17. Policy should not rely on windfall sites and should allocate sites for housing, in particular, the site at Stratford Road, Warwick  
*291/AF George Wimpey UK Ltd*

#### **Response of Head of Planning & Engineering to matters raised**

1. This policy is concerned with the broad principles in relation to the direction of new housing development. The plan cannot prevent the redevelopment of existing housing. Firstly, outside Conservation Areas planning consent is not required for the demolition of a (non-listed) dwelling. Secondly, current government policy advocates higher densities and development on brownfield sites (the definition of which includes garden land). Development on such sites can be refused on grounds such as amenity, layout and design (which is covered in the Development Chapter) or harm to a protected or designated area (which is covered in the Designated Area Chapter)
2. Government policy in Planning Policy Guidance 3 (Housing) states in paragraph 31 that in determining the order in which sites should be developed the presumption will be that previously-developed sites (or buildings for re-use or conversion) should be developed before greenfield sites. Further, policies should take into account the likely supply of windfall sites, backed up by evidence from an Urban Capacity Study. Appendix 2 of the plan details the housing supply figures at April 2004 and the results of the Urban Capacity Study. This shows that commitments (sites with

permission or the subject of a Council resolution) at 2004 exceed the residual housing requirement of 1,240 dwellings between 2004 and 2011. There is, therefore, no need for development on Greenfield sites to meet the Structure Plan requirement.

3. The plan does not preclude the development of greenfield sites for affordable housing within the urban area. This is because of the high level of need for affordable housing and the limited opportunities for its provision. In practice, the likelihood of a suitable greenfield site coming forward for development is limited. Any site would be subject to all other policies in the plan relating to the protection of important areas of open land.
4. Policies DP6 (Access) and DP14 (Accessibility and Inclusion) provide for access and parking in new developments.
5. The urban areas of Warwick District include Warwick, Leamington (including Whitnash) and Kenilworth. Planning Policy Guidance 13 (paragraph 14) refers to the need to allocate sites for housing in locations which are highly accessible to “jobs, shops and services by modes other than the private car”. All three settlements are close-knit towns with centres which include a range of shops and services and which are well served by public transport. Warwick and Leamington have railway stations and a station is proposed in Kenilworth. In directing housing windfall development to the “urban areas” the plan is directing housing to highly accessible locations.
6. Appendix 2 of the Plan (as revised) demonstrates that housing commitments are sufficient to meet the residual housing requirement of 1,240 dwellings between 2004 and 2011. Government guidance in Planning Policy Guidance 3 states that local plans should “seek only to identify sufficient land to meet the housing requirement set as a result of RPG or the strategic planning process.” For this reason, therefore, the local plan does not seek to allocate further sites. The Council accepts that there is an unmet need for affordable housing. However, with the exception of small sites within or adjacent to villages to meet local need, it is not able to allocate specific sites for affordable housing. The Council works with its partner Registered Social Landlords to bring forward as much affordable housing as possible with the limited resources that are available. The local plan’s policy for affordable housing on private development sites (Policy SC9) seeks to ensure that on larger sites, 40% affordable housing will be provided.
7. Appendix 2 of the Plan (as revised) demonstrates that housing commitments are sufficient to meet the residual housing requirement of 1,240 dwellings between 2004 and 2011. Government guidance in Planning Policy Guidance 3 states that local plans should “seek only to identify sufficient land to meet the housing requirement set as a result of RPG or the strategic planning process.” The guidance also directs local authorities to concentrate most additional housing development within urban areas and to make more efficient use of land by maximising the re-use of previously-developed land and the conversion and re-use of existing buildings. There is no need for further allocations of housing land in Warwick District and, even if there were, the plan would seek to identify previously-developed land within the urban areas before Greenfield sites.
8. Paragraph 6.10. states that the policy needs to be read alongside all other policies in the Local Plan. Policy DP3 protects site features of nature conservation value. It is not considered necessary to highlight all the relevant chapters in the Local Plan. The Sustaining Communities chapter is highlighted because they contain policies which may preclude development for housing altogether. Further, it should be noted that many of the designated areas would not be relevant to windfall sites on urban

previously-developed land (e.g. Green Belt, Areas of Restraint, SSSIs, LNRs)

9. Appendix 2 of the Plan (as revised) demonstrates that housing commitments are sufficient to meet the residual housing requirement of 1,240 dwellings between 2004 and 2011. Government guidance in Planning Policy Guidance 3 states that local plans should “seek only to identify sufficient land to meet the housing requirement set as a result of RPG or the strategic planning process.” An analysis of committed sites shows that a number are sufficiently well advanced within the development process to enable the Council to have confidence that the sites will be fully implemented. In fact, a total of 2,112 dwellings are identified as either well advanced towards completion or part of an outstanding allocated greenfield site (brought forward from the adopted plan).

<b>Sites Under Construction and Large Sites at an Advanced Stage of Implementation April 2004</b>	
	<b>Dwellings</b>
Under Construction at April 2004	745
Not Started (but located on sites where development has commenced):	
<i>South West Warwick</i>	92
<i>Regent Hotel</i>	88
<i>King Edward VII Hospital</i>	126
<i>South Sydenham</i>	124
Sites at an Advanced Stage (development commenced since April or site preparation underway):	
<i>Pottertons</i>	294
<i>Pipers Lane</i>	43
<i>Bread &amp; Meat Close</i>	80
Outstanding Greenfield Allocated Sites (with permission subject to S 106 Agreement):	
<i>South West Warwick</i>	520
<b>Total</b>	<b>2,112</b>

10. Policies DP1 (Layout and Design) and DP2 (Amenity) will ensure that the character and amenity of existing residential areas are protected;
11. The Council accepts that the plan should seek to limit new housing development to the strategic requirement. I agree to amend policy to allow for the restraint of housing on windfall sites in the event of an oversupply. A new policy, SC8a will be inserted into the plan to enable the Council to manage the supply of housing land.
12. By stating that affordable housing will be the only exception to the policy restricting housing development to urban brownfield sites, the policy is, by implication, only allowing affordable housing on urban greenfield sites. Paragraph 6.10 states that “Only genuine proposals for affordable housing to meet local needs will be permitted as exceptions on green field land”.
13. Important natural features of sites will be taken into account under Policy DP3 (Natural Environment). Sub-section a) of the policy refers to the need to protect and/or enhance, where necessary, existing site features of nature conservation and landscape value. It is not considered appropriate to highlight the importance of nature conservation, or any other feature of importance, in this policy.
14. Development affecting a listed building in the urban area would, by definition, be

development on previously-developed land and therefore no exception would be needed.

15. Agreed that a target should be included. It is suggested that since the target applies to the whole plan area, and not just the urban area, it should form part of new Policy SC8a in the Sustaining Communities chapter (see change 11 below). The detailed housing figures are included in Appendix 2. Justification for development on brownfield sites only is given in paragraph 6.9 and Appendix 2.
16. Disagree that the wording is misleading. Taking into account the proposed addition to Policy UAP1 (see change 11 below), the suggested change would not add anything to the meaning of the policy.
17. Appendix 2 of the Plan (as revised) demonstrates that housing commitments are sufficient to meet the residual housing requirement of 1,240 dwellings between 2004 and 2011. Government guidance in Planning Policy Guidance 3 states that local plans should “seek only to identify sufficient land to meet the housing requirement set as a result of RPG or the strategic planning process.” The guidance also directs local authorities to concentrate most additional housing development within urban areas and to make more efficient use of land by maximising the re-use of previously-developed land and the conversion and re-use of existing buildings. There is no need for further allocations of housing land in Warwick District and, even if there were, the plan would seek to identify previously-developed land within the urban areas before greenfield sites such as Stratford Road, Warwick.

#### **Recommended revision(s)**

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. Add to end of Policy UAP1:  
“...subject to other policies to manage the supply of housing under Policy SC8a.”

Insert new Policy SC8a as follows:

“This Plan will allow for the development of sufficient new dwellings to meet the strategic housing requirement up to 2011 as detailed in Appendix 2.

In the case of an oversupply of housing in relation to this target, the Council will regulate the further supply of windfall sites through a Supplementary Planning Document.”

Insert new paragraphs 5.41a and b as follows:

- 5.41a Government policy requires local planning authorities to pursue a “plan, monitor, manage” approach to housing provision. They are required to monitor closely the uptake of both previously-developed and greenfield sites and be prepared to alter or revise their plan policies in the light of this monitoring.

5.41b The strategic housing requirement allows for the development of a further 1,240 dwellings in the District between 2004 and 2011. The Council will monitor annual housing completions and permissions and publish a summary in the Annual Monitoring Report. Where the monitoring exercise highlights a significant over supply of housing in relation to the strategic requirement the Council will issue a Supplementary Planning Document to regulate the supply of housing land. A “significant” over supply of housing is likely to be in the region of 20%. This Plan does not envisage a situation where there would be a shortfall of general housing in relation to the strategic housing requirement. This is based on housing monitoring information in Appendix 2.

12. No change
13. No change
14. No change
15. See 11 above.
16. No change
17. No change

### **Topic: UAP2 – Directing New Employment Development**

#### **Summary of matters raised in objections.**

1. Criterion (e) should be amended to make reference to walking and cycling (109/AY – Warwickshire County Council)
2. The policy should also make reference to employment uses which fall outside the “B” use class (290/AA – Ford Motor Company)
3. Policy should clarify what is meant by “adjacent to public transport corridors” (231/AB – IBM)
4. Sites allocated for employment use should be reviewed for their potential for housing (228/AY – West Midlands RSL Planning Consortium).
5. The policy should take account of the need for new mixed use allocations to meet strategic requirements – including for housing to 2016 (256/AM – T & N Ltd)
6. The allowance for offices on upper floors will create demand for even more parking and commuted sums should therefore be considered (266/AE – Warwick Town Council)
7. Land at Stratford Road should be allocated for employment use under this policy (291/AG – Wimpey).

#### **Response of Head of Planning & Engineering to matters raised**

1. I agree that criterion (e) would be helped by including a reference to walking and cycling.
2. The policy is intended to give guidance to B1, B2 and B8 uses. Other employment generating uses as identified in the objection (which could include motor vehicle sales, leisure uses or petrol filling stations) will be treated on their merits and in accordance with other policies of this Plan such as UAP3, 6, 7 and 9.
3. I agree that the policy needs to be clearer in relation to ensuring that office

developments take place in accessible locations. The Government Office made an informal comment (not a formal objection) where they asked that this policy more closely reflect Government guidance in PPGs 4, 6 and 13. In particular this relates to the location of office schemes which should be directed towards town centres. It is suggested that the policy be amended to address this point.

4. This policy deals with the location for new employment development. The issue of whether existing employment land should be considered for other uses is considered under policy SC9.
5. It is considered that this policy, as amended, does address the proper locational requirements of new employment uses. There is no requirement for any further allocations of land for a mix of uses, and in any event such issues would be dealt with under other policies.
6. It is recognised that the allowance for offices on upper floors will create demand for even more parking however the council is not permitted to seek commuted sums for car parking. A contribution towards the Park and Ride proposal may, however, be acceptable and this would be requested from the County Council.
7. There is no requirement to find additional land for employment purposes in accordance with the figures provided in appendix 1 and the allocations in policy SSP1.

#### **Recommended revision(s)**

1. UAP2 should be redrafted to restrict the location of office developments to town centres and otherwise to the most sequentially preferable sites. The definition of "major" would be 2,500 sq.m. of gross office floorspace. This is the same figure used by the County Council as the threshold for requiring a full transport assessment. Reference to this threshold is made in policy DP7 (traffic generation). The reasoned justification to the policy would need to define the sequential approach in this context. This would be the same as for similar policies for retail and leisure uses
2. No change
3. See 1 above.
4. No change
5. No change
6. No change
7. No change

#### **Topic: UAP3 – Directing New Retail Development.**

##### **Summary of matters raised in objections.**

1. In general agreement with the Policy however, UAP3 should make a more adequate reference to the sequential approach as set out in PPG6 and criterion (b) should be revised to read "the proposal is located in accordance with the sequential approach to site selection". Similarly it is considered that the policy is deficient in assessing the impact of proposals outside town centres upon the vitality and viability of centres. The policy should include a specific criterion to deal with this issue worded as follows: "(e) it would not adversely affect the

- vitality and viability of local centres". *ref: 295/AB B&Q PLC.*
2. Supports this policy but calls for the studies required to determine the amount of necessary retail growth to be completed as a priority. *ref: 265/AC The Crown Estate.*
  3. Sites earmarked for industrial or commercial allocations should be reviewed for their potential to accommodate housing in line with paragraph 42a of the proposed changes to PPG3 (July 2003), thus allowing the maximization of land for residential purposes – especially affordable housing. *ref: 228 /AZ West Midlands RSL Planning Consortium.*
  4. This objector believes that the policy is broadly in agreement with government guidance on retailing, however one omission is that there is no criterion within the policy relating to 'impact'. Paragraph 1.16 of PPG6 indicates that where out of centre developments are proposed, one of the key considerations is the likely impact of the development on the vitality and viability of the existing town centres, including the evening economy, and on the rural economy. Policy UAP3 should therefore take into account this guidance. *ref:225 / AA W.H Morrisons Supermarkets PLC.*
  5. The policy should define where local centres fit into this policy and state how the size thresholds are defined (gross or net 1000sq m). The limit of 2500 sq.m in the town centre is quite a large development. It is understood that this is gross floorspace?, the policy should clearly define how the limiting size is defined. *ref: 223 /AP Kenilworth Town Council.*
  6. Despite paragraph 6.19, the policy comes across as too restrictive in respect of small retail developments. Shops in suburban areas can be beneficial and can promote some of the objectives of this plan (reducing car journeys). *ref: 221 /AT Kenilworth Society.*
  7. Policy UAP3 should be amended so as to more accurately reflect the provisions of PPG6 and PPG13. As currently worded the requirement to reduce the number and length of car journeys is too onerous. The object should be to reduce the reliance on the car by siting out -of-centre retail developments in locations well served by a variety of means of transport, and preferably combining the retail development with existing out-of-centre retail facilities, in line with the advice given in paragraph 1.17 of PPG6. The objection asks for criterion c) of policy UAP3 to be amended to read: "the proposal would have no material adverse effect on the overall demand for car travel, with preference given to retail developments which combine with existing out-of-centre facilities". *Ref: 219/ AC Deeley Properties.*
  8. The policy should be reworded to fully comply with the requirements of Government Guidance. The first part of the policy is said to permit retail development in town centres. It then adds that in all other circumstances, retail development will not be permitted unless a series of criteria is met. The effect of this wording is to effectively presume against out-of-centre retail development. PPG6 and Draft PPS6 require prospective developers to assess the need for development and then to follow the sequential approach to site selection and comply with other tests, before development on the edge or outside town centres can be permitted. This part of the policy should be redrafted to reflect this advice. **Criterion a)** states that there should be a proven quantitative need for the proposal. Whilst this reflects the greater weight that LPA's should place on quantitative considerations as set out in the April 2003 McNulty Statement and Draft PPS6, these documents also advise that LPA's should also take full account of both quantitative and qualitative considerations. Accordingly, this



policy should be redrafted to refer to retail need, as this allows for an assessment of all factors that constitute retail need. Criterion b) sets out the sequence that an applicant should follow in carrying out a sequential test. This refers to an assessment of suitable sites within or adjacent to the town centre. Whilst this sequence and the wording adopted broadly reflects Government Guidance, it is considered that the criterion should be amended to conform to the exact wording of Guidance (as set out in paragraph 2.36 of Draft PPS6) to avoid differences in interpretation. This objection suggests the following wording changes: "Retail development will be permitted within the town centres. Retail development on the edge or outside town centres will be permitted where: a) There is an identified retail need; b) There are no sequentially preferable sites/ buildings that could accommodate the identified need the development is seeking to serve. The locations should be considered in the following order: 1- suitable sites or buildings in existing centres taking into account the appropriate scale of the centre; 2 edge –of-centre locations; and then 3 out-of-centre sites. c) The proposal would reduce the number and length of car journeys associated with shopping trips. d) The development is, or can be made, highly accessible by foot, cycle and public transport. Development proposals of over 1000sq metres outside of the town centres will be required to demonstrate how they comply with this policy by way of a Retail Impact Assessment. *ref: 258 /AE Sainsburys Supermarkets Limited.*

9. The Policy is inconsistent with National Planning Guidance in that the objector believes that need should be determined on other factors ( not just quantitative) but also qualitative and other factors, and paragraph 6.18 should be adjusted accordingly to refer to the applicant considering all aspects of need. The threshold for proposals requiring a retail impact assessment should be adjusted to be in line with PPG6 para 4.13 (also see draft PPS6 para 3.5). Para 6.18 of the policy refers to proposals genuinely reducing reliance on the use of the motor car, in the objectors opinion the emphasis should be on assuring accessibility of proposals by all means of transport. *ref: 188 / AC Marks and Spencers PLC.*
10. It is considered that policy UAP3 should include an additional criterion, which requires retail developments to demonstrate that there would be no significant adverse impact on the viability and vitality of town centres, district centres and local centres or on the development plan retail strategy. This would be consistent with advice in PPG6 and Draft PPS6. An additional criterion should be included in the draft policy to read: e) it can be demonstrated that the proposal would not have a significant adverse impact on the viability and vitality of town centres, district centres and local centres or on the development plan retail strategy. *ref: 161 /AB Morley Fund Management.*
11. Reference should be made to Draft PPS6, and the policy approach within it. No reference is made to reducing vacant dwellings, business premises empty retail units etc where applicable before creating new development. *ref: 109 / AM Warwickshire County Council.*
12. It is not absolutely clear how the approach to floor area / footprint will work - gross or net? The policy should elaborate accordingly. *ref: 54 /AJ Conservative Group of Councillors*

#### **Response of Head of Planning & Engineering to matters raised**

1. We could add a reference to the requirements of Retail Impact Assessments to ensure that there are no adverse effects on the vitality and viability of the existing town centres.

2. The DTZ retail study has been concluded and sets out the need forecast for convenience and comparison goods shopping for the plan period.
3. The plan has not set out prescribed sites for retail allocations within the town centre, it would appear apparent from the DTZ study that we will have to explore site selection to meet projected retail growth and to counter out of centre applications. It is far too premature to consider the 're-selection' of such allocations before they have been made.
4. This objection would like to see greater reference to the question of impact and my suggested course of action is similar to the comments made in point 1 above.
5. Local centres do not fit into this policy and are protected by UAP4. In the unlikely event of new Local centres being proposed they would have to be assessed against the criteria of UAP3. The policy could make reference to Gross floorspace calculations in the reasoned justification.
6. The Kenilworth Society sees value in small local shops, we have policy to defend existing uses but to allow the introduction of new outlets would be detrimental (incrementally) to both existing local centres and the integrity of our town centres.
7. I do not agree that the policy 'goes beyond PPS6' with the way we have worded the policy a key aim of the PPG 'is to reduce reliance on the car with more sustainable patterns of development', new development is to be sited to 'improve accessibility, ensuring that existing or new development is, or will be highly accessible and well served by a choice of means of transport'. The PPS states that development should be combined with existing out-of-centre facilities only after sequentially preferential alternatives have been exhausted.
8. The objective of the policy is to presume against out-of-centre development unless sequentially preferable alternatives have been discounted. As far as need is concerned PPS6 promotes the goods based approach to assessing need and puts a far greater emphasis on this economic test than qualitative factors. I do not feel that we should have to quote the PPG word for word as our criteria adequately reflect the requirements to demonstrate need and sequential site selection testing before out of centre locations come into consideration.
9. I do not consider that the policy is inconsistent with PPS6, the question of need may refer to qualitative need (but with lesser importance) after quantitative need has been established. The threshold for a retail impact assessment is at 2500 sq. m as set out in PPG6, I cannot find reference to this threshold in PPS6. Our approach is, however consistent with the Structure Plan in relation to 'significant' development thresholds. Given the DTZ Study findings I believe that the approach that we are suggesting will have regard to 'cumulative impacts' on town centres and Local centres within the district.
10. Same response as to the latter part of objection 1 (above).
11. The principle objective of the plan is to promote a sustainable planning framework with the emphasis for development being focused within the Districts urban framework, (in particular within town centres for retail expansion). By virtue of this approach the re-cycling and re-use of vacant land or buildings is being encouraged. Sequentially preferred options will always be more readily acceptable before out of centre alternatives.
12. Floor area references within the context of retail growth parameters are to be gross floorspace measurements. This word gross should be added as necessary to the policy and reasoned justification.

### Recommended Revision(s)

1. Add reference to paragraph 6.18 to emphasise the need for retail impact assessments to ensure the vitality and viability of existing town centres is not prejudiced.
2. No change
3. No change
4. Add reference to paragraph 6.18 to emphasise the need for retail impact assessments to ensure the vitality and viability of existing town centres is not prejudiced.
5. No change
6. No change
7. No change
8. No change
9. No change
10. Add reference to paragraph 6.18 to emphasise the need for retail impact assessments to ensure the vitality and viability of existing town centres is not prejudiced.
11. No change.
12. Add gross floorspace references throughout policy and reasoned justification as appropriate.

### Topic: UAP4 – Protecting Local Shopping Centres.

#### Summary of matters raised in objections.

1. The policy of protecting Local Shopping Centres is supported and the downgrading of the High Street Area, although the boundary should be reconsidered. There are also other groups of shops in the town which should be designated local shopping centres, this policy should protect Albion Street shops, Common Lane and Whitemoor Road shops. *ref: 223 /AQ Kenilworth Town Council.*
2. Warwick Town Council request that the Lower Cape Road area and the shopping area constructed to serve the development in Southwest Warwick be added to those local centres outlined in paragraph 6.22 of the plan. *ref: 266/AK Warwick Town Council.*
3. High Street should not be downgraded to a local shopping centre as it is a significant retail/ commercial centre for tourists. Albion Street shops should also be included as a Local Shopping Centre. *ref: 221/AU Kenilworth Society.*
4. The policy should be amended to allow the change of use of upper floors above shops to residential uses as this is potentially a significant source of new dwellings. *ref: Cala Homes (Midlands) Ltd.*
5. Objects to the omission from the Local Centre list the shops between Humphris Street and Bridge Street. *ref: 199/BM James Mackay.*
6. Identical objection to 5 (above). *ref: 193/BM Coten End Residents Association.*
7. Objects to the inclusion of Leyes Lane Shopping Centre in Policy UAP4. *ref: 116 /AA Midland Assured Homes ( 1990 ) Ltd.*
8. This objection would like to see the Lower Cape Road shops and the proposed South West Warwick Development shopping area added to this policy. *ref: 66 /AQ The Warwick Society.*

### **Response of Head of Planning & Engineering to matters raised**

1. I have had the opportunity to reconsider the boundary of the High Street area as shown in the Local Plan and believe that (in the absence of a submitted alternative) we have defined the appropriate area. Albion Street, Common Lane and Whitemoor Road shops all offer local services, but are not considered of a sufficient scale( being below six or more units) to warrant protection under UAP4, however UAP5 will still apply but its wording needs attention to ensure protection beyond (“isolated shops”).
2. Mention could be made of the forthcoming Southwest Warwick Local centre in the text ( R.J.), The Lower Cape units should be discounted in light of the points raised in 1(above).
3. Albion Street is below the six unit threshold for inclusion in this policy. The High Street area is of local importance but physically separated from Kenilworth’s retail focus (that may now prove to have Talisman Square at its heart). A primary function of defining a retail core within a town centre boundary is to draw a tight boundary within which the retail function is appropriately preserved / enhanced. I therefore consider its designation as a Local centre to be appropriate.
4. The policy clearly indicates (para 6.22) that it is only applicable to the ground floor of units within Local Centres. As such this would not prevent the introduction of residential units above.
5. The Humphries Street elevation has been utilised by a single occupier (Owens), if it were to be reconfigured back into several units it may find favour, however as it stands it would be prevented from changes to A2 or A3 by UAP5.
6. As above.
7. This objection should be discounted. This area has been previously designated as a local centre (in the 1995 plan). It undoubtedly fulfills the role and function of a local centre for the Eastern Kenilworth estate area, and accordingly its local value should be defended.
8. Lower Cape Road should not be reconsidered (below six continuous units) and SW Warwick could be mentioned in the text.

### **Recommended revision(s)**

1. Add further reference to qualify Local centres as being elevations of six or more units in a continuous frontage. Add wording to UAP5 to ensure that small shopping frontages as well as isolated shops are protected by policy UAP5.
2. Add a reference to the reasoned justification about the forthcoming Local Centre at South West Warwick
3. No change
4. No change
5. No change
6. No change
7. No change
8. See response to 2.

**Topic: UAP5 – Protecting Local Shops**

**Summary of matters raised in objections.**

**Response of Head of Planning & Engineering to matters raised**

**Recommended revision(s)**

None, all representations to this policy were supportive.

**Topic: UAP6 Motor Vehicle Sales**

**Summary of matters raised in objections.**

1. The policy is ambiguous in that it is not clear whether it applies to existing and allocated employment sites. (205/AC – Fords)

**Response of Head of Planning & Engineering to matters raised**

1. The policy is clear that it only relates to existing employment sites. Whilst it is recognised that vehicle sales centres do employ people, it is extremely unlikely that such centres would classify as a “B” use class. (Vehicle sales centres are sui generis and servicing/MOT areas are B2. It would be extremely unlikely that any Vehicle sales centre would include a sufficiently large B2 element for it to be considered that the site overall is in a B2 use.) Since a key purpose of the employment allocations is to provide a sufficient quantity of B class employment land to meet Structure Plan requirements, then allowing a non B class use would not achieve the objective of the policy.

**Recommended revision(s)**

1. No change.

**Topic: UAP7 – Directing New Tourism Development**

**Summary of matters raised in objections.**

1. In order for the plan to be consistent with PPG3 the word highly should be removed from the policy (Racecourse Holdings Trust ref: 303/AF).
2. Criteria a) should be reworded to refer to the historic environment –suggested wording is ‘it does not harm the natural, built or historic environment and respects the character of its surroundings’ (English Heritage ref: 302/AP).
3. Object that the policy fails to recognise the important employment generating potential of new tourism developments (Ford Motor company ref: 205/AD).

4. Object on the basis that the council should protect existing hotels from change of use applications (The Leamington Society ref: 195/AG).
5. Policy fails to acknowledge the differences between existing and new tourist development. UAP7 should be amended or a new policy should be included relating to existing tourist developments (Warwick Castle ref: 122/AB).

#### **Response of Head of Planning & Engineering to matters raised**

1. PPG3 relates to the provision of housing and would not be applicable to the development of new tourism development. The accessibility of development is considered through PPG13 which requires development to be accessible and not highly accessible by other modes of transport other than the car therefore in order to fully comply with government guidance the policy should be amended to reflect this.
2. The historic environment forms part of both the natural and built environment therefore it is considered that this is adequately covered in the first sentence of the amended policy (see below). It may be beneficial however, to expand the reference made to the historic environment within Paragraph 6.30 of the reason justification.
3. It is agreed that Para 6.30 may be strengthened through a reference to the significant contribution that tourism makes to the local economy through employment generation.
4. Over the last decade the district has experienced a decline in the demand for smaller hotel accommodation reflecting current national market trends. On this basis and in the absence of conclusive evidence to suggest the need for additional visitor bed spaces in the district it is considered that it would be inappropriate to adopt a planning position through which to protect hotels from changes to other uses if no demand exists.
5. It is agreed that the policy should be reworded to adopt a more flexible approach to additional development at existing tourist facilities and distinguish between this and new tourist development. This should take into account that the redevelopment of existing tourist facilities may be constrained by the sites location and surroundings.

#### **Recommended revision (s)**

1. Amend wording as outlined below. Remove reference to 'highly' accessible.
2. Amend Para 6.30 along the lines of: - "It is recognised that it is the historic environment of the Districts towns which makes them popular tourist attractions and it is therefore important that tourist development does not harm the quality of this environment".

3. Amend Para 6.30 to read: - “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”.
4. No changes required.
5. Amend policy as set out below.

#### **UAP7 – Directing New Tourist 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 proposed development is, or can be made accessible by foot, cycle and public transport.

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

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. Where this is not the case the Council will require the submission of a travel plan to ensure that the impact of development on accessibility is minimised.

#### **Topic: UAP8 – Directing New Visitor Accommodation**

##### **Summary of matters raised in objections.**

1. See representation made in relation to chapter 10 (Racecourse Holdings Trust ref: 303/AG).
2. Object that the policy is unnecessarily restrictive and should be amended to allow the development of visitor accommodation in the urban areas which could be allowed in rural areas i.e. the conversion of an existing building (Kenilworth Town Council ref: 223/AS).
3. Object that the policy fails to recognise the important employment generating potential of new visitor accommodation (Ford Motor Company Ltd ref: 205/AE).
4. Policy should be amended to recognise that visitor accommodation may also be acceptable outside the urban areas as per RAP16 (Sundial Conference and

Training Group ref: 147/AA).

5. Object to the omission of a policy within the plan to protect hotels from change of use and loss of visitor accommodation (The Warwick Society ref: 66/AR).

**Response of Head of Planning & Engineering to matters raised**

1. See representation made in relation to Chapter 10.
2. The local plan directs the development of new visitor accommodation within the district to sustainable locations within the urban area. In rural areas the conversion of appropriate buildings for visitor accommodation is considered appropriate as it can promote the re-use of redundant rural buildings contributing towards local job creation and the diversity of the rural economy.
3. Para 6.33 refers to the importance of visitor accommodation to the local economy however it is agreed that the paragraph may be strengthened through a direct reference to the employment generating benefits.
4. The circumstances through which visitor accommodation will be permitted in rural areas are clearly set out in RAP16 and it is not considered necessary to set these out again within this policy.
5. Over the last decade the district has experienced a decline in the demand for smaller hotel accommodation reflecting current national market trends. On this basis and in the absence of conclusive evidence to suggest the need for additional visitor bed spaces in the district it is considered that it would be inappropriate to adopt a planning position through which to protect hotels from changes to other uses if no demand exists. If in the future a study identifies the need to retain visitor accommodation within the district the policy could be reconsidered accordingly.

**Recommended revision (s)**

1. No changes required
2. No changes required.
3. Amend the second sentence of Para 6.33 along the lines of "New visitor accommodation is therefore encouraged, particularly where it can contribute towards the vitality and viability of the town centre and promote employment creation.
4. No changes required.
5. No changes required.



## Topic: UAP9 – Directing New Leisure Development.

### Summary of matters raised in objections.

1. Object on the basis that there is inconsistency within the policy. The first sentence should be amended to refer to both sites in the town centre and those adjacent to the town centre. The word 'highly' should be removed from criteria c) of the policy (Racecourse Holdings Trust ref: **303/AH**).
2. Object that the policy fails to recognise the important employment generating potential of new leisure development (Ford Motor Company Limited ref: 205/AF).
3. Support policy but considers that there may be an instance where it is more appropriate to locate development with a regional or national level catchment away from the town centre. In these instances proposals should be considered on their merits (Sport England ref: 37/AP).

### Response of Head of Planning & Engineering to matters raised

1. To reflect the approach of the Structure Plan UAP9 directs new leisure development where possible to within town centres. In all other circumstances in accordance with PPG6 (paragraph 6.39) a sequential approach should be used to select appropriate sites. This requires applicants to demonstrate before considering alternative locations that first, there are no sites available within the town centre, and second there are no sites available adjoining the town centre. It is agreed that there is inconsistency in relation to this approach within the policy which requires clarification.  
  
It is not considered that the word 'highly' should be removed from criteria c). In PPG6 when referring to leisure development Para 2.2 states that development at locations which are not within or adjacent to the town centre should be made highly accessible by public transport.
2. For consistency it is agreed that Para 6.36 may be strengthened through a reference to the employment generating potential of new visitor accommodation.
3. It is recognised that there may be circumstances where it is more appropriate to locate leisure activities with a strategic national or regional importance outside town centres. As these would be regarded as special circumstances it is not considered necessary to refer to these within the policy.

### Recommended revision (s)

1. Amend criteria b) to state "There are no sequentially preferable sites or buildings". The reason justification should outline the stages of the sequential approach as below;

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 town centre locations, followed by sites adjacent to the town centre then, within or adjacent to local shopping centres.

2. The first sentence of Para 6.36 should be reworded to state 'Major leisure development are 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'.
3. No changes required.

## Topic: Urban Area Omission Policies

### Summary of matters raised in objections.

1. The Plan should contain a policy to limit housing growth to Structure Plan target only with the exception of affordable housing.  
*66/AD The Warwick Society*
2. Plan should include a policy to reduce vacant dwellings, business premises and retail units.  
*109/AN Warwickshire CC*
3. The Plan should include a policy which recognises and maximises visitor attractions and their links with relevant towns.  
*109/AN Warwickshire CC*
4. The Plan should include a policy which allows for the redevelopment of employment land in urban areas in line with the proposed changes to PPG3.  
*117/AO Langstone Homes Ltd; 120/AN Miller Homes (West Midlands)*
5. The Plan should allocate a site for a hotel development in Leamington Spa town centre and seek to protect existing hotels.  
*111/AB The Chamber*
6. The Plan should explain the situation in Warwick regarding key workers housing.  
*228/AW West Midlands RSL Planning Consortium*
7. The Plan should include a policy to protect mature gardens in the urban area from development.  
*262/AF Warwick and Leamington Spa Green Party*
8. The Plan should encourage the development of new hotels in the urban area of Leamington.  
*296/AC CLARA*

### Response of Head of Planning & Engineering to matters raised

1. I agree that, where there is a danger of substantially exceeding the Structure Plan target for new housing, measures should be taken to manage the supply of private market housing. The Plan could include a policy to the effect that in such circumstances Supplementary Planning Document will be produced as appropriate.
2. The vacancy rate for dwellings in Warwick District was 2.8% in April 2004. This is a level which would be expected in the normal course of events including general turnover, awaiting probate and so on. In one area of the District, Old

Town in Leamington Spa, there are some longer term vacant dwellings. However, the Single Regeneration Budget programme for area regeneration in Old Town aims to bring back into use 20 vacant dwellings between 2004/5 and 2006/7. In general, however, it is not considered that long term vacant dwellings are a problem in this District. With regard to other vacancies, the local plan aims to stimulate investment in the area which will have the effect of a more prosperous commercial climate and greater investment in existing private properties. Policies which aim to bring investment to the area include the Site Specific policies and the Town Centre policies. Other policies, such as the Development Policies, the Designated Area Policies and the Urban Area Policies will indirectly encourage new investment by improving and protecting the quality of the environment. I do not consider that an aspirational policy to bring back into use empty buildings will improve the quality of the plan or its outcomes.

3. The Plan aims to encourage sustainable tourism that protects the particular character of the area and is well served by public transport. Existing tourist attractions, such as Warwick Castle and the town itself, Kenilworth Castle, and Hatton Country World are protected and development proposals will be supported in so far as they meet the aims of the Council as stated above. Tourism Policies (UAP7, UAP8, RAP15 and RAP16) are aimed at making provision for new tourism development and visitor accommodation in the urban and rural areas. Policy TCP1 is aimed at enhancing and protecting town centres, all of which attract visitors from outside the area. TCP3 is aimed at providing for shopping growth in Leamington town centre in order to support the sub-regional role of the centre. TCP6 aims to promote a café quarter in Warwick town centre which will complement the tourist attraction of Warwick Castle and encourage more visitors to the castle to venture into the town centre. I do not consider that further policies will help to recognise and maximise tourism and their links with towns.
4. Paragraph 42 of PPG3 states that local planning authorities should review their non-housing allocations and consider whether some of the land might better be used for housing (or mixed use developments). This Plan has identified sufficient land for housing and the housing land situation at April 2004 indicates that, taking into account completions and commitments, there is an over supply of housing land in relation to the Structure Plan target. I consider, therefore, that to allow employment allocations to be developed for housing would undermine the housing strategy of the Development Plan.
5. Policy UAP8 encourages the development of visitor accommodation in town centres where it can contribute towards vitality and viability and where it is accessible by means other than the private car. In Leamington town centre the Regents Hotel development and refurbishment is currently underway and this will provide quality hotel accommodation suitable for business people and tourists alike. I do not consider that there are at present any sites in Leamington town centre which are suitable for allocation for hotel use only. However, any proposals for new hotel developments will be considered favourably within the context of the other policies of this plan. I also do not consider that it would be practicable to include a policy to protect existing hotel uses since their success or otherwise will be dictated by market forces.
6. There is currently no evidence to suggest that there is a particular problem in the District for “key workers” to access housing. A questionnaire was sent to local employers but there was a limited response. The Council aims to

commission a Housing Needs Survey in 2005. If this identifies a need for Key Worker housing, the Council will consider ways in which these needs can be met in consultation with the Joint Commissioning Partnership.

7. The Council is not able to protect “mature gardens” for their own sake. Such a policy would require justification in the form of a detailed survey of gardens with full reasons for their protection.
8. The Plan allows for the development of hotels in sustainable locations such as town centres and along public transport corridors in the urban area.

### **Recommended revision(s)**

1. Amend Policy UAP1 as follows:

#### **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 land under Policy SC8a.

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 SC9.

Add to the end of paragraph 6.11:

“Further, the level of windfall development may be regulated under Policy SC8a where there is evidence of a likely over-supply of housing in relation to the Structure Plan target.”

Add new Policy SC8a as follows:

#### **SC8a Managing Housing Supply**

“This Plan will allow for the development of sufficient new housing to meet the strategic housing requirement up to 2011 as detailed in Appendix 2.

In the case of an oversupply of housing in relation to this target, the Council will regulate the further supply of windfall sites through a Supplementary Planning Document”

Add new paragraph 5.41a

“Government policy requires local planning authorities to pursue a “plan, monitor, manage” approach to housing provision. They are required to monitor closely the uptake of both previously-developed and greenfield sites and be prepared to alter or revise their plan policies in the light of this monitoring. “

Add new paragraph 5.41b

“The strategic housing requirement allows for the development of a further 1,240 dwellings in the District between 2004 and 2011. The Council will monitor annual housing completions and permissions and publish a summary in the Annual Monitoring Report. Where the monitoring exercise highlights a significant over supply of housing in relation to the strategic requirement the Council will issue a Supplementary Planning Document to regulate the supply of housing land. A “significant” over supply of housing is likely to be in the region of 20%. This Plan does not envisage a situation where there would be a shortfall of general housing in relation to the strategic housing requirement. This is based on housing monitoring information in Appendix 2.”

2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change