

Warwick District Local Plan 1996 - 2011

Topic Response Analysis – First Deposit Version

Topic: Chapter 7 Introduction

Summary of matters raised in objections.

1. Objection is raised to the characterisation of Warwick as a centre for antiques in Para 7.5 which could potentially damage the town centre retail economy (Warwick Town Council ref: 266/AO, James Mackay ref: 199/BN, Coten End and Emscote Residents Association ref: 193/BN, Warwick Society ref: 66/AS).
2. Para 7.4 should reflect policy PA11 of the Regional Spatial Strategy and identify Leamington as a Strategic centre (Coventry City Council ref: 242/AG).
3. The wording of Para 7.2 should be amended to state that Town Centre policies should be read alongside other relevant policies in the plan (Environment Agency ref: 226/AM).
4. Object on the grounds that the Council should undertake an assessment of the need for convenience retail provision within the district (WM Morrison Supermarkets PLC ref: 225/AF).
5. Para 7.8 should recognise the weaknesses raised in relation to Kenilworth in the 2002 DTZ report (Kenilworth Town Council ref: 223/AT).
6. Para 7.8 does not address the main issues in Kenilworth (Kenilworth Society ref: 221/AW).
7. Object to the second bullet point of Para 7.8 which implies that pressure on car parking could hamper efforts to improve the quality of the town centres (James Mackay ref:199/BO, Coten End and Emscote Residents Association ref: 193/BO, Warwick Society ref: 66/AT).
8. Object to lack of reference to improvements needed to access, signage, and parking as recommended in the DTZ study (Chamber of Trade ref: 192/AE).

Response of Head of Planning & Engineering to matters raised

1. Warwick is referred to as a local shopping centre for the people of Warwick and serving the tourist trade (largely attracted by the Castle). It is a fact that it has developed a reputation as a centre for antique shopping (this is recognised in the DTZ Retail Study), however this is by no means its prime function and cannot be construed as damaging to the town centre retail economy.
2. Leamington Town Centre is defined as a 'strategic town centre' in the Regional Planning Guidance for the West Midlands (RPG11 June 2004). As such it is relevant to refer to this status in the introductory section of chapter 7.
3. The wording of paragraph 7.2 states that the Town Centre Policies should specifically be read in conjunction with the Urban Area Policies(and refers to their relative weight). The user guide also suggests that the policies of the plan

<p>should not be read in isolation therefore I feel that this further cross reference is not required.</p> <ol style="list-style-type: none"> 4. The Council has commissioned and reported the findings of a detailed retail survey (The DTZ Study 2004) that underpins the need for retail provision (both convenience and comparison) across the District. (see paragraph 7.8) 5. Paragraph 7.8 refers to the DTZ Study , the precise findings in relation to the s.w.a.t. analysis for each town centre can be found within this document. 6. As above (see 5) 7. The bullet point in question quite rightly identifies the important relationship between car parking provision and any future growth. It relates to quantative floorspace growth only. 8. The relationship between future growth and car parking is raised in para 7.8. Signeage requirements and other strategies are the responsibility of town centre management initiatives (see para 7.7) working in conjunction with the Highway Authority. The DTZ Study does however refer to theses issues. 	<p>Recommended revision (s)</p> <ol style="list-style-type: none"> 1. No change. 2. Add reference to Leamington Spa's strategic importance (in line with Policy PA 11 of the Regional Spatial Strategy) to paragraph 7.4 of chapter 7 of the plan. 3. No change. 4. No change 5. No change. 6. No change. 7. No change. 8. No change.
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Topic: TCP1 – Protecting and Enhancing Town Centres

Summary of matters raised in objections.

1. It has been requested that '*design*' should be a consideration as well as '*scale*' when considering the compatibility of any new development proposals within town centres. *ref:302 /AQ English Heritage.*
2. It is suggested that this policy is unreasonably restrictive and will inhibit competition within centres (the objection states that the policy does not reflect para 1.5 of PPG 6 'that centres will change over time'.*ref:225 /AB WM. Morrison Supermarkets.*
3. Policy TCP1 would be strengthened by the addition of para's b),c),d) and e) from TCP3, and paras 7.19 and 7.22 from the reasoned justification in TCP3 should also be added to bolster TCP1. *ref:223 /AV Kenilworth Town Council.*
4. Para 7.11 of TCP1 should be deleted as it contradicts Structure Plan Policy TC.2 (Hierarchy of Centres – 'development over 2500 sq.m to be directed to main town centres'). *ref:223/AV Kenilworth Town Council.*
5. Para 7.10 of TCP1 should be clarified by the addition of a reference to 'gross

floor areas' in relation to 1000 and 2500 sq.m developments. Note: (also applies to para 6.16 of Policy UAP3). *223/AV and AP Kenilworth Town Council.*

6. Para 7.11 should be deleted as it is contrary to Structure Plan policy TC.2 and there is no justification for further convenience shopping in Kenilworth TC. *ref: 221/ AZ Kenilworth Society.*
7. It would appear that The Leamington Society has objected to TCP1, when in should be referring to TCP4 and Objective 4B of the plan in relation to its request to refuse any more A3 uses in town centres while local provision is above national levels. *ref: 195 /AH Leamington Society.*

Response of Head of Planning & Engineering to matters raised

1. The main thrust of the policy is to maintain the hierarchy of town centres, (with scale of development being the key factor), reference to the importance of design is made in the reasoned justification, however all development (not just town centre) should have to comply with the design criteria set out in Policy DP1. As such I propose no change on the grounds of matters raised in point 1 above.
2. The policy is not unreasonably restrictive as it supports an already agreed Structure Plan policy that seeks to ensure a County- wide hierarchy. The Structure Plan refers 'broadly' to restricting developments in 'secondary' centres to 2500 sq.m, however the reasoned justification of TCP1 details instances where larger proposals may be acceptable (for example where convenience proposals may have a positive effect on a town centres v +v).
3. Any future town centre proposals that are consistent with TCP1 will also have to comply with design criteria set out in DP1. Specific reference to criteria required to be met by any proposals within the area of search identified in TCP3, (Leamington Town Centre) have been itemised because of the potentially huge amounts of growth (up to 25000 sq.m gross of new comparison floorspace) that may prove necessary.
4. Paragraph 7.11 of TCP1 is not intended to contradict the 'broad ' floorspace levels acceptable in Structure Plan TC2. It has been added to enable acceptable exceptions, where the introduction of a development would bring particular benefits provided that there were no adverse impacts on other town centres.
5. It may be beneficial to qualify the 1000 and 2500 sq.m floorspace thresholds as gross floorspace calculations in para 7.10 of TCP1 and para 6.16 of policy UAP3.
6. Paragraph 7.11 of policy TCP1 is not intended to be contrary to Structure Plan Policy TC2. It does however set out a case for the careful consideration of exceptions where the hierarchy will not be prejudiced, such as where the

<p>conclusions of the two DTZ retail studies can be achieved. The most recent DTZ study does identify a quantified need for further convenience and comparison goods shopping in Warwick District.</p> <p>7. This objection should have been targeted at Policy TCP4 not TCP1.</p>
<p>Recommended revision(s)</p> <p>5. Qualify the floorspace figures as 'gross floorspace calculations in para 7.10 of TCP1 and para 6.16 of policy UAP3. Note other inconsistencies in relation to town centre floorspace figures may occur throughout the Plan.</p>

Topic: TCP2 Directing Retail Development

Summary of matters raised in objections.

1. Warwick District Council should commission the further studies required to assess the retail capacity of its town centres and their physical capacity. This will provide an informed view that will preclude 'ad hoc' planning by appeal at out of centre alternatives. *ref: 265 /AB The Crown Estate.*
2. TCP2 should have a cross reference to policy UAP2. The objector considers that if read in isolation TCP2 suggests that only retail development in town centres will be permitted. *ref: 215 / AB Sainsbury's.*
3. The Local Plan should include policies that support the provision of primary healthcare facilities within town centres. TCP2 should make it clear where D1 uses will be permitted within a town centre. *ref: 39 /AD NHS Estates.*

Response of Head of Planning & Engineering to matters raised

1. Warwick District Council has commissioned further retail capacity work (now received) that itemises capacity for further convenience and comparison goods shopping over the plan period. It may still need to look further at physical capacity (a detailed sequential site assessment) to establish the reality or otherwise of meeting this demand within town centres.
2. Chapter 7 specifically focuses on Town Centre Policies, it forms part of the Location Specific section of the Plan that also include the Urban Area Policies and UAP2. The user guide aims to give clarification on how the plan should be used therefore it is unlikely that TCP2 should be read in isolation.
3. The defined retail areas within the District's town centres occupy a significant amount (but not all) of the available floorspace /sites at these locations. D1 uses are appropriate in town centres, and in line with SC7 can be accommodated on or within a wide range of previously developed land or buildings.

Recommended revision(s)

1. Revise the reasoned justification to mention the recent work that has been undertaken by DTZ.
2. No change
3. No change.

Topic: TCP3 – Providing for Shopping Growth in Leamington Town Centre

Summary of matters raised in objections.

1. TCP3 should be deleted because it is premature, English Heritage consider that the investigations outlined in para 7.20 of the reasoned justification should be completed before such a policy can be considered. An alternative approach promoting the preparation of a town centre strategy that could be translated into an area action plan is recommended as a more appropriate way forward. *ref: 302/AR English Heritage.*
2. The District Council should be in receipt of additional reports to determine how much additional growth can be accommodated in the town centre and if it physically possible to absorb it; alternatively out of centre allocations may be necessary. *ref: 265/AA The Crown Estate.*
3. The reference to scale in Criterion B of policy TCP3 should be amended by the addition of an exception, where the competitiveness of the centre is impaired. *ref: 225/AE W.M Morrison Supermarkets plc.*
4. Considers the potential growth of Leamington's shopping floorspace beyond committed levels as a direct threat to WarwickTC. More should be done to assist Warwick in mitigating the effects of further growth in Leamington. *ref: 203/AA Warwick Chamber of Trade.*
5. Para 7.18 should have reference to a commitment to review the retail study over time. *ref: 188/AD Marks and Spencer.*
6. To avoid confusion para 7.18 should be amended to remove the maximum floorspace figure of 25000 sq.m as this sum has been derived to 2008; (the Plan period is to 2011). *ref: 161/AA Morley Fund Management.*
7. Policy TCP3 should not preclude alternative (non retail) redevelopment opportunities (in this instance residential) and should be changed to say as such. *ref:2 /AD British Telecom.*

Response of Head of Planning & Engineering to matters raised

1. The District Council has recently concluded a further retail study (June 2004) that has reinforced the findings of the 2002 study. This will also lead to further work to assess the actual physical capacity of LTC successfully absorb the growth assumptions made in the report. It is therefore, not premature to identify the area of search via the local Plan process and continue the required investigations (this will be fundamental in resisting pressure out of town applications that are a current reality).
2. The Council has recently received a further report regarding retail need in the District (DTZ study June 2004). It is also intending to investigate physical capacity and will have secured further information on this before the plan/ policy is adopted.
3. The policy is not seeking to unduly restrict the scale of new retail development; however the scale should not be allowed to prejudice the overall quality of the historic environment (which is a fundamental part of LTC's offer).
4. The June 2004 DTZ report sets out the amount of convenience and comparison goods floorspace that could be required to maintain the market position of the three town centres in the District, (including Warwick). The challenge is to see if it is possible to absorb this new floorspace within the town centres, if this is not possible it may prove difficult to resist applications for out of centre proposals (that may ultimately prove to be more of a threat Warwick's future). As a sub regional shopping destination it is correct for Leamington to be the focus of most new development, however the message from all of the previous retail studies is the three town centres should develop complementary strategies based on their relative role and importance. Warwick's future will therefore not be ignored in the planning process.
5. It is accepted that the retail studies should be periodically reviewed, and reference to this could be added to para 7.18 of TCP3.
6. The floorspace figure of 25000 sq.m in para 7.18 is based on a projection to 2008. Recent information from DTZ (Consultants) is based on a timescale beyond 2008 and could be substituted accordingly.
7. It is not the intention of TCP3 to preclude alternative (acceptable forms) of development in the town centre. Its function is to identify the quantitative need for retail expansion and an area of search to help identify/investigate future possible locations for retail growth.

Recommended revision(s)

1. No change
2. No change
3. No change
4. No change

5. Para 7.18 will include reference to the Council's commitment to periodically review the retail study to ensure that changing circumstances are considered.
6. Para 7.18 will be adjusted to include the most recent floorspace projections (beyond 2008) that were presented in the June 2004 study.
7. No change.

Topic: TCP4 – Primary Retail Frontages

Summary of matters raised in objections.

1. Para 7.25 should be worded more strongly to recognise the issues associated with licensed premises in central Leamington. The policy should distinguish between restaurants, cafes and pubs and clubs. *ref: 296 /AD CLARA*
2. The primary retail frontage in Kenilworth town centre should be extended along Warwick Road to include the existing Sainsbury's store and along Station Road to include the existing Budgen's store. This change would reflect their relative status as an important part of the towns retail offer in core locations. *ref:215 / AC Sainsbury's Supermarkets.*
3. The Chamber would welcome the inclusion of the rest of Warwick Street, all of Park Street and Regent Street as primary retail frontage on the Proposals Map. It would also like the proposed acceptable level of non retail uses in primary frontages reduced to 15% from 25%. *ref:192 /AA Leamington Chamber of Trade.*
4. Para 7.25 raises concerns with respect to licensed premises, this paragraph should be significantly strengthened to emphasise the problems of anti-social behaviour. Policy should restrict licensed premises from being within a 50m radius from designated residential and retail areas. *ref:38 /AB Portland Street Residents Association.*
5. Policy TCP4 should be strengthened to counter the threat from the proliferation A3 licensed premises and the anti- social behaviour of those frequenting such establishments. A suggested amendment to the policy includes restricting non A1 uses to 15% of any frontage (refer to criterion A of the policy); and restricting non A1 uses to 12 metre elevations (see criterion B of the policy). There should also be no further A3 outlets permitted in Augusta Place. *ref: 38 /AB Dr. John Cave.*

Response of Head of Planning & Engineering to matters raised

1. It would be inappropriate to word the reasoned justification any stronger than its present format; it does mention that there are community safety issues that have caused concern and that the proliferation of A3 uses could prejudice the integrity of the shopping function. Until such times as the Use Class Order is revised to

reflect the difference between the function and impact of bars/ public houses, restaurants/cafes and take away establishments there is little more we can do as an Authority to distinguish between the uses presently classified within A3.

2. The role of the primary retail frontage is to define the core shopping areas where it is important to maintain the predominantly retail (A1) function. It is important to retain a tightly defined focus for A1 uses so as to maximize the benefits of footfall / linked visits. The Sainsbury Store was built after the last Local Plan (it was a specific designation). One of the problems with Kenilworth's retail area is that it has a long linear layout (mainly along Warwick Road). It is important to keep the primary area concentrated whilst allowing a more relaxed tertiary area the opportunity to accommodate a greater mix of A2 and A3 businesses. The Sainsbury's store is also located opposite an elevation that is very mixed in uses (secondary). Although important to Kenilworth town centre, Sainsbury's is however, sited at the outer end of the retail area where it is appropriate to allow a more mixed approach. If this were to be designated as primary it would dilute the purpose of a primary focus, and afford Kenilworth town centre little flexibility for non-A1 offer. This argument can be replicated in connection with the desire to incorporate the Budgen's store (Station Road) into primary frontage.
3. For similar reasons as stated above with the Kenilworth example, it is important to maintain a balance between the overall amounts and function of both primary and secondary shopping frontages. If the proposed tightening of the ability to locate non-A1 uses in the primary elevations (to be limited to 25% of an elevation) is approved, then it will be important to enable opportunities for a more mixed area to prevail. The proposed 25% threshold in primary frontages will 'bite' significantly, to take this to 15% may prove to be deemed too restrictive and out of kilter with government advice.
4. It would be inappropriate to elaborate on the problems of anti-social behaviour related to licensed premises (ultimately it is the responsibility of the police and the Licensing Authorities to curtail/ deal with such issues, albeit these factors have been taken into consideration in formulating TCP4). It would be very difficult to impose an operationally successful 50m radius non-A3 zone from residential uses, as many town centre properties have residences on upper floors. This technique would therefore be flawed.
5. Policy TCP4 (as mentioned above) does intend to arrest the ability of concentrations of non -A1 uses to be located in primary retail frontages to both preserve the retail character of the town centre, and to control the unreasonable grouping of potential 'poor neighbour developments in the A3 use class'. The move to the 25% threshold should do much to assist this process and 15% may prove to be too restrictive and against Government advice in PPG6. Similarly the 16 m limitation is seen to be a considerable shift from the current DWS5 approach and should be tested accordingly. To promote a complete embargo on A3 uses in Augusta Place would be seen as unrealistic. If looked at the opportunities for further uses are already very limited by the current designations/ policies.

Recommended revision(s)

No Changes

Topic: TCP5 – Secondary Retail Areas**Summary of matters raised in objections.**

1. Objects to the percentage of non- retail frontage (50%) that Policy TCP5 stipulates can be permitted in secondary retail areas, has suggested 25% as a more appropriate alternative. *ref:199/ BP James Mackay.*
2. Objects to the percentage of non-retail frontages (50%) that Policy TCP5 stipulates can be permitted in secondary retail areas, has suggested 25% as a more appropriate alternative. *ref:193/ BP Coten End Residents Association.*
3. Should delete final sentence of paragraph 7.28 that refers to the café quarters as an exception to the requirements of TCP5. (This objector is wholly against the café quarter proposal set out in TCP7). Also suggests TCP6 conflicts with TCP10 which 'seeks to encourage continued residential occupation of town centre properties'. *ref: 66/AV The Warwick Society.*
4. TCP5 should be strengthened to deter instances of disturbances related to licensed premises. Suggests policy to be changed to 20% of the elevation permitted as non-A1 (policy currently proposes 50%) or a max continuous run of 14metres (16metres currently in policy). Counter proposal also indicates that 'white land' shown on the Leamington Inset plan should also be subjected to the above amendment. This objection also suggests that there should be a complete ban on any further A3 outlets being permitted in Augusta Place (*ref: 38/AF Dr Andrew Cave*).

Response of Head of Planning & Engineering to matters raised

1. Secondary retail areas are, by their very definition appropriate locations for the introduction of a more mixed range of A class uses (as per PPG6), however they should not lose their predominantly retail (A1) function, or character. In suggesting the 25% threshold this objection is very restrictive (particularly in light of TCP4 that sets out a 25% limit for primary frontages). I do not believe that this proposal allows enough flexibility to enable a successful blend of retail areas/ availability of non-A1 opportunities.
2. As above.
3. This objection is on made on the basis that the objector is wholly against the concept of a café quarter that is proposed by policy TCP7. I do not believe that this reference should be deleted as the café quarter policy has merits that have been identified in the DTZ Retail Study. TCP7 will be explored in more detail accordingly.
4. The proposed changes to this policy will not allow sufficient flexibility for the

<p>appropriate introduction of A2 and A3 uses into the secondary retail areas. For this policy to be successful there should be a meaningful difference between secondary and primary retail locations. The 'white land' referred to in the objection is not in the designated retail areas, therefore the sporadic arbitrary introduction of new licensed premises at such locations would not be permitted, albeit 'white land' areas are under consideration for <u>major</u> development proposals against the criteria in TCP2 (areas of search).</p>
<p>Recommended revision(s)</p> <p>No changes</p>

<p>Topic: TCP6 Café Quarters</p>
<p>Summary of matters raised in objections.</p> <ol style="list-style-type: none"> 1. E.H questions the function of this policy, recommending that it should be reviewed, and at a minimum the proposed extension to the café quarter along Old Square should be deleted. <i>ref: 302/AT English Heritage.</i> 2. Supports the introduction of a 'café culture' in the Market Place and Old Square, (although this should be balanced against the interests of residents), but states that the plan should consider the constraints caused through the lack of parking provision and late night public transport. <i>ref: 266/AG Warwick Town Council.</i> 3. Objects on the basis that there are sufficient A3 uses in the town centre, therefore this policy would not complement the shopping focus but would destroy it. TCP6 is also at odds with encouraging residential occupation of town centre properties, and would encourage car borne visitors from a wider area (contradicting with policy to reduce car useage). <i>ref:199/ AZ James Mackay.</i> 4. As above. <i>ref 193 / AZ Coten End Residents Association.</i> 5. Would like TCP6 to be deleted as it would destroy the shopping focus of Warwick and conflict with TCP10 (encouraging continued residential occupation of town centre properties). <i>ref: 66/AV Warwick Society.</i>
<p>Response of Head of Planning & Engineering to matters raised</p> <ol style="list-style-type: none"> 1. The function of the café quarter policy is to inject some interest into the centre of Warwick that may help to attract more visitors into this area (creating stronger physical links with the Castle), and to fully utilise the public space that has been created in the Market Place. The potential to extend this initiative into Old Square has been taken to allow the creation of a potential pedestrian circuit. I recognize the English Heritage comments regarding the importance of maintaining the integrity of the Church's setting, any A3 uses in this area would have to be carefully integrated.

2. The introduction of A3 uses should not prejudice the residential amenity of existing residents, appropriate measures for sound insulation and any cooking / extraction requirements would have to be meet environmental health / development control standards. Car parking in the town centre in the evening should not be an issue if available multi-storey facilities are well signposted/ used as part of a linked marketing strategy.
3. As stated in the objection there already exists a substantial number of A3 uses at this location, the café quarter strategy was recognised as an opportunity in the 2002 DTZ retail study to build a 'unique attraction' with a range of A3 attractions (above and beyond the restrictions of TCP4 and 5). This was seen as a positive response to take advantage of the potential created by tourism and visitor related income. Care has been taken to defend the predominantly retail A1 character of Warwick's retail offer with Smith Street and Swan Street being preserved by a more restrictive 'primary frontage' approach. TCP6 is seen very much as a complimentary strategy that will only prevail if there is sufficient investor confidence/ interest.
4. See 3 above.
5. See 3 above.

Recommended revision(s)

1. Consider a review of the Old Square element of this initiative (further consultation with Alan Mayes could assist a final decision – possible deletion of this area from TCP6). Following further discussion with Alan Mayes it has been agreed to delete the Old Square Area from the café quarter designation to defend the integrity of the Grade 1 Listed Church (St Mary's). Alteration of the relevant Proposals Map will be necessary.
2. No change
3. No change
4. No change
5. No change

Topic: TCP7 Opportunity Sites in Old Town, Leamington Spa.

Summary of matters raised in objections.

1. Opportunity Sites A, B and C all have a large frontage to the Grand Union Canal, as such reference to the ability to address and integrate the waterway in any regeneration scheme should be added to the reasoned justification. *ref: 294 /AA British Waterways.*
2. Station Approach 'Quicks Site' (part of site A) should not just be considered a high density housing site, it is part of what could be a premium gateway site to Leamington Spa. *ref: 233/AA Tanya Newby.*
3. Request that the 'broad principles' are extended to cover land under Site A for

<p>improvements to car parking and improvements to pedestrian accessibility on the land to the east of Quicks garage site and r/o 1-11 Avenue Road. <i>ref:159/AD Rail Property Ltd and Network Rail Infrastructure.</i></p> <ol style="list-style-type: none"> 4. Need to add a paragraph to TCP7 which recognises potential use of land to the north of the station in site A to provide direct access to the station and a small bus /rail interchange. <i>ref:148 /AS Campaign to Protect Rural England (Warwickshire Branch).</i> 5. Policy should be specific about the type and mix of uses that would be provided and allowed for in such areas. <i>ref: 120 /AO Miller Homes.</i> 6. TCP7 should be refer to the need for regeneration proposals to take into account the need for additional car parking for rail passengers in the vicinity of the station. <i>ref: 6 /AB Chiltern Railways.</i>
<p>Response of Head of Planning & Engineering to matters raised</p> <ol style="list-style-type: none"> 1. The reference to the relationship to the waterway could be added to the reasoned justification to make this opportunity more apparent (albeit it is obvious when reading the Proposals Map). This might be a better addition to Policy SSP1. 2. The reference to a potential gateway has been identified in previous guidance; however this option was not pursued in the latest version of SPG for this area as it will only be possible with a substantial commitment from the Rail operatives. Chiltern Rail has recently implemented the substantial re-arrangement/ improvements to existing access arrangements and car parking. Housing has also been previously identified/agreed in SPG as a possible option at this location, density details will have to agreed in line with Government Guidance / and the particular arrangements of any forthcoming applications. 3. Reference to the potential to improve car parking and pedestrian access are made in current adopted SPG, (this could be added to site A in the policy). 4. The detail requested by the CPRE for reference to a bus interchange and improved access area has already been suggested as an option in previous SPG. This has not been carried forward in the latest (approved) version of the SPG, as local network difficulties have lead to the alternative improvements in 2.above being implemented. 5. The proposals are deliberately flexible to recognise the uncertainty of them being implemented and to allow a range of appropriate alternatives to be considered. 6. Reference to the need for additional car parking in the vicinity of the station has been raised in previous SPG.
<p>Recommended Revision(s)</p> <ol style="list-style-type: none"> 1. Add reference to the proximity of the Grand Union Canal to sites A to C and the possibility of any enhancement / development proposals being able to integrate / address the waterway. 2. No change 3. Add a reference to A regarding the need for further rail related car parking.

4. No change
5. No change
6. See 3 above.

Topic: TCP 8 – Warwick Town Centre Mixed Use Area.

Summary of matters raised in objections.

1. The objector considers that reference should be made to the inclusion of retail uses, to include a foodstore as part of the proposed allocated mixed –use development in the town centre. *ref: 204/AA Asda Stores.*

Response of Head of Planning & Engineering to matters raised

1. The areas identified in Warwick Town Centre are defined as ‘mixed use’ as in the streetscape no particular single land use predominates. As such, the sense of the policy is to allow the introduction of a range of uses to this environment (as long as there is no loss of residential use and no detrimental impact on the town centre as a whole). The imposition of a foodstore would be a major change within these identified areas and as such would have to be considered against the criteria in TCP1 , TCP2, and UAP3. To summarise the policy is there to identify these areas as being mixed by definition and areas where changes of use will be considered favourably where circumstances/ scale of development can be assimilated without a negative impact. As such the reference to the acceptability of a foodstore would be premature/ inappropriate. The submission of a planning application for such a use would however be determined / need to comply with other relevant policies within the plan.

Recommended revision(s)

None.

Topic: TCP9 – Protecting Employment Land and Buildings

Summary of matters raised in objections.

1. TCP9 is inconsistent in its approach to protecting employment land as set out in SC2 and should be deleted from the plan. *ref: 295 /AA Band Q Plc*
2. TCP9 should not cover the Althorpe Street/ Court Street area, as it is at odds with TCP7 and a more flexible approach is required to enhance the regeneration of Old Town. *ref: 274 /AA Regenesis*
3. Supports the flexible approach to alternative uses but objects to the lack of a reference to affordable housing. *ref: 228 / BC West Midlands RSL Planning Consortium.*

4. Proposals for the conversion of employment land and buildings to residential use within high risk flood zones should demonstrate that safe pedestrian access can be provided. *ref: 226 / AQ Environment Agency.*
5. This policy appears to be at odds with TCP4 and 5. It should state whether it applies to Kenilworth and paragraph 7.37 needs clarification. *ref: 223 / AW Kenilworth Town Council.*
6. General support for TCP9 but it should be applicable across the whole of the urban area. *ref: 200 / AB Taylor Woodrow Strategic Developments.*
7. Policy TCP9 is too prescriptive – in some instances there is a need to adopt a more flexible approach to the change to non–employment uses. (e.g. from employment to residential where a Listed Buildings is involved). *ref:159 /AE Tyler Parkes Partnership.*
8. General support for the policy but it should be applicable across the whole of the urban area (same agent as 6 above). *ref: 120 /AP Miller Homes.*
9. General support for the policy but it should be applicable across the whole of the urban area (same agent as 6 and 8 above). *ref: 117/ AP Langstone Homes Ltd.*
10. Warwick Town Centre Employment Area should exclude 2-22 Northgate Street. *ref:104 /AB Warwickshire County Council Property Services.*

Response of Head of Planning & Engineering to matters raised

1. Policy SC2 specifically aims to protect the supply of employment land and buildings in the urban area of the District (excluding the Town Centre inset areas). Policy TCP9 identifies specific areas within the town centres of Warwick and Leamington where it is important to maintain the employment function as the predominate use, and protects them accordingly. In other areas of the town centre there is to be a more flexible attitude to changes from existing employment uses to enable the introduction of a suitably diverse range of activities (in accordance with Government Advice). It must be stressed that this policy applies to existing uses/ land. Policy UAP2 allows new employment opportunities to be created in town centres, subject to other policies within the town centre chapter. It may clarify the situation to make a cross reference to TCP9 in policy SC2.
2. There would appear to be an inconsistency with the designation of the entire Althorpe Street /Court Street area as a protected town centre employment area, and TCP7 that identifies this area as Opportunity Site A – for a range of uses. As such to enable the development industry the flexibility required to unlock the potential of this land it may be appropriate to consider reducing the protected employment land area to be consistent with the brief for this location.
3. Residential uses have been and will continue to be considered as alternative uses in relation to employment uses in town centres that are not protected by TCP9; this will include the necessary requirement for affordable units as required by Policy SC9 of this plan. There does not therefore appear to be a need for an

explicit reference to affordable housing.

4. Any development in high risk flood zones is subject to the criteria in DP10 (Flooding), it is therefore not necessary to make a specific reference to residential development on previous employment land in this policy.
5. This policy is not at odds with policy's TCP4 and 5, as it will not have an adverse impact on shopping frontages. Protected employment areas are not designated in Kenilworth (there are none shown on the proposals Map). There is not a need to make this apparent in the reasoned justification of this policy, however reference to exactly what constitutes employment development may assist the understanding of this policy.
6. This development Plan has been set out in order to provide targeted rural, urban and town centre specific policies. The role of SC2 is to protect existing urban land and buildings in order to maintain an adequate supply of employment opportunities within the District. TCP9 complements this by identifying and protecting the most valuable town centre employment areas. TCP9 does however allow other town centre employment uses some flexibility to enable the introduction of other uses to add to the diverse mix of attractions appropriate within town centres in accordance with Government Guidance. An example of this trend has been readily apparent with a considerable number of applications to convert offices to residences during the previous plan period. An approach similar to TCP9 would not be appropriate outside of town centres as it would prove too flexible, and could theoretically cause a substantial/ damaging loss of employment land/ opportunities.
7. I do not believe that TCP9 is too prescriptive; if a particular individual Listed Building can not accommodate a new employment operation, then an alternative use should only be considered (setting this policy aside) after the requirements of TCP9 have been fully explored and Policy DAP7 has been tested appropriately.
8. See 6 above.
9. See 6 above.
10. It would be more appropriate to consider the use of this elevation for residential uses after a planning application has been submitted. Given the Listed building status of these properties, resorting to residential (their original use) may prove to be the best future option. This should be explored as part of a planning application for a change of use in due course.

Recommended revision(s)

1. To avoid any doubt or confusion it may be appropriate to make a cross reference to TCP9 within the reasoned justification of Policy SC2 (and vice versa).
2. Reduce the town centre protected employment area of Althorpe Street / Court Street to allow the area development potential accorded by TCP7.
3. No change
4. No change
5. Add reference to para 7.38 of the plan a description of what constitutes

employment development (Use Classes B1, B2 and B8).
6. No change
7. No change
8. No change
9. No change
10. No change.

Topic: TCP10 – Protecting the Residential Role of Town Centres.

Summary of matters raised in objections.

1. The policy (by enabling the potential introduction of uses such as dental surgeries and nurseries) will not protect the residential amenity of the residential areas, increased on- street car parking pressures will be exacerbated by these new uses and by the introduction of any further (new) housing development.
2. ***Note this is not a response to an objection but an Issue Raised within the Department:*** - The ‘new’ local plan policy seeks only to protect the existing residential uses within the “area to be primarily in residential use”. Therefore on a building such as the library/art gallery, which is presently not in a residential use the provisions of the policy would not apply. Therefore, uses such as offices, community use or a hotel would, in principle, be acceptable subject to protecting the amenity and predominantly retail character of the area.

Response of Head of Planning & Engineering to matters raised

1. The policy is in accordance with Government Guidance, any proposals will however be carefully assessed against criteria in DP1 to ensure that residential amenity is preserved. The cumulative effects of a proliferation of such non-residential uses will be carefully considered. It must be noted that the particular emphasis of this policy is to ensure that the residential character of predominantly residential areas of the town centres is maintained.
2. The adopted LP sought to direct all commercial development in Leamington town centre into the commercial core (LTC H2). Within the “area primarily to be in residential use” it could be assumed (but actually not stated)that commercial uses would not be supported.

Recommended revision(s)

1. No change.
2. Need to clarify this point in the second deposit draft of the LP. The policy will need to be amended something along the lines of “changes of use ***from residential*** to non-residential uses.

Topic: TCP11 – Protecting Residential Uses on Upper Floors.

Summary of matters raised in objections.

1. The last sentence of paragraph 7.42 highlights the enhanced personal safety that can be achieved through encouraging greater living in town centres, not all locations are suitable for encouraging increased residential use. Locations in the floodplain may put occupant's safety at risk; therefore dry pedestrian access will be essential for new residential access in the floodplain. *ref: 226 / AR Environment Agency*

Response of Head of Planning & Engineering to matters raised.

1. The main thrust of this policy is to protect existing residential uses in the upper floors of buildings within the town centre by preventing changes of use. It must be noted that in many instances flood plain issues do not effect town centre properties (e.g. much of Leamington, and all of Kenilworth and Warwick). The last sentence of paragraph 7.42 could be slightly altered to ensure that only 'suitable' locations should be encouraged for increased living within town centres to cover the concern registered with regard to flood issues raised by The Environment Agency.

Recommended revision(s)

1. Change paragraph 7.42 to read: ..."Encouraging greater living within suitable town centre locations can also enhance personal safety by increasing natural surveillance".

Topic: TCP12 Upper Floors within Town Centres

Summary of matters raised in objections.

1. Policy TCP12 should state that proposals for new residential uses in the upper floors of buildings should have regard to safe pedestrian access arrangements when located in high flood risk zones. *ref: The issues raised by the Environment Agency are covered when applications are considered against policy 226 /AS Environment Agency.*
2. Objects on the basis that the policy does not consider the impact of additional on-street parking or vehicular access related to. *ref: 191 /AB Robin Richmond.*

Response of Head of Planning & Engineering to matters raised

1. The thrust of this policy is to ensure that upper floors are not 'sterilised' by ground floor proposals that do not allow access to the upper levels of buildings. In doing so this policy ensures that buildings have the potential to be fully utilised which will also do much to preserve / maintain the fabric (good condition) of the building. Whilst the

Environment Agency's comments are valid, flood plain issues are not relevant to all town centre properties, and in any case these matters should be looked at in relation to Policy DP10 and/ or be picked up in consultation with the EA.

2. The full use of buildings for commercial or residential use is entirely consistent with Government Guidance; town centre developments can take advantage of public transport opportunities and / or high levels of off-street car parking.

Recommended revision(s)

None.

Topic: TCP 13 – Design of Shopfronts

Summary of matters raised in objections.

1. Paragraph 7.46 should include a cross reference to listed buildings and conservation areas *ref: 302 /AW English Heritage*.

Response of Head of Planning & Engineering to matters raised

1. Agree that an explicit cross reference is made to the importance of listed buildings and buildings in conservation areas.

Recommended revision(s)

1. Add reference as suggested above.

Topic: Chapter 7 Omissions.

Summary of matters raised in objections.

1.English Heritage recommends that policy TCP3 is deleted as policy support for a large scale shopping development is premature and it should be replaced by a policy that refers to the preparation of a town centre strategy leading ultimately to an area action plan. *ref 302/AS English Heritage*.

2. It is considered that paragraph 7.8 provides a 'flimsy' basis for TCP1 in respect of Kenilworth Town Centre. The objection questions its (Kenilworth Town Centres) description as a 'major tourism' destination. It also asks for a definition of the term 'convenience' goods. The plan should also have a specific policy that would perform some of the functions of a design brief and shape further proposals. *ref 221/AX Kenilworth Society*

3. The Plan should include an additional policy to supplement TCP4 and 5 to ensure that future A3 uses do not prejudice the amenity of those living in town centres. A suggested policy is submitted. *ref 152/ AE The Royal Leamington Spa Town Council*.

4. The plan should include a policy to encourage the 24 hour economy. *ref 109/ AB Warwickshire County Council.*

5. Objects to policy TCP1 in that it does not address an itemised range of issues related to A3 uses that are considered detrimental to the town centres future success. A new policy is proposed that requires all planning proposals in the town centre to comply completely with the 'regulations aims and objectives' of the Government Response to ODPM Report on the Evening Economy and Urban Renaissance and the Licensing Act 2003. *ref 38/AA Dr John Cave.*

6. Proposes a new policy TCP4 (a) that relates to primary retail frontages and areas 'coloured white' on the Leamington Town Centre Inset Plan. It is proposed that any new A3 uses within the above areas that are within 50 metres of an Area to be Primarily in residential use should be refused. *ref 38/AC Dr John Cave*

7. Objection states that a new policy (TCP4 c) relating to primary retail frontage and 'areas coloured white' on the plan is required to protect residents living on the 'interfaces of Areas to be Primarily in Residential Use and other areas' to protect residential amenity. An alternative policy is proposed that states 'no proposal will be permitted within 50 m of residential areas if there is the slightest risk of any form of nuisance resulting to those in such residential areas'. *ref 38/AD Dr John Cave.*

8. Proposes an alternative policy to TCP4 (TCP4d) that should relate to primary retail frontages and 'areas coloured white' on the plan to refuse applications within 50 m of residential areas 'unless the building is sufficiently robust to contain all the noise generated therein and thereby at all times' *ref 38/ AE Dr John Cave.*

9. Refers to Secondary Retail frontages and promotes an alternative policy that replicates the details set out in 6(above). *ref 38/AG Dr John Cave.*

10. Replicates the need for a new policy proposed in 7(above) but in relation to secondary retail frontages. *ref 38/AH Dr John Cave.*

11. Replicates the need for a new policy proposed in 8(above) but in relation to secondary retail frontages. *ref 38/ AJ Dr John Cave.*

12. This objection would like to see an additional policy dealing with 'the areas coloured white' on the proposals map for Leamington Town Centre to effect their regeneration and itemises a range of appropriate uses that could be introduced (note no A3 class uses allowed).
ref 38/ AK Dr John Cave.

13. This objection proposes that the Town Centre Chapter of the Local Plan should have a specific policy to encourage the development and growth of the tourist industry in Leamington. *ref 38/ AL Dr John Cave.*

14. This objection proposes the provision of a policy to require A3 uses to provide 'full and clearly signed toilet facilities for their customers' (in properties located within the primary retail area and 'areas coloured white' on the plan). *ref 38/AM Dr John Cave*

15. This objection replicates the requirements of 14(above) but refers to the secondary

retail areas. ref 38/AN Dr John Cave.

Response of Head of Planning & Engineering to matters raised

1. The DTZ Study 2004 has given the Council a clear indication of shopping growth forecasts for the plan period. It would be beneficial for the plan to be pro-active and to introduce the area of search to enable the majority of this growth to be accommodated at the most sustainable/ appropriate location which is within Leamington Town Centre. It is important for this policy to set down the agreed criteria that would have to be satisfied before a development is permitted. This policy gives Council backing for the location of significant new growth within this 'main' town centre in accordance with the Regional Spatial Strategy (RPG11) and the County Structure Plan. This has led to particular site investigations being undertaken to see what level of growth can be accommodated within the town centre. This policy is a clear indication of the Council's willingness to fully consider town centre growth options in advance of less sustainable out of centre options.
2. The description of how Kenilworth could strengthen its current role (para 7.8) could be changed to refer to the centres convenience goods function and the need to create greater unity between the town centre and Kenilworth's tourism attractions. The term convenience goods is explained within the glossary. The plan does not have a specific policy to shape further proposals (similar to a design brief). It does however, set the context / framework for the size thresholds of any new development, and for changes of use applications to maintain an appropriate mix of uses in accordance with Government policy. Work is continuing within the Council to develop an agreed strategy for the future of the Town Centre.
3. The suggested alternative policy does not accord with Government guidance. The introduction of new A3 facilities will be controlled by the proposed policies TCP4 and 5. It must be noted that the levels of A3 uses allowed within these frontages has been reduced significantly compared to the current Local Plan. Environmental Health considerations will ensure that noise, and other emissions/ cooking etc are controlled within the regulations.
4. The plan makes reference to the requirement for the policy framework to maintain the vitality and viability of the town centres. To achieve this an appropriate, diverse range of shopping, leisure and service functions is catered for. It is accepted that the evening economy contributes to this range of attractions, however reference (support) for a 24 hour town centre may increase the possibility of tensions between uses and residential areas.
5. The approach endorsed by this plan in relation to town centres is in accordance with Government Guidance (PPG6). This is the appropriate Guidance for planning policy.
6. The objections raised focus on both primary and retail frontages and would wish to see more restrictive measures added by a range of planning policies that would control the imposition of any new A3 uses within 50 m of residential areas. This approach does not accord with Government Guidance that accepts that

town centres should be an appropriate mix of a range of uses including residential. The specific worries concerning noise and smells from such premises should be controlled by Environmental Health considerations , however the new policies (TCP4 and 5) have been tightened to maintain the predominantly retail(A1) fuction of the main shopping streets by ensuring unacceptable levels of A3 uses are not introduced. Problems associated with anti-social behaviour will be considered by the police and the Council (as Licensing Body) when new applications for licenses are submitted(however this is outside of planning legislation). The objector would also like to see his alternative policies applied to the 'areas coloured white' on the proposals maps. These are areas that are not allocated as being in the town centre retail area and therefore new applications for A3 uses within should not be considered appropriate.

7. See response to 6.
8. See response to 6.
9. See response to 6.
10. See response to 6.
11. See response to 6.
12. The aspirations of this objection incorporate a range of potential uses across the town centre, the first issue would like to see no further A3 within 'areas coloured white' on the proposal map. These areas have no particular designation, but being outside of the retail areas would not be appropriate for new A3 uses. The other redevelopment options set out could prejudice the areas of search for large scale retail growth (TCP2), however if any proposals for such uses were to come forward they would be considered against the appropriate policies within the plan.
13. Tourism in Leamington (and the District) is an important factor, however the function of the Local Plan is as a land use document. A specific policy Directing New Tourism Development (UAP7) is contained in the plan. Tourism related issues would be an integral part of any future town centre strategy, not the local plan.
14. This proposed policy would require A3 uses including take-aways to provide access to toilet facilities for their customers. This could not be enforced by planning legislation. Environmental health requirements have to be adhered to, and this does not require take-away A3 establishments to have toilet facilities for their customers.
15. See response to 14.

Recommended revision (s)

1. No changes required.
2. Change wording to reflect the tourism and convenience goods role of Kenilworth and the need to unify the two functions.
3. No changes required.
4. No changes required.
5. No changes required.
6. No changes required.
7. No changes required.

8. No changes required.
9. No changes required.
10. No changes required.
11. No changes required.
12. No changes required.
13. No changes required.
14. No changes required.
15. No changes required.